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DEVELOPMENT OF THE PUBLIC SCHOOLS IN NEW MEXICO
BETWEEN 1848 AND 1900 - MAYFIELD

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THE DEVELOPMENT OF THE PUBLIC SCHOOLS IN NEW MEXICO BETWEEN 1848 AND 1900

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By

Thomas J. Mayfield, Jr.

A Thesis
Submitted in Partial Fulfillment of the
Requirements for the Degree of
Master of Arts in Education

University of New Mexico
1938

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TABLE OF CONTENTS

CHAPTER		PAGE
I.	INTRODUCTION	1
	The problem	1
	Purpose of the study	2
	Limitation of the subject	2
	Sources	3
	Method and procedure	3
	Organization	4
II.	EDUCATIONAL BACKGROUND IN NEW MEXICO BEFORE 1848	5
	The Spanish period	5
	The Mexican period	12
	Summary	15
III.	ATTEMPTS AT TERRITORIAL EDUCATION BETWEEN 1848 AND 1872	16
	Educational conditions at the beginning of the American period . . .	16
	The early private and church schools . .	17
	EARLY ATTEMPTS FOR PUBLIC SCHOOLS . . .	20
	Governor Vigil and education	20
	Memorials to the United States Congress	21
	The first territorial school law . . .	22
	Memorial of 1857	26

CHAPTER PAGE

School law of 1860 and amendments . . 28

Summary 33

IV. EDUCATIONAL DEVELOPMENT BETWEEN

1872 AND 1884 35

The school law of 1872 35

Progress in education 37

Law of 1874 40

Educational progress 1874 41

Public school house in Santa Fe 44

Public schools fail to make desired

progress 44

Secular or sectarian schools 48

The school bill of 1875-76 52

Legislative acts for education

between 1876 and 1884 56

Public schools in 1880 and 1882 58

Summary 60

V. THE ESTABLISHMENT OF THE COMMON

SCHOOL SYSTEM 1884 TO 1900 61

ECONOMIC AND SOCIAL CHANGES 61

The changing population 61

Obstacles in the way of education . . 64

Organizations founded to

influence education 66

CHAPTER PAGE

Educational progress between 1884 and 1891 69

The law of 1884 69

Improvement in public schools 72

Other attempts to get school legislation 73

The establishment of the common schools 1891-1900 77

The governor's message 77

The law of 1891 80

Progress in public schools from 1891 to 1900 87

Summary 90

VI. SUMMARY 92

Public school laws 92

Administration of the public schools . . 93

Methods of financing the public schools 96

Progress of the schools 97

BIBLIOGRAPHY 99

LIST OF TABLES

TABLE		PAGE
I.	Results of the Election Held on the School Law of 1855 and 1856	27
II.	Comparative Statistics of the Schools of New Mexico 1873 and 1870	39
III.	Public School Statistics 1875	47
IV.	Public School Report 1890	78
V.	A Comparison of the Public School Statistics by two-year Periods from 1892 to 1900	89
VI.	A Report of all Schools December 1, 1901 .	91

CHAPTER I

INTRODUCTION

During the first fifty years of American control in New Mexico, the foundations were laid for the development of the social, economic, and political institutions of today. The educational system that is now making rapid progress is the outgrowth of a system that had to overcome many obstacles that opposed intellectual progress.

Many articles have been written on the subject of education during this early period, but there has been no comprehensive study made of the legal procedures, or of social, economic, and religious influences on the development of the public schools of the territory.

I. THE PROBLEM

The conditions in New Mexico at the time of its annexation to the United States were different from most other territories that had been added. The population was composed almost entirely of Spanish descent and Indians. Their customs and ideas of church and state differed completely from those of the American subjects. The climatic and geographic conditions of the territory caused the living conditions to be entirely different. The problem in this study is to show how these conditions affected the

educational development and how many obstacles were overcome in establishing a system of public schools. The legal status of the public schools and the progress made in them are included in the problem.

II. PURPOSE OF THE STUDY

The purpose of the study was to collect and arrange the most authentic information available on the subject, from both primary and secondary sources. Particular effort was made to arrange this material in such a way that the average reader will find it interesting and valuable.

III. LIMITATION OF THE SUBJECT

The study includes only the development of public schools in New Mexico between 1848 and 1900. This study begins in 1848 because this is the beginning of the American period in New Mexico history. A former study has been made of "New Mexico Schools from 1581 to 1846" by Rufus Atwood Palm. John Francis Cummins has made a study of "Educational Trend in New Mexico Public Schools from 1890-1900 to 1929-1930 Inclusive, as Measured by Pupil Attendance and Length of School Term." The public school system was in reality established under the school law of 1891 and the trend of its progress could be determined by the close of the century. Therefore the date 1900 was chosen as the

end of the study. Mention of church schools, Indian schools, private schools, and institutions of higher learning was made only as they have had some influence upon the development of public schools.

IV. SOURCES

Information from primary sources was used largely for this study. Most of the material was taken from such authoritative primary sources as: reports of the governors of New Mexico to the secretaries of the interior, reports of the commissioners of education, laws of New Mexico, reports of the superintendents of public instruction, newspapers and periodicals published during the period, and others.

The material derived from secondary sources was taken from the works of recognized earlier authors as: Prince, Twitchell, Hodgin, and others. A complete list of all articles from which information was secured appears in the bibliography.

V. METHOD AND PROCEDURE

All available sources that contain information concerning the development of public schools in New Mexico during the period of the study were carefully read and analyzed. All material that has a direct bearing upon

the subject was cataloged in such a way that it could be used at the proper place.

The entire article, so far as possible, was written in chronological order. Tables that are included show the growth of public schools, and help to simplify comparisons that are made of the different periods of the study.

VI. ORGANIZATION

This study is divided into six chapters. The first chapter is the introduction. The second chapter is the historical background to the subject. The other chapters include the body of the discussion. The division between chapters three and four was chosen as 1872 because of the passage of a general school law during this year that caused many changes to take place in the development of public schools. This law continued in effect until 1884. Because of another important law in 1884 and renewed progress in the schools, this date was chosen as the beginning of chapter five. Chapter six includes a summary of the study.

CHAPTER II

EDUCATIONAL BACKGROUND IN NEW MEXICO BEFORE 1848

The first attempts for education in New Mexico were made by the Catholic Church. During the Spanish and Mexican periods only a very few attempts were made for public schools. The withdrawal of the Franciscan friars at the beginning of the Mexican period left New Mexico almost entirely without means for education until late in the American period.

The Spanish period. When Coronado and his followers arrived in New Mexico in 1540, they found the area occupied by Indians living in two and three story houses built of adobe and sandstone materials. Some of the explorers estimated that there were as many as two hundred and fifty thousand of these people. However, later information proved that there were only thirty to sixty thousand.[1] These people were living in the area between San Marcial on the south and Taos on the north, and from the Pecos River on the east to the Grand Canyon on the west. They had developed toward civilization to the extent that they

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[1] Herbert Eugene Bolton and Thomas Maitland Marshall, The Colonization of North America (New York: The Macmillan Company, 1932), p. 46.

grew their own corn, melons, cotton, and did some weaving, basket and pottery making.

As one of the primary objects of the Spaniards in making settlements in the New World was to Christianize the Indians, New Mexico presented a fertile field. After Coronado had completed his explorations and was ready to return to the South, he left three missionaries to preach the gospel. These three "soon achieved the crown of martyrdom."[2]

Another attempt to establish mission work among the Indians of the territory was made in 1581 by Friar Agustin Rodriguez and two other members of the order of St. Francis, Francisco Lopez and Juan de Santa Maria. They were accompanied by nine soldiers who, after a dispute, returned to Mexico. The missionaries continued their journey among several of the Pueblos trying to learn the Indian language and to teach Christianity to the Indians. Santa Maria, against the advice of the soldiers, started back to Mexico but was killed on the way. Rodriguez and Lopez remained in New Mexico for a short time where they both became martyrs to the great cause.[3]

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[2] Bolton and Marshall, loc. cit.

[3] George P. Hammond and Agapito Rey, "The Gallegos Relation of the Rodriguez Expedition to New Mexico," Historical Society of New Mexico Publications in History.

In 1598, as Oñate and his settlers moved northward to make the first settlement, there were nine missionaries among them.[4] Upon arriving at San Juan a great ceremony was held during which the obligations to the Cross and Crown were explained to the Indians. The territory was then divided into seven mission districts and missionaries were sent into each. Nine schools were established on the Rio Grande and its tributaries during the year of 1598.[5] This was the beginning of formal education in New Mexico.

In 1621, the missions of New Mexico were established as a new province of the Franciscan order with the title of "Custodia of the Conversion of St. Paul." Fray Alonso de Benavides was elected Father Custodian on October 13, 1623. He reached his new field of work with twenty-six friars in December, 1625.[6] He visited the mission fields of the territory, built churches and established a number of new missions. He remained in New Mexico until 1629 when Fray Esteven de Perea, with twenty-nine more missionaries,

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[4] George P. Hammond, "Don Juan de Oñate and the founding of New Mexico," Historical Society of New Mexico Publications in History, Vol. 11, 1927. p. 79.

[5] Rufus Atwood Palm, Jr., "New Mexico Schools from 1581 to 1846" (Unpublished Master's Thesis, University of New Mexico, 1930), pp. 12-13.

[6] France Scholes, "Problems in the Early Ecclesiastical History of New Mexico," New Mexico Historical Review, Vol. VII, 1932. p. 54.

arrived to take over the work.[7]

By 1626 Benavides said that forty-three churches had been built and thirty-four thousand Indians had been baptized.[8] In addition to teaching the doctrines of Christianity to the Indians the missionaries taught singing, reading, writing, and the playing of instruments.[9] This would help to prepare the new converts to take part in the church festivals and services. They were also taught some carpentry, shoemaking, metal-working, weaving, and similar trades.[10]

In the face of this seeming progress the missionaries encountered many obstacles, such as: the desire of the Indians to continue their pagan worship, enslavement of the Indians by the civil officials, distance between pueblos, difficulties in learning the Indian languages, destructive raids by the wild tribes of Indians, and the failure of supplies to reach them from Spain and Mexico--the latter causing them to have to depend upon the Indians for their sustenance.[11]

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[7] Fray Alonso de Benavides, The Memorial 1630; Translated by Mrs. E. Ayer (Chicago: Privately printed, 1916), p. 188.

[8] L. Bradford Prince, A Concise History of New Mexico (Cedar Rapids, Iowa: The Torch Press, 1914), p. 245.

[9] Fray Alonso de Benavides, op. cit., p. 19.

[10] Ibid., pp. 16-24.

[11] John H. Vaughan, History and Government of New Mexico (State College, New Mexico, 1921), pp. 56-60.

The mission work continued in New Mexico until the Pueblo Revolt in 1680. Forty-six pueblos had accepted Christianity up to this time, but seven of these were destroyed by the Apaches. When the revolt occurred, all the Spaniards had to flee from New Mexico and with them went the missionaries that had not been killed in the slaughter. The Indians destroyed almost all that had been accomplished during the occupancy of the Spaniards.

New Mexico was resettled by Diego de Vargas with eight hundred soldiers and settlers in 1693.[12] To make his expedition seem more a mission of forgiveness de Vargas urged that several missionaries be included among his followers.[13] Because of continued Indian troubles for many years and a declining monarchy in Spain the mission work made slow progress.

In 1777 a royal charter was issued, supplemented by a papal brief in 1779, for the establishment of a college or seminary in Santa Fe. This school was to be used for the education of churchmen. Buildings were erected and lands were set aside for its maintenance, but no funds were ever accumulated for the college and it failed to open.

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[12] Bolton and Marshall, op. cit., p. 246.

[13] Irving Albert Leonard, The Mercurio Volante of Don Carlos De Siguenza Y Gongora (Los Angeles: The Quivira Society, 1932), p. 37.

The border savages became so hostile just at that time that all local taxation was used for the purpose of repelling them instead of supporting the schools.[14]

A few private schools were opened in New Mexico about the close of the eighteenth and the beginning of the nineteenth centuries. One was established in Abiquiu by Don Geronimo Bacerra. It was in this school that Father Antonio José Martinez, who later became a leader in New Mexico, received his education.[15] Ignacio and Juan Bazan were sent into this territory in 1805 to teach the art of weaving. They taught for four years and, because they could not collect all their salary, they returned to Mexico but their work has continued to live to the present time.[16]

In 1811, eight hundred dollars was expended by the government of New Mexico to conduct two so-called public schools. One was at Santa Fe and the other was at San Miguel.[17] On November 11, 1812, an exposition by Don

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[14] Manuel C. de Baca, Report of the Superintendent of Public Instruction, 1899 (Santa Fe, New Mexico: New Mexican Printing Company, 1900), pp. 6-7.

[15] Benjamin M. Read, Illustrated History of New Mexico (Santa Fe, New Mexico: New Mexican Printing Company, 1912), pp. 533-539.

[16] Palm, op. cit., pp. 31-32.

[17] Ralph Emerson Twitchell, The History of the Military Occupation of the Territory of New Mexico from 1846 to 1851 (Denver, Colorado: The Smith Brooks Company, 1909), p. 207.

Pedro Bautista Pino stated:

> The province has not nor has it been able to have like the other provinces of Spain, any public institutions. It is so backward in this regard that it is even ignorant of their names. That respecting primary schools it is reduced to the condition, that only those who have the means to contribute for the payment of a teacher can have their children taught. In the capital itself they have been unable to endow a teacher in order to make teaching common.
>
> Of course there is not one college for higher studies there; hence the affliction manifested by many persons who perceive that notwithstanding the good disposition of the sons of the province towards leaving after more than two hundred years from its conquest, there is not found a single one following any literary pursuit, not even that of the priesthood--so common in the other provinces of America.[18]

The Spanish Cortes decreed the establishment of a collegiate seminary and the erection of a separate bishopric at Santa Fe in 1813. No bishop had been to New Mexico for over sixty years and this decree was not treated seriously by the regulars, who were accustomed to setting aside the decrees from Spain.[19]

Education under the Spanish rule was under a strict censorship and was very much restricted in curriculum. The government was careful to prevent its subjects from securing any knowledge of science or geography that would bring to view a comparison of their local situations with

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[18] Don Pedro Bautista Pino, "An Exposition" Cadiz: November 11, 1812. (Unpublished. In the Library of the Historical Association, Santa Fe. Uncataloged.)

[19] Ralph Emerson Twitchell, Old Santa Fe (Santa Fe: The Old Santa Fe Press, 1913-1914), Vol. 1, pp. 247-249.

that of other countries.[20]

After Spain was taken by Napoleon, the Spanish colonies established republican forms of government. New Mexico was too far away to take an active part in the wars but the neglect in industrial and educational affairs was felt. The Franciscan friars were withdrawn and the task of education devolved upon lay teachers.[21] No more royal funds were forthcoming for the church or schools. New Mexico was forced to look to Mexico for some means to change the deplorable existing conditions.

The Mexican period. Shortly after the Mexican Revolution many regular priests were withdrawn from New Mexico and secular priests were substituted. The latter were largely drawn from the leading families of the territory. The total number of the clergy was greatly reduced, there being but five Franciscans and six secular priests in the province in 1823.[22]

On April 27, 1822, the provincial deputation passed the following resolution, "Resolved, that the town councils [ayuntamientos] be officially notified to complete the

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[20] Twitchell, The History of Military Occupation of the Territory of New Mexico from 1846 to 1851, p. 207.

[21] Manuel C. de Baca, Report of the Superintendent of Public Instruction, 1899, pp. 6-7.

[22] Prince, A Concise History of New Mexico, p. 247.

formation of primary public schools as soon as possible according to the circumstances of each community."[23] This resolution had little practical value because the towns failed to raise the necessary funds. The well-to-do continued to send their children outside of New Mexico for their education and the children of the poor continued to be without any schooling.

Two Catholic priests established two colleges in the territory at their own expense in 1826. One was located at Santa Fe under the direction of a Reverend Alvarez, and the other at Taos under Padre Martinez. The youths that attended these schools were preparing for priesthood.[24] Governor Narbonna continued a subscription plan that had started in 1825 by notifying the alcaldes to aid those that had been appointed by the deputation to collect voluntary contributions. These contributions were to be used to establish schools.[25] By 1827, seventeen schools had been started with seventeen teachers.[26] Two years later the population of New Mexico was 43,433, and there were only eighteen teachers.[27]

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[23] Ibid., p. 252.

[24] Twitchell, Old Santa Fe, Vol. 1, pp. 247-249.

[25] Loc. cit.

[26] Read, Illustrated History of New Mexico, pp. 533-539.

[27] Baca, Report of the Superintendent of Public Instruction, 1899, pp. 6-7.

A Lancastrian school was opened in Santa Fe in 1829 under the direction of Don Marcelino Abreu. There were fifteen pupils in attendance.[28] In 1832, eight towns were reported to have primary schools in operation, and between 1836 and 1844, seven private schools were being taught in different parts of the territory.[29]

By 1844, schools had been established in the more important points of New Mexico. Governor Don Mariano Martinez used his influence and money for the establishment of public schools in Santa Fe. He brought in two teachers from Europe, whose names were Francisco Gonzales and Eduardo Taty. Literary and military instruction was given in the schools.[30]

At the close of the Mexican period there were only a few schools scattered throughout the territory and they were without any kind of organization. They were almost entirely under church influence and there was a great need for text books and trained teachers. Not until another period had changed conditions in New Mexico was education to become firmly established.

Summary. Formal education was first started in

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[28] Twitchell, Old Santa Fe, Vol. 1, p. 192.

[29] Palm, op. cit., pp. 41-44.

[30] Read, Illustrated History of New Mexico, pp. 533-539.

New Mexico when the missionaries that came with Oñate began teaching the Indians simple church forms and crafts. Progress was made until the Pueblo Revolt drove the Spanish people out of the territory. The declining monarchy in Spain and the obstacles to mission work in the New World caused education to be almost abandoned by the end of the Spanish period.

During the Mexican period only meager attempts were made for public schools. Private schools were established in some of the more populous regions but these failed to reach but a few of the boys of the province, while the girls had no opportunities for education. At the close of the period the educational problems of New Mexico were still unsolved.

CHAPTER III

ATTEMPTS AT TERRITORIAL EDUCATION BETWEEN 1848 AND 1872

Because of the poor educational conditions in New Mexico at the beginning of the American period, the first generation of children grew up almost entirely without the opportunity of schools. Many church and private schools were founded before the territorial laws made provisions for public schools.

Educational conditions at the beginning of the American period. When the Treaty of Guadalupe Hidalgo was signed in 1848, transferring the Territory of New Mexico from Mexico to the United States, the educational conditions were at low ebb. Because of the lack of royal funds to support missions during the latter part of the Spanish period and the whole of the Mexican period, the missionaries withdrew, leaving the province without mission schools. According to Governor Vigil's message to the Territorial Legislative Assembly in 1847, there was only one public school, and that was located in Santa Fe. This school was supported by funds from the county and was free to all the children but there were only funds enough to pay one teacher.[1] Only the sons of a few

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[1] C. E. Hodgin, The Early School Laws of New Mexico (University of New Mexico Bulletins, Educational Series, Vol. I, Albuquerque: University of New Mexico Press, 1908), p. 3.

wealthy families were educated, and these favored individuals were compelled to make the long overland journey to the United States or Mexico.

According to the census of 1850, the population of New Mexico was 61,547. Of this number, 25,089 could not read or write. Only 460 pupils were attending school, which was one pupil to every 125 inhabitants. Attorney Davis said:

> It was always the policy of Spain and Mexico to keep her people in ignorance, and, so far as New Mexico was concerned, they seem to have carried out the system with singular faithfulness; and in no country in the world, that lays the least claim to civilization, has general education and cultivation of the arts been so entirely neglected.[2]

During the first five years of American control, New Mexico was under a semi-military form of government which spent most of its efforts in putting down revolts and protecting the citizens from Indian raids. Population was sparse, distances were great, and means of communication and travel were poor. These influences delayed efforts for the establishment of means of education.

The early private and church schools. Had the churches and individuals failed to come forward and establish schools New Mexico would have been almost com-

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[2] W. W. H. Davis, New Mexico and Her People (New York: Harper and Brothers, 1857), pp. 193-194.

pletely without educational facilities during the first generation under American control. The first English school in the territory was opened in Santa Fe on August 28, 1848, by J. W. Dunn. He advertised his school as being "Classical and High School."[3] Reverend Henry W. Reed, a Baptist missionary, with the help of his wife started a school in Santa Fe in 1849. This school, for both boys and girls, continued under his charge for about five years, when it was sold to the Presbyterian denomination. A Mrs. Howe, the wife of an army officer, established the first English school exclusively for girls in 1852. Girls from the most prominent families of New Mexico, including Spanish families, attended this school.[4]

Archbishop Lamy, of the Catholic Church, arrived in Santa Fe in 1851, and established a free English school that same year under a teacher named E. Noel.[5] The next year he went East and secured the services of six Sisters of Loretto to open a school for girls. Four of the sisters arrived in Santa Fe in September, 1852, and opened the Convent of Our Lady of Light on January first, 1853. The enrollment at the beginning was ten boarding and

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L. Bradford

[3] Prince, A Concise History of New Mexico, p. 254. Cedar Rapids, Iowa: The Torch press, 1914

[4] Loc. cit.

[5] Benjamin M. Reed, A History of Education in New Mexico (Santa Fe: The New Mexican Printing Company, 1911), p. 16.

three day scholars. Ten years later three sisters founded a school for girls in Taos, and in 1864 in Mora. In 1869, the sisters started a school in Las Vegas; 1870, in Las Cruces; and in Bernalillo in 1875.[6]

In order to secure equal opportunities for the boys, Archbishop Lamy influenced the Christian Brothers to come to the territory, where they opened Saint Michael's College in Santa Fe, 1859. This school gave to the poor as well as the rich the opportunity to secure the fundamentals of learning. These Christian Brothers extended their sphere of usefulness to Mora, Bernalillo, Las Cruces, Socorro, and other points. The Jesuits opened a college at Las Vegas in 1875 that continued to operate for a few years, then was removed to Denver.[7]

Among the schools founded by other religious organizations during this period was a free school founded in Santa Fe by the Presbyterian Mission. This school was conducted on American principles and no religious forms were to be taught. There was free use of text books to all scholars. D. M. M'Farland was the principal.[8] Another Presbyterian school was founded in Las Vegas by Reverend

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[6] Prince, A Concise History of New Mexico, p. 255.

[7] Loc. cit.

[8] News item in The New Mexican (Santa Fe) October 6, 1868.

three day academy. Two years later three sisters founded a school for girls in Taos, and in 1866 in Santa Fe. In 1869 the sisters founded a school in San Felipe; in 1870, in Corrales; and in Bernalillo in 1872.[6]

In order to assure equal opportunities for the boys, another group influenced the Christian Brothers to come to the territory, where they opened Saint Michael's College in Santa Fe, 1859. This school gave to the poor as well as the rich the opportunity to assume the responsibilities of leadership. These Christian Brothers extended their sphere of influence to Mora, Bernalillo, San Ildefonso, Socorro, and other points. The Jesuits opened a college at Las Vegas in 1869 that continued to operate for a few years, then was removed to Denver.[7]

Among the schools founded by other religious organizations during this period was a free school founded in Santa Fe by the Presbyterian Church. This school was conducted on American principles and no religious forms were to be taught. There was free use of text books to all scholars. U. S. citizenship was its main goal. Another Presbyterian school was founded in Las Vegas by Lorenzo

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[6] Fulton, A Concise History of New Mexico, p. 225.

[7] Ibid., 228.

[8] Rows item in The New Mexican (Santa Fe) Gazette

6, 1880.

J. A. Annin, 1870. This was the beginning of an extensive program of education by the Presbyterian Church in New Mexico. In 1871, Reverend Thomas Harwood founded the first Methodist Mission at La Junta, which was the beginning of Methodist education in the territory.[9]

EARLY ATTEMPTS FOR PUBLIC SCHOOLS

Governor Vigil and education. There were practically no schools in New Mexico while Donanciano Vigil was of school age, but he was one of the few fortunate boys in that his father had received a good education in Mexico before coming to this territory and was therefore able to instruct his boys in the fundamentals of learning. When Vigil became Governor of the Territory of New Mexico, he realized that a large part of the population was illiterate and almost all spoke only the Spanish language. In order to understand the customs and form of government that the people were now under it would be necessary to advocate such legislation as would secure free schools for the masses. A large portion of Vigil's message to the Territorial Legislature in 1847 was devoted to education. That part which refers to education follows:

> In the contemplation of the institutions of a free people by those who do not enjoy the same

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[9] Prince, loc. cit.

benefits they perceive, as by instinct, that they, too, have rights and they meditate over it until they assert them, value and enjoy them. It is only through the diffusion of knowledge that a people are enabled to follow the example of those nations whose wise policy shows itself in the higher intelligence and happiness of its people. The world generally is progressive, and how can we avail ourselves of advancement unless the people are educated?[10]

There was no action taken for education during this session of the Legislative Assembly.

Memorials to the United States Congress. In 1849 a memorial was passed by the New Mexico Legislative Assembly and sent to the United States Congress asking for protection against the Indians and for a donation of public lands. They also said, "We respectfully ask a donation of all public school buildings acquired in the Conquest of New Mexico, for the state."[11]

Since the people of New Mexico were forced to accept the English language and the United States Government had made no provisions to help in the education of them, the Territorial Legislative Assembly again memorialized the Congress of the United States. On

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[10] Twitchell, The History of the Military Occupations of the Territory of New Mexico from 1846-1851, p. 220.

[11] J. H. Quinn, "Memorial First New Mexican Legislative Convention of 1849." (Unpublished. The above article is in the Library of the Historical Association in Santa Fe, written in pencil and signed, J. H. Quinn, Chairman. Uncataloged.)

January 10, 1853, the following memorial was adopted:

> To the Honorable Senate and House of Representatives in Congress assembled . . . Your memorialist beg leave to call attention of Congress to the subject of education of the rising generation in this Territory, but as it would be supererogation to argue to the Congress of the United States upon the necessity of enlightening the minds of all the children of the Republic, they will merely bring the subject before Congress and state the undeniable fact, that in no part of the United States, are the means of education so deficient, as in New Mexico; and the additional fact that the liberal grant of lands, which has already been made to the Territory for this object, is now and will continue to be unavailing for many years to come. They therefore pray that provisions may be made for the creation and support of Public Schools throughout the Territory for a limited time, by a yearly appropriation of money, for that object, but your memorialist leave the sum which you may be pleased to appropriate to the enlightened generosity of Congress.[12]

Again in 1854 the legislative assembly memorialized Congress, stating that there were only one or two private schools in New Mexico, and that they were supported by private subscription and located in the capital. There was no place in the United States as deficient in education as in New Mexico. They asked that some provision be made to create and support public schools by an annual appropriation instead of public lands.[13]

<u>The first territorial school law, 1856</u>. The law

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[12] Hodgin, "The Early School Laws of New Mexico," p. 5.

[13] <u>Ibid</u>., p. 7.

January 10, 1888, the following memorial was adopted:

> To the Honorable Senate and House of Representatives in Congress assembled . . . Your memorialist has leave to call attention of Congress to the subject of education of the rising generation in this Territory, but as it would be grievous to argue to the Congress of the United States upon the necessity of enlightening the minds of all the children of the Republic, they will merely bring the subject before Congress and state the undeniable fact, that in no part of the United States, are the means of education so deficient, as in New Mexico; and the additional fact that the liberal grants of lands, which had already been made to the Territory for this object, is now and will continue to be unavailing for many years to come. They therefore pray that provision may be made for the creation and support of public schools throughout the Territory for a limited time, by a yearly appropriation of money, for that object, but your memorialist leaves the sum which you may be pleased to appropriate to the enlightened judgment of Congress.[14]

Again in 1889 the Legislative assembly memorialized Congress, stating that there were only one or two private schools in New Mexico, and that they were supported by private subscription and located in the capital. There was no place in the United States as deficient in education as in New Mexico. They added that some provision be made to create and support public schools by an annual appropriation instead of public lands.[15]

The first Territorial School Law, 1889. The law

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[14] Hodgin, "The Early School Laws of New Mexico," p. 6.

[15] Ibid., p. 7.

of 1856 provided that all male citizens of New Mexico over twenty-one years of age, except Indians, should pay a tax for public education. Section two states:

> Every male, whose property does not exceed two hundred and fifty dollars in value, shall pay an annual tax of one dollar, it being understood, that by the word 'property' in this section, as also wherever it may occur in any other part of this act, it shall embrace all real estate, personal and movable property, all debts receivable and recoverable, and the proceeds of the profession of each individual. Provided, that the resident inhabitants of the Counties of Rio Arriba, Taos, Santa Ana, Valencia and Socorro, the value of whose property does not amount to fifty dollars, are exempt from taxation as required in this section.[14]

If the value exceeded $250, the tax was one dollar for the first $250 and one dollar per thousand above, up to $50,000. Above this there was to be no tax. The entire proceeds from this tax should go to education.

The above tax was to be collected by a group of collectors, one appointed from each precinct by the probate judge of each county. Each individual was required to submit the value of his property, under oath, to the collector. The collector in turn, reported the value of each individual's property to the probate judge. He then deposited the money collected with the treasurer for educational money. The collector received five per cent of the amount that he collected for his services.

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[14] Ibid., p. 8.

Also provision was made in the law of 1856 for the first county board of education; thus:

> Section 16. There shall be a board established in each county of this Territory, denominated "Board of Education", which shall be composed of one person of the greatest ability, learning and integrity of each precinct, and the probate judge, who shall preside over said board.[15]

The probate judge was given the authority to appoint this board, and it should serve for two years without pay. If any member appointed to the board should refuse to serve he could be fined not more than ten dollars. The probate judge had the authority to set the time and place for board meetings, and any member that absented himself without being sick or some other good excuse, could be fined not more than ten dollars.

Among the more important duties of the board of education were: to designate methods of spending the school money; fix penalties to punish parents who failed to send their children between seven and fourteen years of age to school; excuse from school pupils who had proper excuses; make an annual report to the legislative assembly; appoint teachers and fix their salaries; and each member was required to supervise the teachers in his respective precinct.

The teachers were required to take an oath before

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[15] Ibid., p. 11.

a justice of the peace that they would "Truly discharge all their duties as teachers or proctors to the best of their ability."[16] The penalty for failure to live up to the oath was to be fined not more than twenty-five dollars. The teacher's salary was to be from eight to forty dollars per month, in proportion to the amount of work to be done and the number of pupils that he had under his charge.

The law was to take effect immediately after its publication except in the counties of Taos, Rio Arriba, Santa Ana, and Socorro. In each of these counties the governor was required to call an election. In any county where the law was defeated it should not go into effect, but in any county where it passed, it should become effective immediately.

The election for the school law was held in the four counties mentioned above in the fall of 1856. Brigadier General, W. W. H. Davis, of Pennsylvania, who was alluded to as the United States Attorney for the Territory of New Mexico, stated:

> The returns show that in a popular vote of 5,053 there are only 37 men to be found in favor of public schools--a fact which exhibits an opposition to the cause truly wonderful. This great enmity to schools and intelligence can only be accounted for as follows: that the people are so far sunk in ignorance that they are not really capable of judging of the advantages of education. From this result the cause

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[16] Ibid., p. 13.

a justice of the peace that they would "faithfully discharge all their duties as inspectors of prisons to the best of their ability."[10] The penalty for failure to do so in the earlier was to be fined not more than [illegible]. The inspector's salary was to be from eight to [illegible] per month, in proportion to the amount of work to be done and the number of prisons that he had under his charge.

The law was to take effect immediately after its publication except in the counties of Taos, Rio Arriba, Santa Ana, and Socorro. In each of these counties the governor was required to call an election [illegible] where the law was operated it should not [illegible] but in any county where it passed, it [illegible] effective immediately.

The election for the school law was held in the four counties mentioned above in the fall of 1903. Brigadier General, H. H. Davis, of Santa Fe, who was attached to as the United States Attorney for the Territory of New Mexico, stated:

> The returns show that in a popular vote [illegible] there are only 57 men to be found in [illegible] counties--a fact which evidently an opposition [illegible] came hither neglected. This speak [illegible] and intelligence can only be accounted for [illegible] that the people are so far sunk in ignorance [illegible] they are not really capable of judging [illegible] advantages of education. From this and [illegible]

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[10] Ibid., p. 15.

> of education has but little to hope for from the popular will, and the verdict shows that the people love darkness better than light. . . .[17]

In December of 1856, the law that had been approved the previous February fourth for the purpose of establishing means for the educating the youth of New Mexico was repealed. The money that had been collected for schools while the law was in force was returned to the individuals who had paid it to the proper collector. All the expenses that had been incurred under the law were paid out of the respective county treasuries. All suits that had been instigated against the law were dismissed at the expense of the respective counties where the suits had occurred.

Memorial of 1857. The legislative body knew that the lands that had been set aside for public schools would be of no value for many years; because all of the lands that were owned and cultivated at the time of the American occupation had been given, and not sold, to the occupants by the former governments. The United States Government then donated 160 acres to each individual who was of age who did not possess any land. Therefore, enough land was in the possession of the people to produce all the agricultural products necessary for the territory for many

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[17] W. W. H. Davis, "Report to the Commissioner of Education," Report of the Commissioner of Education (Washington: Government Printing Office, 1870), pp. 326-328.

TABLE I

RESULTS OF THE ELECTION HELD ON THE SCHOOL LAW OF 1855 AND 1856

Counties	For the law	Against the law
Taos	8	2,150
Rio Arriba	19	1,928
Santa Ana	8	456
Socorro	2	482
Totals	37	5,016

Report of the Commissioner of Education (Washington: Government Printing Office, 1870), pp. 326-328.

years to come. This would eliminate any demand for the school lands for a long time after they had been surveyed.

A memorial was therefore adopted by the territorial assembly, December 17, 1857, asking the United States Congress for $500,000 to be invested in stocks of government, state, or corporation. This loan was to be secured by a mortgage placed on the public school lands. Only the interest from the investment was to be used for school purposes. But again, the pleadings of the people of New Mexico for aid from the United States Government to help educate their children were unheeded.[18]

School law of 1860 and amendments. By an act of the Territorial Legislature, approved January 27, 1861, the authority was given to the justice of the peace in each precinct to appoint a person capable of teaching the children the rudiments of learning. This person was entitled to fifty cents per month for each child taught as compensation for his services. Each teacher was required to take an oath to perform the duties as teacher to the best of his ability.

The justices of the peace were to require all persons, except those exempt, to send their children to school and to furnish them with the necessary books and

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[18] Hodgin, The Early School Laws of New Mexico, pp. 16-17.

wood, as was the custom. The custom in furnishing wood was that each child starting from his home each morning to school would carry one stick of wood and deposit it at the door of the school house. In this way the fuel was furnished without expense to the district.[19] Parents could be exempt from sending their children to the school that was provided if they would teach their own children; have them under another capable teacher; necessity compelled the children to work; or if they were bound out to another under the law of masters and servants.

The probate judges were to act as the county superintendents, and the justices of the peace were responsible to them. The justices of the peace were to visit the schools at least once each month to determine the progress being made. If the teacher was found to be negligent he was to be dismissed and another employed.

Another legislative act was approved January 28, 1863, amending the school law of 1860. This act created the first Territorial Board of Education. The board was to be composed of the Governor, Secretary of the Territory, Judges of the Supreme Court, and the Bishop of New Mexico. It was to hold one regular meeting each year on the first Monday in November and all other meetings that

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[19] Ibid., p. 18.

wood, as was the custom. The custom in Pennsylvania was that each child carrying from his home each morning to school would carry one stick of wood and deposit it at the door of the school house. In this way the school was furnished without expense to the district.[19] Orphans could be exempt from sending their children to the school that was provided if they would teach their own children; have them under another capable teacher; necessarily compelled the children to work; or if they were bound out to another under the law of masters and servants.

The probate judges were to act as the county superintendents, and the justices of the peace were responsible to them. The justices of the peace were to visit the schools at least once each month to determine the progress being made. If the teacher was found to be negligent he was to be dismissed and another employed.

Another legislative act was approved January 2, 1802, amending the school law of 1800. This act created the first Territorial Board of Education. The board was to be composed of the Governor, secretary of the Territory, Judges of the Supreme Court, and the Attorney of Law Notice. It was to hold one regular meeting each year on the first Monday in November and all other meetings that

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[19] Idem., p. 18.

were necessary. The board should have the power to make all laws and rules necessary for the establishment of schools in each county, so far as the funds would permit. It had the authority to appoint teachers, determine salaries, issue orders for payment of school funds by the Territorial Treasurer, and remove the Territorial Superintendent of Schools when it was deemed necessary.[20]

Also during this same session of the legislature the office of Territorial Superintendent of Schools was created. He was to be appointed by the governor with the consent of the legislative council and the length of his term was to be two years. The superintendent's salary would be one thousand dollars per year, to be paid out of any money in the territorial treasury that was appropriated for school purposes. His duties required him to visit the schools of each county at least once each year, to furnish the board with a report of the conditions of the schools each November, and to perform other duties required by the school board.[21]

The school laws of the Territory of New Mexico were again amended in January, 1867.[22] According to this

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[20] Ibid., p. 20.

[21] Loc. cit.

[22] Ibid., p. 23.

act the probate judge of each county was to be recognized as the county superintendent of schools. His duties were the general superintendence over the common schools of his respective county and to visit each school during the year. Upon receiving the lists of all children between the ages of seven and eighteen from the justices of peace, he made rules for the establishment of schools in the most populous precincts, so far as the school funds would go.

The parents were required to send their children between the ages of seven and eighteen to the public school if they were not enrolled in some other school. They were required to furnish books, paper, ink, wood, and to pay fifty cents per month for each child in school to help pay the salary of the teacher.

Again in 1867 and 1868 the Territorial Legislative Assembly memorialized Congress for aid in education. They emphasized the fact that the lands that had been set aside for school purposes would not help in establishing educational institutions for many years. They suggested that Congress appropriate money for New Mexico equal to the value of the school lands of other states, or that public lands in one or more states or territories be set aside for the benefits of education in this territory.

In spite of the many laws passed and the memorials

to the United States Congress between 1848 and 1870, New Mexico remained without a system of schools. Some of the newspapers of the territory began to use their influence for the cause of education. In 1868 the Daily New Mexican ran an editorial in which it said:

> The manifest necessity of New Mexico, is cheap schools--cheap schools for the masses. . . . If the territorial treasury under the existing executive mismanagement were not bankrupt, some progress might be made toward public education. There are many thousand dollars due to the treasury of the Territory from delinquent and defaulting sheriffs, with good bonds, which could be collected, if those whose duty to prosecute would perform their duties. Result, defaulters run loose with school money in pockets and peoples children run about the streets in ignorance and idleness, a prey to future vice and future misfortune. . . .[23]

The attorney general's attention was called to the existing conditions twice during the year but he paid no heed.

Governor William H. Pile wrote an article on October 20, 1870, in which he said there was not a public school house in the territory. There were about five Catholic schools and four Protestant schools at that time. In Governor Pile's message to the legislature he emphasized the public duty of that body to make provision for the establishment of at least one public school in each county. He said, "Let these schools be free from

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[23] Editorial in the Daily New Mexican (Santa Fe), October 3, 1868.

to the United States Congress between 1848 and 1871, New Mexico remained without a system of schools. Some of the newspapers of the territory began to use their columns for the cause of education. In 1857 the *Daily New Mexican* was editorial in which it said:

> The greatest necessity of New Mexico, is schools--open schools for the masses. . . . If the territorial treasury, under the existing executive management were not insufficient, more than enough be made towards public education. Here are many thousand dollars due to the treasury of the territory from delinquent and defaulting sheriffs, with good bonds, which could be collected, if there were duty to prosecute would perform their duties. Hence is suffers the loss incurred with schools among the people children from about the ignorance in immorals and laziness. Never to future life and future misfortune. . . .

The attorney general's attention was called to the existing conditions twice during the year but is said no need.

Governor William E. Lile wrote an article on October 20, 1870, in which he said there was not a public school house in the territory. There were about five Catholic schools and four Protestant schools at that time. In Governor Lile's message to the legislature he emphasized the public duty of that body to make provision for the establishment of at least one public school in each county. He said, "Let there schools be free from

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Editorial in the *Daily New Mexican* (Santa Fe), October 5, 1857.

any religious or denominational control, or under the control of any church your honorable bodies may think proper."[24] He was not willing to permit religious prejudice deprive the children of some means of learning. The legislature failed to improve the educational conditions during this session and the people had to wait until 1872 before another law was passed in order to improve the deplorable conditions under which the youth of New Mexico were forced to live.

Summary. There was little progress made between 1848 and 1872 toward establishing a public school system. The schools established by the church organization and private individuals could reach only a few of the children in the territory, so illiteracy continued to remain extremely high during this period. During four sessions of the legislature laws were passed for the establishment of public schools but failed to be put into effect because of opposition of the people of the territory, or negligence on the part of the officials responsible for their enforcement.

Provisions were made by the law of 1856 for a county board of education but were repealed during the same year.

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[24] Report of the Commissioner of Education, 1870, pp. 326-328.

any religious or denominational control, or under the control of any church, sect, or religious society, which property.[24] He was not willing to grant religious prejudice deprive the children of some means of learning. The legislature failed to improve the educational conditions during this session and the people had to wait until 1872 before another law was passed in order to improve the deplorable conditions under which the people of New Mexico were forced to live.

Summary. There was little progress made in Texas 1848 and 1872 toward establishing a public school system. The schools established by the church, or sectarian and private individuals could reach only a few of the children in the territory, so illiteracy continued to remain extremely high during this period. Further, very few of the legislature laws were passed for the development of public schools but failed to go into effect because of opposition of the people of the territory. Blame rests on the part of the officials responsible for their enforcement.

Provisions were made by the law of 1854 for a board of education but were repealed during the same year.

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[24] Report of the Commissioner of Education, pp. 320-321.

Probate judges were required to serve as county school superintendents by all the laws. A territorial board of education was established by the law of 1863, but there is no record of its functioning.

According to the law of 1856, a tax of one dollar per thousand up to fifty thousand dollars valuation was levied for school purposes, but this was repealed the same year. The only provisions made for school funds by the laws from 1860 to 1867 were from fines of school officials who failed to perform their duties, or by a tuition of fifty cents per month for each child that attended school.

The Territorial Assembly memorialized the United States Congress several times during the period, asking for aid for education, but Congress failed to make any provisions for helping to establish public schools in the territory.

At the opening of this period in 1848 there was not a public school in the territory. According to the census of 1870, there were five public schools with five teachers and 188 pupils. They had an approximate income of one thousand dollars derived from tuition and other sources. New Mexico still was in great need of a system of public education.

CHAPTER IV

EDUCATIONAL DEVELOPMENT BETWEEN 1872 AND 1884

Under the laws of 1872 and 1874, temporary progress was made in establishing public schools. The contest between those who were for and those against sectarian public schools helped to defeat the school bill in 1876. Interest in education then decreased until after 1884.

The school law of 1872. Almost every governor's message to the territorial legislature between 1848 and 1891 included a serious discussion of the need of schools in New Mexico and implored the assembly to make provisions to educate the children of the territory. In Governor Pile's message to the Territorial Assembly late in 1870 he said that it was necessary to use economy in the expenditures of the territory but that it was false economy to economize at the expense of intelligence and morality. He said, "Let us make a beginning, if it is ever so small and inexpensive. Increase and improvement will come from experience."[1] In spite of his pleadings, the legislature failed to enact any school laws during that session.

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[1] William H. Pile, "A Part of the Governor's Message to the Territorial Assembly of New Mexico," Report of the Commissioner of Education (Washington: Government Printing Office, 1870), pp. 326-328.

On February first, 1872, the Territorial Assembly passed a school law that had many defects, but under its administration more public schools were established than under any other act since the period of American control in New Mexico. It provided that the people at the general election should elect a board of supervisors and directors of public schools for each county. This board was to be composed of "four persons most fit and competent and of good repute."[2] In order to qualify for the position, each member must have been a resident of the county for not less than five years, the head of a family, a citizen of the United States, and an owner of real estate. The probate judge was to be one of the members. Each member of the board was to receive one dollar per day for his services but not more than five dollars during the year.

The board had the sole management, supervision and control of the public schools. It had control of the school funds and the county treasurer, who kept these funds, was not permitted to pay any account out of these funds without the consent of the board. Meetings of the board were held once each three months to act on school matters. It was required to publish in the nearest newspaper a state-

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[2] C. E. Hodgin, The Early School Laws of New Mexico, pp. 28-30.

ment of the school finances and enrollment of the schools each year.[3]

Provision was made in this law to finance education by appropriating twenty-five per cent of the entire tax on preperty to the schools.[4] A poll tax of one dollar was levied on every able-bodied man over twenty-one years of age and any surplus left in any county treasury above five hundred dollars, after paying all the current expenses, was to go to the school fund. This is the first time in the history of the territory that a general property tax was used for the support of schools.

Progress in education. Governor Giddings, in 1873, expressed his gratification that a system of common schools had been established as a result of the acts of 1872. He stated that people could then come to New Mexico to make their homes and expect their children to receive an education. The law needed to be amended to require a report to the governor by October first each year and to give the office of territorial superintendent more definite duties and authority. Governor Giddings also suggested:

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[3] Ibid., pp. 28-30.

[4] W. G. Ritch, Secretary of the Territory, "Report to the Commissioner of Education," Report of the secretary of the Interior, "Education," 1873-1874. pp. 457-459.

mark of the school finances and curriculums of the schools each year.[3]

Provision was made in this law to finance schools by appropriating twenty-five per cent of the school tax on property to the school. [4] A poll tax of one dollar was levied on every able-bodied man over twenty-one years of age and any surplus left in any county treasury above five hundred dollars, after paying all the county expenses, was to go to the school fund. This is the first time in the history of the territory that a general property tax was used for the support of schools.

Progress in education. Governor Stevenson, in 1857, expressed his gratification that a system of common schools had been established as a result of the acts of 1855. He stated that people could then come to New Mexico to make their homes and expect their children to receive an education. The law needed to be amended to require a report to the governor by October first each year and to give the office of territorial superintendent more definite duties and authority. Governor Stevenson also suggested

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[3] Ibid., pp. 22-30.

[4] W. W. H. Davis, Secretary of the Territory, "Map to the Government of Education," Report of the Secretary of the Interior, "Education," 1857-58, pp. [illegible].

> That it is possible that an arrangement might be made by which Congress would permit the Territory to anticipate to the extent of $100,000 on the lands bestowed for school purposes, and furnish a small amount to aid in the erection of at least 100 school houses in the most populous districts. . . .[5]

The Secretary of the Territory, W. G. Ritch, sent circular letters to the presidents of school boards, teachers, and educational leaders, during the fall months of 1873, asking for statistics on the schools of the territory. Most of the letters were answered. After compiling the statistics received, he found that there were 133 public schools with an enrollment of 5625 pupils, and employing 136 teachers. The average length of the school term was six and one-fourth months, and the average salary of the teachers was $28.69. The total funds for public schools was $29,721.57. Spanish was used as the language in 111 of the schools, English in ten and English and Spanish in twelve. Private and Indian schools had also made progress in the territory.[6]

The studies taught in all the schools were reading, writing, and arithmetic. Grammar was taught in forty-one, geography in thirty-four, and history in seventeen. "A few also taught other of the higher branches." School books were difficult to secure and ranged from, "Sectarian

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[5] Report of the Secretary of the Interior, "Education," 1873-1874. pp. 455-456.

[6] Loc. cit.

TABLE II

COMPARATIVE STATISTICS OF THE SCHOOLS OF NEW MEXICO 1873 AND 1870*

Schools 1873	Number of Schools	Number of Pupils	Number of Teachers	Average Number Months Taught	Languages in which Taught	Amount School Funds
Public schools supported by taxation	133	5625	136	6 1/4	10 Eng. 111 Sp. 12 Eng. & Sp.	$29,721
Private schools	26	1370	53	9	7 Eng. 19 Eng. & Sp.	27,100
Pueblo schools	5	107	7	6	Eng.	4,000
Totals	164	7102	196			60,821
Census, 1870, public and private schools	44	1798	72			29,886
Increase	120	5307	124			30,835

*Report of the Secretary of the Interior, "Education," 1873-1874. pp. 455-459.

catechism to Ollendorf's method."[7] Many pupils had access to only loose leaves that had been torn from books or newspapers.

In many districts buildings were donated for the use of schools; in others they were rented. San Miguel county reported that it had two public school houses worth $1824.43. The ladies of Silver City formed an educational society and raised $1400 as a part of the amount required to build a brick school house.

The above statistics were not complete, but were accurate enough to show that some progress was being made toward the establishment of a school system. Secretary Ritch, published a statement criticizing outside newspapers for misrepresenting the facts concerning education in New Mexico and suggested that they recognize the progress between 1870 and 1873 as proof that New Mexico did have a system of schools.

Law of 1874. The school law of 1874 slightly modified the law of 1872. It required the county board of supervisors and directors of public schools to make a report to the territorial superintendent. The territorial superintendent was to make an annual report to the governor, including the number of pupils of school age in each county

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[7] Ibid., pp. 455-456.

[illegible]

[illegible] to Dillenbert's record.[7] Many people had access to only loose leaves that had been torn from books or newspapers.

In many districts buildings were donated for the use of schools; in others they were rented. San Miguel county reported that it had two public school houses worth $18,000. The ladies of Silver City formed an educational society and raised $1600 as a part of the amount required to build a brick school house.

The above statistics were not complete, but were accurate enough to show that some progress was being made toward the establishment of a school system. Secretary Mitch, published a statement criticizing outside newspapers for misrepresenting the facts concerning education in New Mexico and suggested that they recognize the progress between 1870 and 1873 as proof that New Mexico did have a system of schools.

LAW OF 1874. The school law of 1874 slightly modified the law of 1872. It required the county board of supervisors and directors of public schools to make a report to the territorial superintendent. The territorial superintendent was to make an annual report to the governor, including the number of pupils of school age in each county

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[7] Ibid., pp. 486-488.

and precinct, and the number enrolled in school, the number of teachers employed, and the branches taught. In addition to the school duties, the territorial superintendent was made ex-officio territorial librarian and was to receive for his entire services only the salary that was set aside for the librarian.[8] This allowed him only three hundred dollars per year to perform the duties of both offices.[9]

In the case of sickness or inability of any of the members of the county board to perform their duties the probate judge was given the power of the board. Each member of the county board was to receive three dollars per day for his services, payable out of the county treasury. The members of this board were elected at the general election.[10]

Educational progress after 1874. Even though the law made provision for a territorial superintendent the governor failed to appoint anyone to the position. The

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[8] New Mexico. Laws, Statutes, etc. "Acts of the legislative assembly of the Territory of New Mexico." Twenty first session, Chap. III, sec. 1-7. (Santa Fe, Manderfield and Tucker, 1874).

[9] Report of the Commissioner of Education, 1874. pp. 491-495.

[10] New Mexico. Laws, Statutes, etc. Session Laws, 1874, Chap. III, sections 3 and 6.

salary was so low and the schools were so unorganized that no one desired to take over the duties of the position. The Secretary of the Territory, W. G. Ritch, was acting as territorial superintendent and made the school report for 1874.

The report of 1874 included all the counties of the territory except Lincoln and Santa Ana. According to the report, there were 128 public schools with an enrollment of 5420 pupils and employing 143 teachers. The average salary of the teachers was $26.25 and the average school term was five and one-tenth months. Eighty-eight of the schools were taught in the Spanish language, fifteen in English and twenty-five in English and Spanish.[11]

There were thirty-one private schools with an enrollment of 988 and employing sixty-eight teachers. The Pueblo Indian schools had increased to eight in number with 170 pupils and ten teachers who drew an average salary of fifty dollars per month.

In the Territory of New Mexico during the year 1874, with the exception of the two counties mentioned, there was a total of 167 schools, with 6,578 children in attendance, and employing 221 teachers. There was an average of thirty-seven pupils enrolled for each teacher. The

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[11] W. G. Ritch, "Report to the Commissioner of Education," Report of the Commissioner of Education, 1874. pp. 491-499.

number of English schools and English and Spanish schools had increased while the number of entirely Spanish schools had decreased. Four counties furnished books for the poor children. There were four public school houses owned and, for the first time, school funds were used for the purchase of furniture and apparatus for use in the schools.[12]

There were six parochial schools that could be classified as doing secondary school work in 1874. They were located at Santa Fe, Las Vegas, Mora, Taos, and Las Cruces. They had an enrollment of 504 pupils and employed forty-four teachers. The length of their school term was ten months. They included in their curriculum the higher English branches, Spanish, French, German, Latin, and Greek.

The public schools were financed by a tax of one-fourth of one per cent on the property of the territory, and a poll tax of one dollar for each male citizen over twenty-one years of age. The assessment roll for 1874 was $7,603,772. The amount collected from all sources for schools in 1874 was $28,523.34. Of this, $18,639.35 was spent for teachers' salaries and $2,405.72 for books, furniture, and incidentals.[13]

Girls were not generally admitted to the public

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[12] Ibid., pp. 491-499.

[13] Loc. cit.

schools. This was because of a belief that had developed in the territory that boys and girls should be educated separately and not because they were opposed to the education of the girls. Mora county established separate schools for girls and Colfax and Grant counties established mixed schools.[14]

Attempts were being made to establish more English speaking schools in the territory. An article in a journal referred to the supreme court decision in Texas that ruled that Mexicans who were unacquainted with the English language were incompetent to serve as jurors. Also, an act had passed one house of the United States Congress to disqualify anyone from jury service who could not read or write English. Since only about one-fourth of the schools in New Mexico taught English, this would place a hardship upon the territory. The great need was to have competent teachers to teach English in all the schools.[15]

Public school house in Santa Fe. In an editorial of a newspaper this article was run:

> It is a disgrace, a burning shame, an outrage upon the progress of the age, that here in Santa Fe, the oldest town in this freest, most progressive and enlightened republic that ever existed since the creation

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[14] Loc. cit.

[15] News item in the Weekly New Mexican (Santa Fe), August 11, 1874.

of the world, there is not a single public school house nor the semblance of one.[16]

If Santa Fe was to remain the capital of New Mexico and expect to grow, it was necessary to make progress in education. Two weeks after this article came out in the journal, a committee had purchased a site for a public school house. Many other papers began campaigns for better school conditions. Among them was the Mesilla News, in which it said, "We intend to fight until a school is located in every precinct in Dona Ana County."[17]

Public schools fail to make the desired progress. The school laws that were in effect in 1875 failed to provide any organization of the schools for the territory as a whole. The county unit under the board of supervisors and directors of public schools, elected by the people of the county, had the entire management of the schools. These boards were largely composed of persons inexperienced in school work and were without advice from a central authority. The school authorities employed relatives and political or personal friends as teachers, with no regard for fitness or qualifications.[18] There was a limited

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[16] Editorial in the Weekly New Mexican, September 1, 1874.

[17] Ibid., September 29, 1874.

[18] W. G. Ritch, "Report to the Commissioner of Education," Report of the Commissioner of Education, 1875. pp. 500-509.

amount of school funds, and a part of that was used illegally. The attempt to establish schools in every community caused the school term to be short and the pay of teachers small. The result was inefficient teachers. In other states of the United States people carefully guarded their public school funds and gave their services to worthy causes, but in New Mexico the school board members and secretaries expected to be paid for their services.[19]

The report made by Secretary of the Territory, W. G. Ritch, in 1875, was not complete, but it was believed to be reliable and, with few exceptions, authoritative. The counties of Lincoln and Socorro made no reports and Dona Ana and Santa Ana made only partial reports. In the remaining part of the territory, there were 138 public schools with 5151 pupils enrolled, and employed 147 teachers. The average length of the school term was six and six-tenths months. The total amount paid to teachers' salaries was $15,432, or an average of $16.58 per month for each teacher. In comparison with the 1874 report, there was a slight increase in all the items except in teachers' salaries, which were much lower. Considering the increase in population of the territory the small increase in schools was negligible.[20]

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[19] Loc. cit.

[20] Ibid., pp. 500-501.

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[19] Loc. cit.

[20] Ibid., pp. 800-801.

TABLE III

PUBLIC SCHOOL STATISTICS 1875

	Number of Public Schools	Number of Children in Attendance	Number of Teachers	Average Wages per Month for Teachers	Number of Months School Taught	Language taught-Spanish or English	Male Teachers	Female Teachers	Schools for Boys	Schools for Girls	Mixed Schools	Religious Schools Receiving Public Funds	School House owned or Rented	Value of School House if Owned	School Fund from all Sources	Disbursed for Teachers Wages	For Rent and School Books	For Other Purposes
Bernalillo	16	765	18	22.22	5.6	1 E & Span 15 Span	18	0	16			3			5,654.03	1,513.00		214.85
Colfax	7	147	7	40.00	4	7 Eng.	5	2			7				1,410.93	541.36		
Doña Ana	7		7				7				7	1	1	500	1,598.29	1,500.00		81.00
Grant	3	95	3	40.00	3.7	2 E & Sp 1 Sp	2	1			3				1,163.68	460.15	123	
Lincoln																		
Mora	16	651	17	19.18	6	15 E & Sp 1 Sp	13	4	10	4	2	2			1,623.71	1,445.00	81.00	
Rio Arriba	17	270	17	16.30	3	4 E & Sp 13 Sp	17		15		2				1,176.00	825.00	76.00	132.70
Santa Ana	3		3			3 Sp	3		3									
Santa Fe	12	678	14	26.18	10	3 E & Sp 9 Sp	10	4	5	1	6	2	1	2,500	4,500.00	3,665.95	833.98	502.29
San Miguel	24	1100	27	25.00	10	6 E & Sp 18 Sp	24	3	16	2	6		3	1,975	5,099.62	3,255.75	601.96	98.26
Socorro																		
Taos	16	688	17	20.00	4	7 E & Sp 9 Sp	17		16			2			1,366.10	1,094,00	85.00	140.10
Valencia	17	757	17	16.93	4	17 Sp	16	1	16	1					1,881.10	1,131.79		488.69
Totals 1875	138	5151	147		6.6	7 E;38 E & Sp;86 Sp	132	15	97	8	33	10	5	4,975	25,473.46	15,432.00	1,800.94	1,657.89
1874	116	4694	129		5.8	14 E;30 E & Sp; 69 Sp							4	4,300	27,110.99			

The above statistics were taken from the Report of the Commissioner of Education, 1875.

Secular or sectarian schools. Speaking of the public schools and the authorities over them, Secretary Ritch stated:

> . . . Not unfrequently they leave them under the control of boards composed in part or in whole of priests, altho under the requirements of law these are ineligible. The tendency of this priestly influence has been to gradually bring the public schools and the school fund, paid by persons of every shade of religious belief and of no religious belief, beneath the direction of a particular church. Thus in a majority of the counties today, the school books and the church catechism published by the Jesuits, and generally in Spanish, constitute the text books in use in the public schools; and, as announced by a newspaper friendly to the order, if not of it, "these are now being used in almost all the schools of New Mexico. . ."[21]

In at least five of the counties of New Mexico, the public schools had been placed in direct charge of some religious order. Ten schools were known to be under religious control and paid for out of public funds in 1875.[22]

The tendency toward the control of education by the churches caused a number of newspapers to become engaged in a controversy as to whether the public schools of New Mexico should be secular or sectarian. The Weekly New Mexican in Santa Fe favored a system of secular education free from all sectarian and ecclesiastical control. The Albuquerque Review favored a system of public schools that would be under sectarian control, permitting each

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[21] Loc. cit.

[22] Ibid., pp. 500-509.

denomination to have charge of a number of schools in proportion to its numerical strength. It favored the adoption of the Jesuit school books as text books for the public schools. The other newspapers of the state were divided on the question.[23] The New Mexican suggested that New Mexico take the advice of Colorado and establish a system of schools free from any church control. It issued the following warning:

> Allow no narrow minded, bigoted or sectarian influence from whatever source or in whatever form it may offer; to come into your public school system. If allowed to gain a foothold it will only be to embarrass, retard, or throttle, free and liberal education, free people and free government, and to put off the day of upward and onward material prosperity.[24]

The subject of secular or sectarian schools had become such an important issue among the people of New Mexico that the speakers of both the Protestant and Catholic churches in Santa Fe used this as their subjects for talks on Thanksgiving Day. One prominent speaker contended that:

> The schools should be so constituted that all men of all creeds should send their children without any fear of propagandism. They must not be called religious in the just sense of that word. After the manner and speech of men the common school must not be regarded as a religious institution. It

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[23] A news article in the St. Louis Republican reprinted in the Weekly New Mexican, January 12, 1875.

[24] Editorial in the Weekly New Mexican, March 2, 1875.

is secular; it must be kept secular and defended against anything that will make it other than secular. Only on that ground can you have national schools. . . . It is not fair that our substantial Catholic fellow-citizens should be compelled to send their children to schools where the Bible is read, when they do not believe that the Protestant version is the faithful version of God's will. (applause). It is not right that they should read their Douai Bible in the common schools and to compel us to hear them. . . . The spirit of the common schools is not to circulate religious culture and the school is not godless on that account. The common school system does not take away from the young citizen the religious elements. It merely says that that must be performed elsewhere. . . .[25]

The following is a part of a speech made by a Catholic:

The good sense of the founders of the American Republic established religious freedom equally as a source of strength in national affairs and every succeeding year confirms the wisdom of their action. . . . If this is a free country it must be equally so to Catholic and Protestant, Jew and Gentile. We will have no prescription on account of religious belief. Every man before the law must be judged by his conduct; not by his creed.

The Catholic Church is most in favor of public and free schools where every parent will direct the freedom of religion for his child and yet the cry goes around that Catholicity denounces free education. These are errors of prejudice which the moment they are investigated, are dissipated into mist.[26]

Secretary of the Territory, W. G. Ritch, failed to make a report of the educational conditions in New Mexico for the year 1876, but he wrote a letter to the Commissioner

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[25] A part of a Thanksgiving Day speech printed in the Weekly New Mexican, December 14, 1875.

[26] Loc. cit.

of Education, stating:

> In San Miguel County, as reported to me by a former member of the school board, in consequence of the interference of priests, the public schools generally have been discontinued. The absence of books, especially uniform books, and competent teachers are among the greatest obstacles to anything like satisfactory schools. . . .[27]

This criticism of the churches taking control of the public schools was answered in the following way by Reverend A. J. Semmes, Pio Nono College, Macon, Georgia:

> Notwithstanding the statement of Mr. Ritch in the Report of the Commissioner of Education for 1876, in reference to what he styles "the interference of the priests" in the county of San Miguel, in consequence of which the "public" schools were discontinued, from his own report and from the facts I have submitted as to private education, the educational status of the Territory of New Mexico is as advanced as could be reasonably expected. . . . We are living under the Constitution and laws of the United States, which protect all professions in their right to a use of free speech, press, and pulpit in the expression of their opinions; . . . that Roman Catholic clergymen have the same right as any other citizens to advertise and popularize the pulpit, press, or speak, their ideas of what constitutes education; . . . the officers of free educational institutions may use all legitimate means to increase the number of their scholars: and should this free competition result in the discontinuance of any public school, then it cannot be remedied.[28]

This fight over secular education became a big problem for the Territorial Assembly to contend with when

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[27] W. G. Ritch, "A letter to the Commissioner of Education," Report of the Secretary of the Interior, 1876-1877. p. 456.

[28] Reverend J. A. Semmes, "Letter to the Commissioner of Education," Report of the Commissioner of Education, 1877. pp. 289-290.

a school law was introduced in December, 1875.

The school bill of 1875-76. Many questions concerning school conditions were before the twenty-second Legislative Assembly as they assembled in December, 1875. The limited public school fund had been used for paying school officers and for local incidentals as fuel, rent, apparatus, and for furniture. Some of the journals of the territory were demanding a repeal of the laws that permitted expenditure of the school funds for these items and to use it only to pay teachers' salaries. There was a need of authority to organize school districts where the people of these districts could assess themselves and collect taxes sufficient to build school houses and operate a school a reasonable period during the year. There was a need of a central school board made up of men of "Character, of liberal ideas and experience," to govern the schools. Most of all, a good liberal public school law needed to be passed.[29]

In making recommendations to the Territorial Assembly, Governor Axtell said that it should be a misdemeanor, punishable by fine or imprisonment, for any man to divert one dollar of the public school fund to denominational or

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[29] Editorial in the Weekly New Mexican, December 14, 1875.

sectarian schools. If the territorial legislature would not protect this fund the United States Congress would be called upon to protect it. He suggested that the fund be used only to pay teachers' salaries, in order to be able to secure more competent teachers.

Since the school report of 1875 showed that there were ninety-seven public schools for boys, eight for girls, and thirty-three for both; Governor Axtell recommended that the girls be given an equal opportunity with their brothers, because, "Intelligence is the strongest safeguard to virtue. If only one sex can have the advantage of the common school, let it be the females." He said also that women were best qualified to teach young children and, wherever it was possible to do so, they should be employed with pay equal with that of men for the same work.[30]

"A bill for the better organization and promotion of the Public Schools," was carefully drawn and approved by the best educators of the territory. It also received the approval of the governor, secretary, and attorney general. Senator Armijo, from Dona Ana county, introduced it into the council about December 21, 1875.

The bill provided for the organization of independent school districts with power to raise money for schools

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[30] Report of the Commissioner of Education, 1875, pp. 500-509.

where the population would warrant. It abolished pay to school officials, and school funds could be spent only for salaries for qualified teachers. The bill also required that teachers be examined and that they hold certificates before they could draw their wages. It provided for a board of commissioners of education to be composed of the governor, the attorney-general, and the president of the council.[31]

Section ten of the bill included the following:

> The public schools of the territory shall not be under the influence of any sect, religion, society, nor denomination whatever, nor the Bible nor any other religious book shall be used in the public schools; they shall be open to boys as well as girls.[32]

Almost immediately the journals of the state that were favorable to sectarian schools, opened an attack upon the proponents of the bill. The Albuquerque Review said:

> "If Mr. Armijo or who ever framed the bill, wanted to eradicate all Chrisian [Christian] principles from the minds of the rising generation and to thoroughly corrupt their morals, he could not take a better plan to gain his object. . . ." "If he had done this through sycophantic motives, or what is still worse, because he was paid, in such case his conduct is inexcusable".[33]

The Weekly New Mexican came to the support of the

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[31] Loc. cit.

[32] Editorial in the Weekly New Mexican, December 21, 1875.

[33] Quotations from the Albuquerque Review, Weekly New Mexican, January 4, 1876.

bill with many other smaller journals. It quoted the Review as saying that ninety-nine out of a hundred of the children in the territory were Roman Catholics. The New Mexican then contradicted the statement by saying that in some communities nine out of every ten children were Protestant. It pleaded for the rights of the minority that paid tax, that their rights as citizens be protected.[34]

The educational bill passed the Council by a vote of nine to four, but when it reached the House it met strong opposition. The Committee on Education recommended that section ten, which concerned non-sectarian schools, be struck out. This was accepted, but when the bill came up for the final vote, the House defeated it by a vote of fourteen against and ten for.[35] Again, New Mexico had to wait for more favorable conditions to establish common schools for all.

Legislative acts for education between 1876 and 1884. After the defeat of the educational bill in January, 1876, very little interest was shown toward the establishment of public schools again before 1884. The school

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[34] Editorial in the Weekly New Mexican, January 4, 1876.

[35] News item in the Weekly New Mexican, January 18, 1876.

reports by the secretaries or governors of the territory were completely discontinued or gave only a meager amount of information. The school laws that were passed during this period were only for special functions and not a general school law was passed.

Fines for the violation of several laws were set aside for schools in 1876. Fines from ten to one hundred dollars for selling or giving fermented liquors to minors or Indians, were credited to the school funds. Any one violating the Sunday law by engaging in horse racing, cock fighting, dancing, selling merchandise, or working unless it was necessary, could be fined from ten to one hundred dollars and one half of this went to the support of schools. Marriages celebrated between relatives, such as a parent and a child, a grandparent and a grandchild, a half brother and a half sister, a brother and a sister, an uncle and a niece, an aunt and a nephew, and between first cousins, were forbidden. Violators of this act could be fined not less than fifty dollars, and the proceeds of the fines collected would go to the school fund. To bury the dead in a church used for worship or to hinder the use of a stream or spring of water to travelers, was a violation of the law and fines collected for this violation were given to the school fund.[36]

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[36] C. E. Hodgin, The Early School Laws of New Mexico, pp. 30-34.

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[58] C. E. Hodgin, The Early School Laws of New Mexico, pp. 20-24.

Another act was passed in 1878 incorporating the Jesuit Fathers of New Mexico into the "Association of the Jesuit Fathers." The purpose of the corporation was to establish institutions of learning for the education and development of the youth. They were permitted to establish these institutions at any place that they chose within the territory. They were permitted to possess all kinds of property, and were exempt from taxation.[37]

The above act was extended by an act of the legislature in 1880 to permit any five or more persons, citizens of the United States and New Mexico, to form a corporation for the establishment of colleges, academies, seminaries, or other institutions for education, charity, or scientific purposes. They were allowed to acquire real estate and were exempt from taxation if within the amount permitted by law.[38]

An act was passed in 1882 that permitted the citizens of one or more precincts to establish separate school districts in all the counties of the territory except Taos, San Miguel, Mora, Rio Arriba, and Bernalillo. If, in the proposed district, one-fifth of the tax-paying citizens

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[37] New Mexico. Laws, statutes, etc. Session laws, 1878, Chapter XXII, sections 1-7.

[38] New Mexico. Laws, statutes, etc. Session laws, twenty-fourth session, 1880. Chapter II, section 1.

petitioned, an election would be held, and if the majority voted in favor, the proposed district would become a separate and new school district. A board of three trustees had the control and management of the public schools within their respective districts. They had charge of the school taxes collected in their district and could spend it only for the purpose of education. The board was required to make an annual report of all school conditions and affairs to the county board of supervisors and directors.[39]

Public schools in 1880 and 1882. A report published by the Commissioner of Education in 1881 of the conditions during the session 1879-80 indicated that between 1875 and 1880 there was little change in the general level of public education. There were 162 public schools with an enrollment of 4,755 pupils, employing 164 teachers. The average school term was five and six-tenths months and $30.67 was the average monthly pay of teachers. The receipts for schools that year was $32,171. The number of public school houses increased from five to forty-six over the five year period and the value of school property owned increased

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[39] New Mexico. Laws, Statutes, etc. Session laws, twenty-fifth session, 1882. Chapter XXXIX, sections 1-8.

from $4,975 to $13,500.[40]

Most of the church schools that had been established during the earlier part of the American period continued to operate in New Mexico. With the coming of the railroads, the New West Educational Commission founded the Santa Fe Academy on July 4, 1878. In 1881, the Educational Association of New Mexico was formed to continue and enlarge the academy. The same year the University of New Mexico, at Santa Fe, was incorporated.

The Commissioner of Education in 1882 reported that the people of the territory were still divided over the old sectarian question and the schools had made no progress. In 1883 Governor Sheldon said:

> . . . In my judgement, under the present system and management the money paid by the people for schools is in large part practically thrown away. . . .[41]

The census of 1880 showed that the greatest percentage of illiteracy that existed within the United States was in New Mexico. At this, the darkest hour, there was beginning to arise a small hope that the general sentiment was beginning to change more favorably toward education.[42]

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[40] Report of the Commissioner of Education, 1881. pp. 299-300.

[41] Lionel A. Sheldon, Report of the Governor of New Mexico to the Secretary of the Interior, 1883. p. 6.

[42] Loc. cit.

Summary. The general school law of 1872 provided for the administration of the schools by a board of supervisors and directors of public schools for each county. The territorial superintendent's position was still legal and was continued with the territorial librarian in 1874. There is no record where any one occupied this position, except that the secretary of the territory acted in this capacity at times.

According to the law of 1872, the schools were to be financed by twenty-five per cent of the tax collected on general property and one dollar poll tax on all male citizens over twenty-one years of age. This was changed in 1874 to one-fourth of one per cent tax on general property. The poll tax was continued. Two years later fines collected for the violation of many laws were given to the school funds.

From 1870 to 1875 there was a noticeable increase in the number of public schools. Then a controversy arose between the people of the territory over secular and sectarian public schools which helped to defeat a more practicable school law in 1876 than had been before the legislature. After this, interest in education decreased and only minor attempts were made for the improvement of the school system before 1884, at the time when another general school law went into effect.

CHAPTER V

THE ESTABLISHMENT OF THE COMMON SCHOOL SYSTEM 1884 TO 1900

When the railroads entered New Mexico, rapid progress was made in the development of the natural resources. This influenced large number of Americans who were accustomed to the use of common schools in educating their children to come to the territory. They helped to change public opinion more favorably to public schools. Under the school laws of 1884 and 1891 rapid progress was made in founding common schools. By 1900 public education was firmly established in New Mexico.

ECONOMIC AND SOCIAL CHANGES

The changing population. The Territory of New Mexico was different from most other territories that were added to the United States. There were three distinct civilizations trying to merge into one: the Spanish or Mexican, the Indian, and the American.

The greater part of the population at the beginning of the American period was of the Spanish or Mexican element. Under the Mexican Government, their social and intellectual development had been much neglected. Self-preservation was their first thought. They spent their

CHAPTER V

THE REPUBLICANISM OF THE EAST OF ENGLAND

BEFORE THE 1870s

When the railroads entered New Zealand, rapid progress was made in the development of the natural resources. This introduced large number of Australians who were attracted to the new of across colonies in adventure. Many children to come to this country. They sought to change public opinion more favorably to public education. Under the school Act of 1877 and 1878 public education was made in founding common schools. By 1878 public education was finally established in New Zealand.

ECONOMIC AND SOCIAL CHANGES

<u>The urban population</u>. The territory of New Zealand was different from most other territories that were added to the United States. There were three distinct civilizations trying to merge into one: the Spanish or Mexican, the Indian, and the American.

The greater part of the population at the beginning of the American period was of the Spanish or Mexican element. Under the Mexican government, their social and intellectual development had been very backward. Conservation was their first thought. They spent their

time trying to take from nature the bare necessities of life and protecting themselves from the hostile Indians. They spoke the Spanish language, and knew only the customs of their forefathers. "For centuries they have regarded obedience to the civil law as subordinate to the canonical law, administered by the priesthood."[1]

They had settled in small villages along the streams of water, where they could grow their small crops of beans, melons and corn. From these villages, they would send their small flocks of sheep and goats to graze on the surrounding mesas and hills. Seldom would the inhabitants of many of these villages see an American or hear a word of English spoken. Living under these conditions, many generations would be required for a people to adopt the simplest customs and learn enough about the laws of a new government to make good citizens.

The Indians could be referred to in the two groups; the Pueblos, and the wild tribes. The Pueblo Indians were peaceful and, almost from the beginning of the American period, were willing to accept the regulations of the Government. Two of the four tribes of nomad Indians, the Apaches and the Navajos, continued to give trouble until after the Civil War, when the United States Government

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[1] W. G. Ritch, "Report to the Commissioner of Education," Report of the Commissioner of Education, 1875. pp. 500-509.

put them on reservations. Since then, their depredations have ceased and their educational program has been carried on by the Government.

The American element that first came to New Mexico consisted largely of people who were adventurers, trappers, traders or soldiers. People of this type were usually only temporary residents. They intended to come to New Mexico and accumulate some wealth, then return to the eastern states to make their homes and rear and educate their families. Among this early group of immigrants was a group of outlaws that kept the law forces of New Mexico busy trying to keep order. This situation was unfavorable to the establishment of better social conditions.

By 1870 there had been little change in the status of the population. In a total population of 91,874 there were 86,254 Spanish or Mexicans. Between 1870 and 1890 the population increased from 91,874 to 153,593, with only a small increase among the Spanish speaking people.[2] The larger part of the increase was due to the influx of Americans.

The principal cause of this increase in immigrants into New Mexico was the completion of the railroad into the territory in 1878. This new population came to make

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[2] Report of the Commissioner of Education, 1870. pp. 326-327.

homes. They began the development of mining, agriculture, and cattle raising. The climate influenced health seekers to come, who remained after they had regained their health. The mining boom between 1879 and 1890 brought more capital and population from the outside. The high prices for cattle and a means to market them caused a cattle boom in New Mexico about 1885. These changing conditions caused many people to come to New Mexico to live, rear their families, and to educate their children.

Obstacles in the way of education. Many obstacles remained in the way of developing public schools. Poverty among the masses caused all members of the families to have to work in order to have the bare necessities on which to live. Long distances between sparsely settled areas and mountainous regions with dry plains between made communication and travel slow and hazardous. This made it difficult to place a school within reach of all the children. Religious differences helped to cause the establishment of a system of public schools to be delayed for several years.

Some of the greatest obstacles in the way of developing a public school system were pointed out by Mr. T. B. Mills in the following:

> The introduction and establishment of a system of public education for the children of New Mexico has been rather a slow and difficult process. There have

> been and still are yet many causes which have retarded free public schools. Among these may be mentioned the sparseness of population in grazing districts, where often the residence of one family is miles distant from any other, but the principal causes are, deep-rooted prejudice of an influential part of the population against the system of education and lack of training and understanding of its practical working by the people themselves and the district officers chosen to carry out the provisions of the laws. The best public school laws in the world (which we have not) would be found inefficient and unsatisfactory when applied to a population unaccustomed to such a system. The successful execution of school laws depends so largely upon the people themselves, upon minor precinct officers, that the latter are very liable to misapprehand their duties and the scope of their powers and privileges unless they have had previous training and experience. Their acts of commission and omission may all be well intended, but they often fail to put schools in practical operation. It takes time. The children are not the only ones to be taught; the voting and governing population outside of the school room have to learn the requirements of the law and the manner to enforce it to secure the best results. It takes a population educated under a public-school system to successfully enforce and administer public school laws.[3]

In spite of these obstacles, and in view of the fact that the United States Congress did not see fit to grant financial aid to the territory for public education, New Mexico was destined to have a system of public schools. Among her population were people that had a determination that their children should not grow up in ignorance, even though it meant a great sacrifice to them.

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[3] T. B. Mills, "United States Treasury Expert Report to the Bureau of Statistics," Report of the Commissioner of Education, 1888-1889. pp. 733-734.

Organizations founded to influence education. In 1859 the Historical Society of New Mexico was organized, but it suspended operations during the Civil War. On December 27, 1880, it was reorganized and incorporated. Among the more important early leaders of this organization were W. G. Ritch and L. B. Prince.[4] The leaders in this society were also leaders for public schools.

The Educational Association of New Mexico was organized in Santa Fe in 1881. The primary object in establishing this organization was to provide an educational institution, especially for Santa Fe, wherein all classes could send their children without violence to their conscience. It was incorporated with forty-four members who were friends of education.[5] Since the organization was only for Santa Fe, it failed to exert much influence over the whole of the territory and did not continue for a long period.

The New Mexico Educational Association was organized in 1886. There has been some doubt as to just how this association came to be organized, but C. E. Hodgin, in a letter to Dean John H. Vaughan, December 17, 1919, said:

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[4] L. Bradford Prince, A Concise History of New Mexico, p. 203.

[5] News item in Santa Fe Daily New Mexican, June 17, 1881.

Opportunities extended to an income equivalent. In 1890 the National Society of New Haven was organized, but its management operations during the civil War. In December 8th, 1890, it was recognized and incorporated. Among the more important early leaders of this organization were E. O. Hilton and L. P. Prince.[4] The leaders in this society were also leaders for public schools.

The Educational Association of New Haven was organized in Some Ye in 1881. The primary object in establishing this organization was to provide an educational institution, especially for women. Wealthy citizens could send their sons to Yale College to their conference. It was incorporated with forty-five members who were friends of education.[5] Since the organization was only for Negro in, it failed to exert much influence over the whole of the territory and did not continue for a long period.

The New Haven Educational Association was established in 18 8. There has been any doubt as to just when this association came to a regular, but E. E. Jordan in a letter to Dean Fred H. Gaylord, December IV, 1898, said:

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[4] L. Bradford Prince, A Concise History of New Haven, p. 208.

[5] Note item in Banks Of Prof. Ken Dwight, June 1, 1881.

Col. Berger now of Belen was a lawyer in Santa Fe that year and was very active in starting the association at the first meeting. He says that he had proposed such an association to Pro. Whipple before the original meeting of the three of us. However that may be, so far as I know, our little meeting was the first effort at organization.[6]

A news item dated December 8, 1886, referred to a meeting of several gentlemen and ladies that were connected with the educational interests in Santa Fe and held in W. M. Berger's office. Considering views and suggestions made by leaders in education in different parts of the territory, they thought that the time had arrived when an educational association should be formed. As a preliminary measure thereto, the following preamble and resolutions were adopted:

Whereas--We acknowledge in the foundations of all civil governments and associations one of the chief corner stones should be popular and free education to all mankind, and

Whereas--The advancement of educational interests in any state or community can best be accomplished through regularly organized efforts, whose only and sole aim shall be to advise, council and direct the best modes and methods whereby the advantages, privileges and opportunities which are attainable may be utilized and directed for the general good of all concerned, therefore, be it

Resolved--That a convention to be composed of all persons in the territory interested in educational

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[6] C. E. Hodgin, Letter to Dean John H. Vaughan, December 17, 1919. Unpublished. (Loaned to writer by Edward Vaughan, son of Dean Vaughan, and in writer's possession at the present time.)

matters be convened at the city of Santa Fe on Tuesday, December 28, and continue until the 30th inst., for the purpose of organizing as suggested a territorial association.[7]

A program was also arranged for the initial meeting of the association.

The first meeting of the association met in the Presbyterian church at Santa Fe, in the afternoon of December 28, 1886, as had been scheduled. More educators attended than had been expected. They effected an organization with Professor R. W. D. Bryan, of the Albuquerque Indian school, as president. Professor E. Whipple was chosen vice-president; E. L. Cole, secretary; and Miss Carothers, treasurer.[8] After observing the interest shown and the successful program that was given, there was no doubt as to the success of the organization.

The Territorial Educational Association met at Las Vegas on December 28, 1887. Santa Fe county had the largest representation.[9] The association met in Albuquerque on December 29, 1890,[10] and in Santa Fe on

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[7] News item in the Santa Fe Daily New Mexican, December 8, 1886.

[8] Ibid., December 29, 1886.

[9] Ibid., December 29, 1887.

[10] Ibid., December 30, 1890. Because of the lack of access to the New Mexican for the years 1888 and 1889, no record of the meetings of the association were found for those years.

December 29, 1891.[11] Since that time the association has made great progress and has been a vital influence on the educational development in New Mexico.

EDUCATIONAL PROGRESS BETWEEN 1884 AND 1891

By 1884, the general attitude toward public education in New Mexico was changing for the better. The influence of those people that had come into New Mexico from the states where public schools had been established, was beginning to help mold favorable public opinion. The masses were becoming more acquainted with public school laws and the advantage of public schools.

The law of 1884. The school law of 1884 remained in effect with the exception of a few changes, until 1891. According to the law a county superintendent should be appointed by the county commissioners of each county to serve until the next general election when the people had the right to elect the superintendent. His salary was fixed at five dollars per day for each day that he was actually and necessarily employed at his duties; provided he did not receive pay for more than five days for each school in his respective county. His duties were to visit each school in the county at least once each year; apportion

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[11] Ibid., December 30, 1891.

December 31, 1921.[1] Thus ends that time the association was made [illegible] a [illegible] of the educational [illegible] of the [illegible].

[illegible] (1921)

By 1921, the general activity towards public education in New Mexico was [illegible]. The influence of those people that had come into New Mexico from the states where public schools had been organized, was beginning to [illegible] favorable public opinion. The masses were [illegible] with public school laws and the advantage of public schools.

The law of 1921. The school law of 1921 [illegible] in effect with the exception of a few changes, until 1933. According to the law a county superintendent should be appointed by the county commissioners of each county to serve until the next general election when the people had the right to select the superintendent. His salary was fixed at five dollars per day for [illegible] that he was actually and necessarily employed [illegible] days; [illegible] he did not [illegible] more than [illegible] in any one year. [illegible] the superintendent [illegible] school [illegible] at least [illegible] [illegible]

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[1] [illegible], see page 73, [illegible].

the county school funds the third Mondays in June and December to the districts in proportion to the number of children between five and twenty years of age, provided the districts had had school taught at least three months during the year; and to make an annual school report, consisting of the number of pupils enrolled, number of common schools in the county, branches taught, and the number of private and select schools in the county. The superintendent was required to maintain in his residence an office in which to keep all the school records.[12]

Each voting precinct constituted a school district in which one or more schools were to be taught. A new district could be formed by the county superintendent if petitioned by ten men who were heads of families, provided there were twenty children between five and twenty years of age in both the old and new districts. Each district constituted a body corporate and could sue or be sued.[13]

In each school district, on general election day, the legal voters elected three directors to direct the schools. Their duties were to provide school houses, fuel, and to pay teachers. The assessor of each county was empowered to levy a tax not to exceed three mills on

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[12] New Mexico. Laws, Statutes, etc. Session Laws, 1884, Chapter LIII, sections 1-7.

[13] Ibid., sections 10-13.

each dollar of evaluated property. This tax when collected was used to pay the school expenses. The directors also had the authority to adopt text books in English, Spanish, or both, and when adopted, a text book could not be changed for a period of five years. They had the power to examine or cause to be examined each applicant to teach and if found qualified, to issue a certificate of qualification, a copy of which was to be sent to the county superintendent.[14]

In each school the authorities were required to have taught the subjects: "Orthography, reading, writing, arithmetic, geography, grammar, and history of the United States, in either English or Spanish or both as the directors may determine."[15] The last section of the law provided:

> All laws and parts of laws for levying and collecting taxes for school purposes and all laws and parts of laws relating to public schools in the Territory of New Mexico or the expenditure of moneys for schools are hereby repealed, and this act shall take effect and be in force from and after its passage.[16]

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[14] Report of the Commissioner of Education, 1885-1886. pp. 206-207.

[15] New Mexico. Laws, Statutes, etc. Session Laws, 1884. Chapter LIII, section 10.

[16] News item in the Santa Fe New Mexican, June 10, 1884.

Improvement in public schools. The school law of 1884 proved to be the best of any that had been passed up to that time. It embodied many of the best features of the laws in force in some of the most progressive states of the Union. A growing interest in educational matters was being manifested by all the people. The Spanish speaking people especially showed a marked anxiety that their children be educated in the English language.[17]

The school law was imperfect in some of the essential features but it produced the best school report in 1884 that had been compiled since 1876. The report of 1884 gave the number of children of school age, five to twenty, in New Mexico as 28,138. There were 203 public schools with an enrollment of 13,125 pupils. Dona Ana county failed to report the number of public schools, and Grant and Rio Arriba counties failed to report the enrollment. San Miguel was the only county to give a complete report; all the others giving such a small amount of information that an accurate summary was impossible.[18]

There was still a lack of proper interpretation of the laws of the territory. In some of the counties the

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[17] Edmund G. Ross, Report of the Governor of New Mexico to the Secretary of the Interior, 1886. p. 11.

[18] Trinidad Alarid, Territorial Auditor. "Consolidated Report of the Conditions of Schools in the Territory." Santa Fe New Mexican Review, April 1, 1885.

salaries of the county superintendents of schools, commissioners, clerks, and county treasurers, were paid out of the school fund, while in others they were paid out of the county fund.[19] Between 1884 and 1890 the school reports were very incomplete, but each year a larger number of counties made reports and each report indicated a favorable increase in all phases of public school activity. In 1887, the enrollment in nine of the fourteen counties of the territory was three times as great as the census report gave in 1880. In 1880, only four per cent of the population was enrolled in schools, while in the United States as a whole, twenty per cent was enrolled. By 1887, the enrollment in New Mexico had increased to twelve per cent.[20]

Other attempts to get school legislation. In the Governor's message to the Council and House of Representatives in 1886, Governor Ross suggested the following methods of improvement:

1. To provide a territorial superintendent of public instruction.
2. Establish a normal school.

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[19] Loc. cit.

[20] Report of the Commissioner of Education, 1887. p. 153.

3. Authorize the school districts to levy a proper amount of tax with restrictions.
4. That all fines of the justice of peace and a poll tax go to the school funds.
5. Change the apportionment of the county school money from June and December to August and February.
6. Apportion school moneys of county and district according to actual attendance.
7. Provide for woman suffrage in school affairs, on equal terms with manhood suffrage.[21]

The legislature failed to take the advice of the governor but did pass the following:

> Section 1. The school supervisors of the various school districts in this territory are hereby empowered and required to compel the parents, guardians or other persons having the care, management, control direction or supervision of children to attend the public school, when such children do not attend some private school, or receive instruction at home at least three months in each year, and any parents or guardians who shall fail or refuse to comply with section one of this act, shall upon conviction thereof, be punished by a fine of not more than $10 or by imprisonment in the county jail not more than ten days; that no teacher appointed by the school supervisor of each district shall enter upon the discharge of his duties as such teacher unless he is confirmed by the county superintendent of his respective county, and shall have previously obtained a certificate of said superintendent. The said school

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[21] Edmund G. Ross, "Governors Message to the Council and House of Representatives," The Council Journal, 1886-87. (Las Vegas, New Mexico: J. A. Carruth, 1887). pp. 12-13.

superintendent before issuing such certificate, shall examine such person who wishes to be a teacher of any district, touching his competency, as such teacher.[22]

This act to compel the parents to send their children to school was in the right direction, but it failed in that it did not designate any definite age. Some interpreted it as meaning the school age, which at this time was from five to twenty years. The teachers' records, when sworn to by the teacher, were sufficient evidence to convict anyone for violation of this act. The nearest justice of the peace had jurisdiction over cases that arose under section one and any fines assessed for the violation of the act went into the school fund.[23]

The Legislative Assembly of 1889 passed the following act:

> That hereafter in this Territory, no person who cannot read and write sufficiently well to keep his own record in either the English or Spanish languages shall be eligible to be elected or appointed to or hold the office of justice of peace, constable, school teacher, school director, school treasurer or any other office or position of trust in which writing is required to be done or a record is required to be kept.[24]

Mr. John H. Vaughan says that through carelessness the term "school teacher" appeared in the statute.[25] This

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[22] New Mexico. Laws, Statutes, etc. Session Laws, 1887. Chapter LXIX, section 1.

[23] Ibid., sections 2-4.

[24] Ibid., Session Laws, 1889. Chapter XII, section 1.

[25] John H. Vaughan, History and Government of New Mexico, p. 219.

term was withdrawn by the statutes of 1893. Also, according to this act, school directors were authorized to issue school bonds to pay off school debts previously incurred, but hereafter no indebtedness should be made in excess of the amount allowed by law.

The progress made in education according to the report made in 1889 was very encouraging and the people of the territory were taking a sincere interest in its development. One of the great needs was a law to provide a territorial superintendent to head the system. Another need was a method to raise more money. The public lands that had been reserved for schools were not accessible for use until statehood without a special act of Congress. Therefore, while the territory was most in need of school funds it was unable to receive any benefits whatsoever from its school lands.[26]

Because of a misconception in the East as to the languages in which the public schools were taught, each county was asked to report the number of schools that were using English and Spanish or both. A partial report gave 143 schools teaching in the English language, 106 in the Spanish and English, and 93 in both. According to the 1873 report, there were 10 public schools teaching

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[26] L. Bradford Prince, Report of the Governor of New Mexico to the Secretary of the Interior, 1889. pp. 16-17.

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Because of a misconception in the East as to the languages in which the public schools were taught, each county was asked to report the number of schools that were using English and Spanish or both. A partial report gave 140 schools teaching in the English language, 100 in the Spanish and English, and 25 in both. According to the 1873 report, there were 10 public schools teaching

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50 1. Hartford Tribune, Report of the Governor of New Mexico to the Secretary of the Interior, 1889, pp. 16-17.

in the English, 111 in the Spanish, and 12 in both. Even though these reports may not have been complete and absolutely accurate, they show that there was a rapid change toward the use of the English language.[27]

The years 1884 to 1891 constitute the first period of continued progress in the development of public schools with an enrollment of 27,052 pupils and an average daily attendance of 17,018. These schools employed 354 male and 176 female teachers. From regular taxation, the schools received $118,516, and $8,215 from poll tax.[28]

These rapidly changing conditions in the development of public schools was one of the influences that helped to cause the Territorial Assembly to pass the famous Common School Law of 1891.

THE ESTABLISHMENT OF THE COMMON SCHOOLS 1891-1900

The governor's message. Governor Prince went before the Legislative Assembly in 1891 with one supreme purpose. In his annual message he spoke primarily of the educational conditions and educational needs of New Mexico. He said that all good men of the territory were disappointed that the "Kistler bill" of 1889 did not pass. The lack

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[27] Loc. cit.

[28] Ibid., 1890. pp. 35-38.

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[27] Loc. cit.

[28] Ibid., 1890, pp. 56-58.

TABLE IV

PUBLIC SCHOOL REPORT 1890

Counties	Number of Public Schools	Number of Schools Taught in English	Number of Schools Taught in Spanish	Number of Schools Taught in Both	Number of Public School Houses	Number of Male Teachers	Number of Female Teachers	Number of Pupils Enrolled	Average Daily Attendance	Income from Regular Taxation	Income from Poll Tax	
Bernalillo	46	4	28	14		40	11	5,592	3,738	11,660	932	
Colfax	35	17	10	8	23	13	17	1,510	979	12,898		
Doña Ana	29	21	3	5	5	15	14	627	409	5,030	350	
Grant	30	29		1	14	9	31	900	450	14,672	500	
Lincoln	35	24	1		27	17	11	760		13,523	1,757	
Mora	57		2	55	5	35	22	3,250	1,500	4,711	191	
Rio Arriba	21					18	3	1,000	650	2,940		
San Juan	17	13		4		18	9	337	231	2,223		
San Miguel	96	13	33	50	24	73	23	5,014	4,183	18,357	799	
Santa Fe	26	7	4	15	5	20	9	1,071	794	7,682	733	
Sierra	13	7	1	5	3	8	5	528	294	4,820	375	
Socorro	50	6	26	8	15	36	17	1,741	1,115	11,499	1,333	
Taos	23	3	6	14	1	32	1	1,700	1,125	2,001	480	
Valencia	30		25	5	8	30	3	3,022	1,550	6,500	765	
Total	508	164	139	184	130	354	176	27,052	17,018	118,516	8,215	

The above report was taken from the Report of the Governor of New Mexico to the Secretary of the Interior, 1890, page 35-38.

of an educational system was doing a great injury to New Mexico. It was keeping a better class of immigration away from the territory. Also it was permitting the boys and girls to grow up without the opportunities to prepare themselves and "youth once passed never returns."[29] There had been several attempts to improve education but they had not been successful. "During the past year not a public school has been open for a single day in the capital county of Santa Fe."[30]

Governor Prince suggested several points of improvement, a summary of which follows:

1. That an educational system be established so thorough that every boy and girl have a chance to secure the fundamental branches of education. That the school term be ten months in order that the child would not forget between regular sessions. Also ten months is desirable because boys must get their education while young so that they may go to work earlier. Also, good teachers could not afford to work for less than ten months in the year.

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[29] L. Bradford Prince, "Governor's Message to the Legislative Assembly." The House Journal. 1891. Appendix, pp. ix-x.

[30] Loc. cit.

2. That a general and a local tax be voted by the people.
3. Allow districts to raise money and levy bonds for buildings.
4. Establish an effective system of examination of teachers.
5. Better method of electing county superintendent and collecting poll taxes.
6. Choose a territorial superintendent to head the educational system.
7. Hold teachers' institutes at least one week in the year.[31]

The Law of 1891. The Governor's message, combined with a changed public sentiment toward education, had the proper effect. The Legislative Assembly of 1891 passed public school legislation that in reality put into effect a public school system in the territory. The Territorial Board of Education was created as follows:

> Section 1. That the Governor, Superintendent of Public Instruction and the president of St. Michael's College of Santa Fe, the president of the University at Albuquerque and the president of the Agricultural College at Las Cruces shall be and constitute the Territorial Board of Education, and shall meet semi-annually at the office of said Superintendent on the first Mondays of June and December of each year:

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[31] Loc. cit.

4. That a general and a local tax be voted by the people.

5. Allow districts to raise money and levy bonds for buildings.

6. Establish an effective system of examination of teachers.

7. Better method of electing county superintendent and collecting poll taxes.

8. Choose a territorial superintendent to head the educational system.

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Loc. cit.

Provided, That the Governor may assemble the members of said board at his discretion.[32]

The governor was designated as the president of the board and was required to sign each day's journal.

The office of the Territorial Superintendent was created in the following manner:

> Section 3. The office of Superintendent of Public Instruction is hereby created, and the Governor shall appoint, by and with the advice and consent of the Council, a duly qualified person to fill said office, who shall hold his office for two years and until his successor is appointed and qualified. The Superintendent of Public Instruction shall receive for his salary the sum of two thousand dollars per aunum [annum], payable quarterly on the warrant of the Auditor on the Territorial Treasurer, and also traveling expenses not to exceed five hundred dollars per annum; the said Superintendent of Public Instruction shall be secretary of said board and shall keep a faithful and correct record of its proceedings, and shall keep the said record open at all times for inspection; a copy of said record, certified by the secretary of the board, shall be in all cases received as evidence equal with the original.[33]

Some of the more important duties of the superintendent were: to visit each county at least once each year in order to help to create a better interest for public education, to recommend text books, to prepare necessary report blanks and to send them to county superintendents, to prepare and distribute school laws, and

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[32] New Mexico. Laws, Statutes, etc. Session Laws, 1891. Chapter XXV, section 1.

[33] Ibid., section 3.

to prepare a report for publication by December first each year. This report was to include all the fundamental information connected with schools. His office was to be located at the seat of the government and all records and books pertaining to the schools of the territory were to be kept in this office.[34]

In the following manner provision was made for local administration of the schools:

> Section 11. That a superintendent of schools for each county shall be elected at each general election and hold his office for two years, or until his successor is elected and qualified. He shall receive from the county treasurer the sum of five dollars for every day actually and necessarily employed in his duties, not to exceed five days in each district each year; to be audited and allowed by the board of county commissioners upon statement of account verified by affidavit.[35]
>
> Section 19. That on the second Monday of May, 1891, the present county school superintendents of the respective counties shall cause to be posted notice in at least three public places in each school district, calling an election to be held for three school directors of said district, and the first Monday in June following; said election to be held by three property holders in said district, to be named in said notice, and after said election is held the three directors elected and qualified, and the judges of election shall certify the result to the county superintendent. On the second Monday of May of each succeeding year the directors serving at that time shall post notices of an election to be held by them on the first Monday in June by the qualified voters for three school directors, whose term shall be one year. Only legal voters, residing and paying taxes in said district, shall be qualified to vote at said election. . . .[36]

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[34] Ibid., sections 5-10.

[35] Ibid., section 11.

[36] Ibid., section 19.

to prepare a report for publication by December first, each year. This report was to include all the educational information collected at the schools. The office was to be located at the seat of the government and all records and books pertaining to the schools of the territory were to be kept in this office.[34]

In the following manner provision was made for local administration of the schools:

Section 11. That a superintendent of schools for each county shall be elected at each general election and hold his office for two years, or until his successor is elected and qualified. He shall require from the county treasurer the sum of five dollars for every day actually and necessarily employed in the duties, not to exceed five days in each distinct year; to be audited and allowed by the board of county commissioners upon statement of account verified by affidavit.[35]

Section 12. That on the second Monday of May, 1861, the general county school superintendents of the respective counties shall cause to be posted notice in at least three public places in each school district, calling an election to be held on the first Monday in June of said district, and the first Monday in June following said election is hereby fixed for the purpose in said district, to be named in said notice, and after said election in said the three directors elected and qualified, and the judges of election shall certify the result to the county superintendent. On the second Monday of May of each succeeding year the directors serving at that time shall post notice of an election to be held by them on the first Monday in June by the qualified voters for three annual directors, whose term shall be one year. Only legal voters, residing and paying taxes in said district, shall be qualified to vote at said election. . . .[36]

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34 Ibid., sections 6-10.

35 Ibid., section 11.

36 Ibid., section 12.

The county superintendent was in charge of the common school interests of the county. He was required to apportion the school funds to the districts in proportion to the children in each district between the ages of five and twenty, if school had been taught in the district for three months during the year. With two other members appointed by the probate judge, the superintendent examined and granted certificates to applicants to teach. These certificates were of three grades, and the grade that was granted to an applicant was determined by a rating through an examination that was prepared by the territorial superintendent. In communities where only Spanish was spoken, the teacher was required to know both the Spanish and the English languages.[37]

The school directors were responsible for providing school houses, fuel, and money for paying teachers' salaries; to estimate the money needed for the district and to levy a tax to cover same but not to exceed five mills for both sinking fund and current expense fund; and to take a school census.[38]

Provisions were made for financing the public schools in the following manner:

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[37] Ibid., sections 12-13.

[38] Ibid., sections 20-22.

Section 24. That the Territorial Auditor shall annually, on or before the first day of May of each year, levy a tax not exceeding three mills on the dollar upon the taxable property of the Territory, and certify to the tax collectors of the several counties, who shall collect the same as other taxes collected and pay the same to the Territorial Treasurer. The money thus received shall not be expended for any other purpose or purposes than for paying the expenses of collecting, which shall not exceed two and one-half per centum of the sum collected, for paying expenses of printing necessary forms and blank reports and school laws, the salary of the county superintendent of public instruction and the expenses of his office, and paying school teachers. Said school money when collected shall be apportioned to the several counties as provided in this act.

Section 30. That a special levy not to exceed five mills, may be levied by the district board as [is] provided for the general expense five mills levy of section 22, to be used as a sinking fund for the payment of outstanding bonds; . . .

Section 35. That the following are hereby declared to be and remain temporary funds for common school purposes:

First. The proceeds of all sales of intestates' estates which escheat to the territory.
Second. All forfeitures or recoveries on bonds of county, precinct or territorial school officers.
Third. The proceeds of all fines collected for violations of penal laws.
Fourth. The proceeds of the sales of lost goods or estrays.
Fifth. All moneys arising from licenses imposed upon wholesale and retail liquor dealers, distilleries, breweries, wine presses, gambling tables or games of chance, which now pay license.[39]

The maximum amount of property tax that could be levied on any district, including the three mill terri-

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[39] Ibid., sections 24, 30, and 35.

torial levy, was eight mills. Section thirty-five provided that all the funds collected under the act be paid to the county treasurer and accounted to the school district from which it was collected. This gave an undue advantage to the districts where towns and villages were located. It was changed by a legislative act in 1893, which provided that thirty-three and one-third per cent of all moneys arising from section thirty-five of the law of 1891 be paid into the county treasurer and accounted to the general county school fund of each county in which it was collected.[40] A poll tax of one dollar on each able bodied male citizen over twenty-one years of age was also continued by the law of 1891.

Provision was made for schools to be established in districts as follows:

> Section 16. That each of the school districts of the different counties as now constituted is hereby declared to be a school district, until changed under the provisions of this act, and there shall be established in each district one or more schools in which shall be taught orthography, reading, writing, arithmetic, grammar, geography, the English language, and the history of the United States.
>
> Section 18. That a new school district may be formed or the boundaries of any district changed by the county superintendent, on the petition of a majority of the electors residing within the proposed district: Provided, however, That after the boundaries of any district have been legally established and bonds

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[40] New Mexico. Laws, Statutes, etc. Session Laws, 1893. Chapter 60, section 1.

total levy, was eight mills. Section thirty-five provided that all the funds collected under the act be paid to the county treasurer and accounted to the school district from which it was collected. This gave an undue advantage to the districts where towns and villages were located. It was changed by a legislative act in 1902, which provided that thirty-three and one-third per cent of all money arising from section thirty-five of the law of 1901 be paid into the county treasurer and accounted to the general county school fund of each county in which it was collected.[40] A poll tax of one dollar on each able bodied male citizen over twenty-one years of age was also continued by the law of 1901.

Provision was made for schools to be established in districts as follows:

> Section 16. That each of the school districts of the different counties as now constituted is hereby declared to be a school district, until changed under the provisions of this act, and there shall be established in each district one or more schools in which shall be taught orthography, reading, writing, arithmetic, grammar, geography, the English language, and the history of the United States.
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> Section 18. That a new school district may be formed or the boundaries of any district changed by the county superintendent, on the petition of a majority of the electors residing within the proposed district: Provided, however, that after the boundaries of any district have been legally established and bonds

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40 New Mexico. Laws, Resolves, etc. Session Laws, 1902. Chapter 60, section 1.

voted, then and in that case there shall be an equitable division of the assets and liabilities of the original district.[41]

The school directors were required to compel the parents to send their children to school if the children were under sixteen years of age and within the school age, unless the children were in a private school or had a disability that was certified by a physician.[42]

The law of 1891 clarified the school laws of New Mexico by repealing most of the former educational acts in the following:

> Section 45. That all laws and parts of laws providing for the levy and collection of taxes for school purposes, and all laws and parts of laws relating to public schools in the Territory of New Mexico for the expenditure of money for the public schools, are hereby repealed, and this act shall take effect and be in force from and after its passage.[43]

Only minor changes were made in the school laws during the remainder of the nineteenth century. According to the laws of 1897, the county superintendents were required to hold normal schools in their respective counties for not less than two weeks each year. Each one that attended these schools was required to pay not more than five dollars for expenses.[44]

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[41] New Mexico. Laws, Statutes, etc. Session Laws, 1891. Chapter XXV, sections 16 and 18.

[42] Ibid., sections 41 and 42.

[43] Ibid., section 45.

[44] Ibid., Session Laws, 1897. Chapter 61, Sections 1 and 2.

In 1899 the county superintendents were given the power to remove any school directors who failed to issue bonds to build a school house in any district, if twenty heads of families that had children petitioned for a school building. If a bond issue had been defeated in any such district, the county superintendent could order the county treasurer to set aside not less than one-fifth of the income from said district for the purpose of building a school house. When the fund became large enough in the estimation of the county superintendent, he could order the school directors to build a building.[45]

Progress in the public schools from 1891 to 1900. The educational growth in New Mexico from 1891 to 1900 was gradual, but it was permanent. Mr. Amado P. Chaves was chosen as the first superintendent of public instruction of the territory and continued in the work until the end of the year 1896. Under his able administration, the school laws of 1891 were effectively put into operation. Each year new schools were organized and new buildings were built through bond issues. Better teachers were put into the schools because of the certification requirement. No opposition was encountered in any part of the

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[45] New Mexico. Laws, Statutes, etc. Session Laws, 1899. Chapter sections 1 and 2.

territory because of English speaking teachers being placed where formerly only Spanish speaking teachers had been employed. The greatest interest was being shown in the Spanish speaking counties.[46]

From 1891 to 1901 the public schools in the territory increased from 452 to 621, and the enrollment increased from 22,599 to 35,227. The number of teachers increased from 487 to 713, and the average term of school increased from three and one-half months to four and one-third months. An increase from $147,830 to $343,707 was made in the public school receipts.[47] The school statistics showed an increase in every department of education that indicated a permanent growth.

At the close of the nineteenth century, interest in public education was rapidly increasing. More competent teachers with better methods of teaching were being employed.[48] Yet, there was a lack of organization in the schools, especially in the rural areas. There was a need of more power for the county superintendents. But considering the obstacles that were in the way of establish-

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[46] Amado Chaves, Report of the Superintendent of Public Instruction to the Governor of New Mexico, 1891.

[47] Ibid., Table p.

[48] Miguel A. Otero, Report of the Governor of New Mexico to the Secretary of the Interior, 1899. pp. 77-81.

territory because of Mexican agitation. Troops were being placed where formerly only general epoch's rancheros had been employed. The president interrupt was being shown in the Spanish schooling curtailed.[46]

From 1921 to 1926 the public schools in the territory increased from 402 to 600, and the enrollment increased from 22,000 to 36,000. The number of teachers increased from 407 to 722, and the average term of school increased from three and one-half months to four and one-third months. An increase from 1,147 to 1,362,[47] was made in the public school receipts.[47] The school activities showed an increase in every department of education that indicated a permanent growth.

At the close of the nineteenth century, interest in public education was rapidly increasing. More competent teachers with better records on backgrounds were being employed.[48] Yet, there was a lack of organization in the schools, especially in the rural areas. There was a need of more power for the county superintendents. But considering the conditions that were in the way of establish-

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[46] Frank Graves, Report of the Superintendent of Public Instruction on the Schools of New Mexico, 1921-22, Santa Fe, p.

[47] Ibid., p.

[48] Miguel A. Otero, Report of the Governor of New Mexico to the Secretary of the Interior, 1900, p.

TABLE V

A COMPARISON OF THE PUBLIC SCHOOL

STATISTICS BY TWO YEAR PERIODS FROM

1892 TO 1900

Years	1892	1894	1896	1898	1900
School Districts	532	588	562	575	553
Teachers					
Male	360	324	313	318	358
Female	197	222	215	223	217
Total	557	546	528	541	575
Enrollment					
Male	13,712	12,945	11,875	13,120	12,347
Female	9,439	8,526	8,316	9,944	9,414
Total	23,151	21,471	20,191	23,061	21,761
A. D. A.					
Male	9,634	9,994	8,139	8,287	9,339
Female	6,189	6,993	5,679	6,101	7,294
Total	15,832	16,987	13,818	14,388	16,533
School Age 5 to 20 yrs					
Male	23,708	28,423	23,962	24,049	27,149
Female	20,291	24,226	20,875	21,249	25,503
Total	43,999	52,649	44,837	45,298	52,652
Number of Schools	508	482	472	511	513
Number of Months	4½	4½	4	4	4
Receipts	247,688	190,739	182,835	182,178	251,107
Expenditures					
Teachers' Wages	108,395	103,424	107,410	88,003	100,712
Rent, fuel, etc.	37,744	17,486	13,390	8,379	21,962
School house and grounds	36,961	16,992	12,691	6,797	13,074

The above statistics were taken from the Reports of the Superintendents of Public Instruction and the Governors' Reports to the Secretary of the Interior. Since 1896, the reports do not include the city public schools, because they were incomplete.

ing public schools in New Mexico, she had made wonderful progress.[49]

Summary. At the beginning of the American period in New Mexico, the Spanish-speaking population was in the majority. They had not been accustomed to public schools and were afraid that such schools would educate their children away from the Catholic Church. With the coming of the railroads in 1878, there was a large increase in American population that helped to influence public opinion for better schools.

The New Mexico Educational Association, organized in 1886, was a strong force in helping to mold public sentiment for public education.

The school law of 1884 started the growth of public schools that has continued down to the present time. The law of 1891 increased the authority of the school officials and gave them better means for financing the schools. Since the passage of this law there has been a gradual and permanent growth of the educational institutions of New Mexico.

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[49] Loc. cit.

TABLE VI

A REPORT OF ALL SCHOOLS

DECEMBER 1, 1901

Character of Schools	Teachers	Enrollment	A. D. A.	Total School Population	Number of Schools	Average Months Taught	Total Receipts	Amount Paid Teachers	Total Expendi-tures	Value of School Property
Public Schools	713	55,227	22,412	62,864	621	4.33	343,707	174,198	258,226	846,193
Territorial Inst.	71	907	788		7	9.7	176,239	67,231	144,820	392,960
Private Schools	6	160	146		6	6	1,860	1,860	1,860	5,000
Sectarian Schools	153	4,479	3,361		59	7.34	65,124	44,050	66,054	476,550
Indian Schools	103	2,183	2,114		33	10	252,087	125,000	252,087	351,000
Totals	1,046	42,956	29,821	62,864	726	7.35	839,018	412,340	723,084	2,071,703

Taken from the Report of the Superintendent of Public Instruction to the Governor of New Mexico, December, 1901.

CHAPTER VI

SUMMARY

The development of public schools in New Mexico was slow before 1884. From this time until the end of the century, rapid progress was made, due to the changing of economic and social conditions that influenced a changed public opinion for better educational conditions.

Public school laws. The first school law to be passed by the territorial assembly was in 1856. Because of the extreme opposition of the people of the territory, this law was repealed during the same year. Another was passed in 1860 and amended in 1863 and 1867. This law was so incomplete and indefinite that little was accomplished in the way of establishing schools under its authority.

In 1872 a more general school law was passed that made provisions for the establishment of schools and methods for financing them. Minor changes were made in this law during the next two years. Because of a fight over secular or sectarian schools in 1876, the best school bill that had been introduced during the American period was defeated. Between 1876 and 1884 the laws passed that pertained to education were only for special functions, and no general school law was adopted.

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In 1872 a more general school law was passed that made provisions for the establishment of schools and taxes for financing them. Many changes were made in this law during the next two years. Because of a fight over sectarian schools in 1874, the best school bill that had been introduced during the American period was defeated. Between 1876 and 1878 the laws became that permitted no education were only for special institutions, and no general school law was adopted.

A more favorable attitude among the people of New Mexico led to the adoption of a general school law in 1884. This law continued in effect with only minor changes until the famous common school law of 1891. It was under these laws that the common school system of the territory was established. Between 1891 and 1900 only minor changes were made in the school laws.

The territorial legislature memorialized the United States Congress many times asking for financial support to aid in the establishment of an educational system. This was of no avail. No help came from the United States Government until after 1900.

Administration of the public schools. No attempt was made by law to establish public schools until 1856 when provision was made for the creation of schools to be supervised by county boards of education. These boards were to be composed of the probate judge of each county and "one person of the greatest ability, learning and integrity of each precinct" to be appointed by the probate judge. As this law was in operation for only a few months, little was accomplished by these boards under its authority.

By an act of 1860, the justice of the peace of each precinct was given almost complete authority over the school or schools of his respective precinct. The probate judge of each county was to act as the superintendent of schools

and the justices of the peace were responsible to him. This act was changed in 1863 to provide for a territorial board of education which was to consist of the governor, secretary of the territory, the judges of the supreme court, and the bishop of New Mexico. This board was given the power to make laws and rules for the establishment of schools, and such detailed authority as to employ teachers and to determine their salaries. The office of territorial superintendent was created by this same act. The most important duties of the superintendent were to visit the schools of each county and make reports to the board of the school conditions. He was to be appointed by the governor.

The school law of 1860 was again amended in 1867. This amendment provided that the probate judge of each county should be recognized as the county superintendent of schools. He had general supervision over the schools of his respective county and was required to visit each school during the year.

An act of 1872 provided for the election of a board of supervisors and directors of public schools for each county. This board was to consist of four persons who had been residents of the county for at least five years, heads of families, and owners of real estate. The probate judge was to be one member of the board. The

and the jurisdiction of the courts were responsible to him.

This act was observed in 1903 to provide for a territorial board of education which was to consist of the governor, secretary of the territory, the judges of the supreme court, and the bishop of New Mexico. This board was given the power to make laws and rules for the establishment of schools, and much detailed authority as to employ teachers and to determine their salaries. The office of territorial superintendent was created by this same act. The most important duties of the superintendent were to visit the schools of each county and make reports to the board of the school conditions. He was to be appointed by the governor.

The school law of 1905 was again amended in 1907. This amendment provided that the probate judge of each county should be recognized as the county superintendent of schools. The last general supervision over the schools of his respective county and was required to visit each school during the year.

An act of 1909 provided for the election of a board of supervisors and directors of public schools for each county. This board was to consist of four members who had been residents of the county for at least five years, heads of families, and owners of real estate. The probate judge was to be one member of the board. The

board had the sole management, supervision, and control of the public schools.

The office of county superintendent of schools was created by the law of 1884. The superintendent was to be elected by the voters. In each school district, three school directors were to be elected. The administration of the schools was left entirely in the hands of the county superintendent and school directors, as the territorial school board that was created in 1863 failed to function. The governor did not appoint a territorial superintendent because the salary provided was so small and his duties required him to travel so much.

A complete system of administration of public schools was established by the common school law in 1891. A territorial board of education was created. The governor, superintendent of public instruction, president of St. Michael's College, president of the University of New Mexico, and the president of the Agricultural College constituted the board. The office of the superintendent of public instruction was created. The superintendent was to be appointed by the governor with the consent of the council.

Local supervision of the schools was vested in a superintendent of schools for each county, elected at each general election; and a board of three school direc-

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A complete system of administration of public schools was established by the Sonora school law in 1871. A territorial board of education was created. The governor, superintendent of public instruction, president of St. Mary's College, president of the University of New Mexico, and the president of the Agricultural College constituted the board. The office of the superintendent of public instruction was created. The superintendent was to be appointed by the governor with the consent of the council.

Each superintendent of the schools was required to appoint a school for each county, director and each general district, and a board of three school-trus-

tors, to be elected in each school district on the first Monday in June. The law of 1891 assigned definite duties to each school board and each school official.

Methods of financing the public schools. The law of 1856 provided for a tax of one dollar to be levied on each thousand dollars of evaluated property up to fifty thousand. Some monies were collected by this act but they were returned to those who had paid them when the law was repealed some months later. In 1867, parents were required to pay fifty cents tuition for each of their children that attended school.

Provision was made in the law of 1872 for twenty-five per cent of the entire tax on property to be paid into the school fund. A poll tax of one dollar was levied on every able-bodied man over twenty-one years of age, and any surplus left in any county treasury above five hundred dollars, after paying the current expenses, was to go to the school fund. In 1876, many fines for violation of special laws were assigned to the school funds. By the school law of 1884, the county assessor was empowered to levy a tax not to exceed three mills on each dollar of evaluated property in his respective county for school purposes. All former laws for levying and collecting taxes for school purposes were repealed by this act.

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Raising of financing the public schools. The law of 1886 provided for a tax of one dollar to be levied on each thousand dollars of evaluated property up to fifty thousand. Some states were collected by this rate but they were returned to those who had paid them when the law was repealed some months later. In 1907, parents were required to pay fifty cents tuition for each of their children that attended school.

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The territorial auditor was empowered to levy a tax, not exceeding three mills, upon the taxable property of the territory for school purposes by the school act of 1891. A special levy, not to exceed five mills, could be levied within any school district to be used as a sinking fund for the payment of outstanding bonds. Special fines, licenses, and a poll tax, were also credited to the school fund.

Progress of the schools. Between 1848 and 1872 church and private schools were established in many of the towns and villages of New Mexico, but little progress was made toward the founding of a public school system. The school law of 1872 influenced the establishment of many public schools during the next four years. However, a dispute over the teaching of sectarian doctrines in the public schools arose in 1875 and caused the defeat of a good school bill in 1876. Much of the public school funds was expended for the support of schools that were directly under church control. This caused a decrease in the number of public schools until after 1884.

The rapid increase in population of New Mexico, caused by immigrants coming into the territory after the building of railroads, was a strong factor in encouraging better schools. A changed view among the greater part of the populace regarding the relationship of church and

school was also influential in bringing about better educational conditions. Educational organizations that were started about 1880 were factors in helping to mold favorable public opinion.

During the earlier part of the American period, a belief existed among a majority of the people that girls and boys should not attend the same schools. There was also opposition to women teaching in the schools. Before the end of the century these views had been almost entirely changed.

There was a gradual increase in the establishing of public schools in the territory from 1884 on to the end of the period. By 1900, the public school system had become firmly established. New Mexico, that had been without any public schools fifty years before, could then boast of an educational system that was destined to become as efficient as the systems of most of the other states of the Union.

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