2002

Desegregating Boston's Schools: Episode 1

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https://dx.doi.org/doi:10.21220/s2-thxb-jr66

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DESEGREGATING BOSTON'S SCHOOLS : EPISODE I

A Thesis

Presented to

The Faculty of the Department of History

The College of William and Mary in Virginia

In Partial Fulfillment

Of the Requirements for the Degree of

Master of Arts

By

Melisa Nasella

2002
APPROVAL SHEET

This thesis is submitted in partial fulfillment of
the requirements for the degree of

Masters of Arts

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ACKNOWLEDGMENTS

I wish to thank Professor Bob Gross for his generous insights, guidance, and unfailing confidence in my ability as a writer and in the endless possibilities of this project, all of which contributed immensely to the successful completion of this paper. I would also like to thank Professors Melvin Ely and Phil Daileader for their time and thoughtful criticisms.

I also extend my thanks to the archivists at the Massachusetts State Archives, who provided many helpful suggestions that often led to important discoveries. Thanks also to the staff at the Rare Book Room at the Boston Public Library who granted me access to materials that greatly aided this research. Special thanks to Jennifer Jacobsen, Oona Beauchard, Bobbi Zonghi, Eugene Zepp, and Kristen Swett for their ideas, guidance, and generosity.

Lastly, I would like to thank my parents, friends, and my boyfriend, Andrew, whose unfailing support and encouragement have allowed the impossible to become attainable.
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ABSTRACT

In the 1970s, Boston exploded in a series of battles fought over the plight of the city’s schools. On one side stood the city’s Irish Catholic residents, staunchly opposed to the forced integration of the city’s schools via court ordered busing. On the other side stood white suburban liberals, one strong-willed judge, and the majority of the black community. This was not the first time residents of the city of Boston squared off against one another in a battle over the city’s schools. Begun nearly a century earlier, the busing crisis of the 1970s was merely a continuation of a long fought battle over the merits of integrated education.

In 1798, the first black school was opened in Boston in the house of Primus Hall, an active member of Boston’s black community. After years of asking the School Committee to establish all-black schools for their children, black parents, believing their children’s needs were not being addressed in the city’s public schools, took matters into their own hands with the formation of the African School. In 1820, enticed by the generous bequest of the late Abiel Smith, essentially freeing the taxpayers from any significant financial responsibility for the school, the School Committee assumed control of the since renamed Smith School. While their control over the school was minimal at first, gradually the School Committee assumed total control of the management of the school, much to the detriment of the students attending the school. Thus began the struggle.

For the next twenty years, and many could argue for the next century, Bostonians struggled to come to terms with the meaning of equality of opportunity. What constitutes equal facilities? Can separate schools ever truly be equal? These are questions that we were still trying to resolve nearly a century later with the advent of the modern Civil Rights Movement. Yet nineteenth century Bostonians did their best to answer these questions. Facing tremendous opposition from their fellow white Bostonians and many of their own race who felt separate institutions were the only answer, black community leaders, allied with white abolitionists, asserted that separate facilities were inherently unequal. Aided by the advent of the common school reform movement under Horace Mann, and mounting anti-Irish sentiment, black leaders and white abolitionists were finally recognized with the statewide overthrow of the Whig Party by the Know-Nothings. While their voice was not heard until the Know-Nothing Party swept into office with their anti-Catholic, reformist agenda in the early 1850s, a unified black populace finally was acknowledged in the 1855 legislative decision to integrate the city’s public schools.

Ultimately the triumph of equal school rights came about due to the combination of a number of factors: the overthrow of the city’s Whig elite and the rise of the Know-Nothings; the political maneuvering and support of white abolitionists, particularly William Lloyd Garrison; the existence of a reform-sentiment brought about by educational reformers like Horace Mann; and the gradual increase in support from the black community itself.
DESEGREGATING BOSTON’S SCHOOLS: EPISODE I
Introduction

In the 1970s, Boston was torn apart as black and white residents battled over the desegregation of the city’s schools. The nation was shocked by the sometimes violent reaction to the school controversy, yet this was not the first time that Boston faced disturbances and disagreement over integration of the city’s schools. In the late 1840s and 1850s, the city experienced the first of what would later prove to be two major confrontations over school integration. By the mid-to-late 1840s, the towns surrounding Boston were either in the process of integrating their public schools or had already been integrated for years. Boston, on the other hand, a city nationally renowned as a bastion of liberty and equality, was torn apart by the debate over the merits of equal and integrated education.

The city was not divided between blacks and whites on this issue, as one might assume. Rather, the races were split amongst themselves. White and black abolitionists joined with a number of black community leaders to push for integration in the schools, while many whites, including the all-white Boston School Committee, and many residents of the black community, sought to maintain segregation. The issue of school integration polarized the black community in the 1840s. At the same time, both local and national forces strove to influence the black community’s sentiment.

The struggle by black Bostonians for a consensus on the issue of school integration did not take place in a vacuum. Rather, it occurred during a time of
great political, social, and economic unrest nationwide. The first half of the nineteenth-century was an era of tremendous industrialization, urbanization, and immigration. Locally, Boston in the early national period was rife with social and political divisions within both the black and white communities. While members of the black community were dealing with their own problems of unity over the issues of separatism and integration, white Boston was no less conflicted. While the city’s white leaders were facing challenges to de facto segregated institutions, Boston’s abolitionists intensified both national and local campaigns for equality. Politically, the dominant Whig Party encountered continual challenges. These contests created and highlighted internal divisions within the white community over the role of blacks in city life.

Spurred into action by David Walker’s militant call upon blacks to assert their manhood and their rights, blacks enlisted in the Massachusetts Anti-Slavery Society spearheaded by William Lloyd Garrison and joined in crusades to overturn the state anti-miscegenation law and segregation on the railroads. The fight against segregated schools grew out of that effort. Crucial to the black initiative were the growth and dispersal of the African-American population in Boston and the development of institutions to serve the black community, including the establishment of separate schools. Black parents’ dissatisfaction with the condition of the separate schools, as they were run by the Boston School Committee, prompted protests from the mid-1830s on. The School Committee proved remarkably insensitive: it hired and fired teachers without consulting parents; it kept incompetent, immoral, and racist teachers on the job until parents
rose up in revolt; it allowed the all-black Smith School to fall into disrepair; and it
excluded black parents from any significant influence over the black schools.
Under these circumstances, protests accelerated, led by such men as Thomas
Dalton and William Cooper Nell. In these efforts, black parents did not simply
cite superficial problems with the schools or ask for specific improvements.
Instead, they challenged the larger principle of segregated schools itself.
Separation of the races, they claimed, was bad for blacks and whites alike. It was
a betrayal of the promise of American democracy.

On these grounds, black abolitionists, supported by white activists,
mounted a fifteen-year effort to end segregation, including the push for a state law
in 1845, the litigation of the Roberts case, and the successful lobbying of the
Know-Nothing legislature. Along the way, black abolitionists overcame divisions
within the black community on the issue, and prominent whites in Boston were
won over to voluntary integration. The closing of the Smith School and the
integration of Boston's schools at the end of 1855 marked a triumph of abolition.

The nineteenth-century movement to integrate Boston's public schools
was therefore spearheaded by black activists, who took the lead in a democratic
movement for full equality in American society. Though they encountered fierce
resistance from men who would justify "separate but equal" facilities for blacks
and whites, their cause triumphed, owing to the spread of anti-slavery and reform
sentiments in Massachusetts following the Compromise of 1850 and the Kansas-
Nebraska Act. The key actors in this effort were black abolitionists, aided by
William Lloyd Garrison, Wendell Phillips, and other whites in the New England Anti-Slavery Society. These men and women are the heroes of this story.

How was it possible for a small group of black citizens to challenge Boston’s system of segregated schools first through petitions, later in a court of law, and ultimately to gather enough support from both blacks and whites to convince the Massachusetts Legislature to overturn the decision of the Supreme Judicial Court of Massachusetts? How did these people bring about such a monumental change? In order to understand fully the transformation that transpired over the course of the first half of the nineteenth-century, it is necessary to examine closely why blacks changed their strategy from seeking separate schools to embracing integration. It is also important to understand why and how white Bostonians eventually moved from rejecting all-black schools to adopting segregation with a vengeance and then to accepting voluntary integration. These are the central questions this thesis seeks to address.

My study of the nineteenth-century movement against segregation in the Boston public schools has brought me in contact with a wide range of texts, including both primary and secondary materials on topics ranging from abolition and segregation in Boston to nineteenth-century African-American life, to the state of the public schools and school reform. In order to weave together this narrative, I conducted a thorough survey of the historiography on these topics.

I found one of the most expansive and informative of the works on abolitionism to be Paul Goodman’s recently published *Of One Blood: Abolitionism and the Origins of Racial Equality*. Issued in 1998, Goodman
constructs his study around two major themes: the origins of the anti-slavery movement and its relationship to the larger quest for racial equality in America. *Of One Blood* is broken down into five sections. The first section, entitled “Beginnings,” chronicles the origins of the struggle for racial equality in the years between the American Revolution to the early 1830s. Goodman asserts that many historical texts published prior to his work wrongly omit both “African-Americans and their role in converting whites to racial equality and immediatism.”

*Of One Blood* therefore seeks to include African-Americans in the history of abolitionism.

Goodman argues that after the American Revolution, African-Americans were busy building communities and were not fully able to work together to demand equal citizenship. Concurrent with this black community building initiative was a wave of white backlash targeted at hindering black improvement and the demands for equality that such community improvements entailed. It was not until the American Colonization Society reached its height in the 1820s that African-Americans began to organize. Goodman found that throughout the 1820s blacks “persisted in their fierce opposition while continuing to build a black community.” Gradually, black opposition caught the attention of the leading early immediatists such as William Lloyd Garrison and Lewis Tappan. It was at this point that they came to realize that the heart of the issue was racial equality, not relocation of America’s black populace. Contact with the black community

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increased over time as white abolitionists began to realize the immorality of racial prejudice.

While much of Goodman's study focuses on African-Americans and their role in the movement for racial equality, he recognizes that it is necessary to examine the role of white Americans in the movement as well, and their relationship to both African-Americans and the larger national landscape. The final part of Goodman's study focuses on the goals of the abolitionist movement. Anti-slavery societies sought immediate abolition first and foremost, with racial equality following a close second. Americans of all social classes in the nineteenth century shared prejudice toward black people. It was this widespread prejudice that white and black abolitionists sought to eradicate. Abolitionists, Goodman argues, made innumerable efforts to work with African-Americans to "end their social isolation, to raise their self-esteem, and to build their communities, especially their schools."\(^2\) While he recognizes that the social gap and the deeply rooted nature of prejudice between blacks and whites was difficult to overcome, ultimately Goodman argues that never before had so many white Americans worked together with blacks to bring about a republic "based on the Scriptural command 'That God hath made of one blood all the nations of men for to dwell on the face of the earth.'"\(^3\)

Also on the topic of abolitionism, Peter Hinks's edition of David Walker's *Appeal* (2000) provides tremendous insight into both Walker's

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\(^3\) Goodman, *Of One Blood*, p. xx.
background and his significance to the larger abolitionist movement. Hinks opens his edition with a lengthy introduction to Walker himself, the times that Walker lived in, including the conditions of slaves and state of slavery in the early nineteenth century, as well as a discussion of organized slave resistance and conspiracies. It is through the window of slave revolts like that of Denmark Vesey that Hinks explores the formation of Walker’s beliefs. Hinks examines Walker’s rise to prominence and more importantly, the meaning and significance of his Appeal. As Walker was writing his Appeal, racism was intensifying; Hinks argues that this was due in large part to the “growing assertiveness and political confidence of African-Americans.”⁴ The growth in the numerical strength of northern black communities and the rapid development of black churches, schools, and other institutional structures produced a solid core of black leaders. It was the desire of the black leadership for increased political participation that Walker’s Appeal spoke to. Recognizing the effect that religious revivalism had had in the northeast in the early 1800s, Walker repeatedly told blacks that “there is a great work for you to do,” encouraging them to take action on their own behalf to obtain racial equality. While Walker’s Appeal offered some hope of interracial cooperation to obtain those ends, he simultaneously recognized the legitimacy of black rage at their inferior state. Ultimately, Hinks finds that the Walker’s Appeal “point[ed] a way for African-Americans to move toward greater integrity and freedom as individuals and as a people.”⁵

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⁵ Hinks, *Walker’s Appeal*, p. xxxvii.
Hinks concludes his introduction with an examination of Walker and his relationship to the roots of American abolitionism. Ultimately, Hinks finds that Walker’s *Appeal* was unique in that “nothing even vaguely resembling this vehement manifesto had ever been published before, and its boldness heralded a new and confident movement among blacks to end slavery and racial discrimination.”6 Hinks believes that Walker’s impact on the rise of radical black and white abolitionists has often been overlooked. The *Appeal* spoke to not only abolitionists like Benjamin Lundy who represented the political fringe, but also to more mainstream abolitionists such as William Lloyd Garrison.

In addition to his introduction, Hinks’s edition of Walker’s *Appeal* includes an editor’s note regarding the three editions of the *Appeal* published by Walker between 1829 and 1830. Hinks details the differences between the three editions and indicates that Walker sought over the course of the three editions to “be ever more forthright in displaying the malignity of white America’s subjugation of African-Americans.”7 Walker’s edition of the *Appeal* includes editor’s notes in the text, and an appendix of documents related to Walker’s *Appeal*.

Donald Jacobs’s *Courage and Conscience: Black and White Abolitionists in Boston*, is a rich collection of articles written by prominent historians on a series of topics related to abolitionism. The goal of this collection of essays is twofold: first, to illustrate “the forces in Boston that the activist community was

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able to seize upon in order to gain quality, to examine the role played by whites in the movement, and to investigate the biracial nature of those events that shaped Boston." The collection also seeks to explain how a comparatively small group of blacks were "able, with some white support but largely on their own, to make their awesome presence felt in an important northern city." The articles focus on topics ranging from "David Walker and William Lloyd Garrison: Racial Cooperation and the Shaping of Boston Abolition," written by Jacobs himself, to James and Lois Horton's "The Affirmation of Manhood: Black Garrisonians in Antebellum Boston," and to William E. Gienapp's "Abolitionism and the Nature of Antebellum Reform." While this collection of articles seeks to highlight the achievements of Boston's black abolitionists by calling attention to their cause, it fails to make the connection between the smaller movements for racial equality and those changes that were brought about in Boston in the age of abolitionism.

The topics of public schools and school reform in Massachusetts have been extensively detailed in past years by scholars such as Stanley Schultz, George Levesque, and Carl Kaestle. Stanley Schultz's *The Culture Factory: Boston Public Schools, 1789-1860*, published in 1973, details the establishment and development of the Boston public schools over the course of roughly seventy years. Schultz's account is broken into five sections: the "Origins of Urban Schools," "Society and Schools," "The Machinery of Public Education," "Segregation and Integration: Blacks in Public Schools," "Poverty, Immigration,

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and Public Morality.” Schultz opens his narrative with a discussion of his goals in writing the book. *The Culture Factory* sought to rectify the dearth of information on urban school systems in nineteenth century cities. Focusing on Boston, Schultz’s study traces the changes brought about by an increasing population, immigration, race and religion and chronicles those changes introduced by educational reformers. Schultz asserts that Americans too often place their hope for social order on the promise of public education. This phenomenon is not unique to the twentieth century; in a time of great social change, nineteenth century Americans also tended to regard public education as a panacea for all social ills. Ultimately, Schultz seeks to use Boston as a “model for analyzing the social role of public education in American cities” and to illustrate that many changes need to be made if we wish to “use properly the public school as a means to social change.”

Schultz devotes much of his study to the origins of Boston’s schools, including charity schools, Sunday schools, and the creation of common schools in the early nineteenth century. Schultz focuses not only on the origins of urban schools, but on society’s expectations for public schools and the reality of the schools themselves. The creation of neighborhood schools and the beginnings of bureaucracies to manage the schools are also chronicled in *The Culture Factory*. The last half of Schultz’s book is devoted to an examination of the relationship between blacks, the poor, and immigrants and the educational system designed to

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educate their young. Schultz was one of the first scholars to examine the education of black children in Boston. Part IV chronicles the creation of separate schools to accommodate black parents’ wishes for segregated schools and the beginnings of protest by black parents disillusioned with the degraded state of the separate schools. Schultz also explores the partnership of black parents and abolitionists in the 1830s and the movement to integrate the city’s schools. While Schultz was one of the first historians to publish a detailed account of the struggle by Boston’s black community to integrate the public schools, he fails to recognize the diversity of sentiment among blacks in Boston. Not all black Bostonians participated in the struggle, nor was the black community monolithic in their struggle. Many black Bostonians merely sought to improve the state of the separate schools, believing for many years in the value of segregated education. Schultz’s study tends to overlook and minimize the diversity of opinion within Boston’s black and abolitionist communities.

George A. Levesque’s “Before Integration: The Forgotten Years of Jim Crow Education in Boston,” published in the Journal of Negro Education in 1979, provides a more detailed look at the origins of separate but equal doctrine in the Boston public schools than Schultz’s The Culture Factory. Later integrated into his 1994 book, Black Boston: African American Life and Culture in Urban America, Levesque’s 1979 article provides a deeper look into the origins of racial segregation in the Boston public schools. Levesque examines the history of public schooling for black children, focusing on the establishment of separate schools and the rise of opposition to segregated schools. While Levesque’s article
provides a more sustained look at the campaign to integrate the schools than many of his predecessors, he too fails to emphasize the relationship between abolitionism and Boston’s black community.

Over the past twenty-five years, a number of historians have published works on nineteenth-century African-American life. James and Lois Horton are renowned for their work on northern free blacks. The Hortons’ 1979 book, *Black Bostonians: Family Life and Community Struggle in the Antebellum North*, is one of the more comprehensive accounts of black life and community development in the North. *Black Bostonians* is a narrative about black working people in Boston in the decades before the Civil War. The Hortons’ book opens with a detailed examination of the demographics of black Boston. They not only examine the dynamics of black families and households, but they also focus on the development and roles of both formal and informal organizations and associations in early nineteenth century Boston. Black community organizations like the church were important not only because they “sustained and nurtured those it served,” but also because provided an important organizational tool for a black population that was unrepresented in the city leadership.10 The Hortons find that by the Civil War, a tradition of social protest and activism had embedded themselves in many of Boston’s black families. Many of these activists are examined in detail in *Black Bostonians*, including Robert Morris, Lewis Hayden, and William C. Nell and his father, William G. Nell. “Slavery and racial

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discrimination and the common realization that their effects must be resisted...created a socially active community.” This community was different in style and strategy, which the Hortons’ find was due primarily to the diverse backgrounds and experiences of black Bostonians. Ultimately, these differences “complemented each other in pursuit of the common goal” of racial equality.\(^\text{11}\)

The tradition of protest founded among black Bostonians in the early nineteenth century was brought about due to years of segregation and discrimination at the hands of an unrelenting Jim Crow system. “The dehumanizing forces of prejudice and discrimination were countered by a determined struggle to improve their condition.”\(^\text{12}\) Prejudice and discrimination were most prevalent in the city’s segregated public schools. In a chapter devoted to segregation, discrimination, and resistance, the Horton’s briefly examine the movement to desegregate Boston’s public schools. They chronicle the rise of segregated schooling in Boston, the gradual recognition that the black schools were inferior to the white schools in both facilities and curriculum, and the campaign to desegregate the schools. While they recognize that the black community was not monolithic in their support of integrated schools, the Hortons still fail to examine the individuals who waged this struggle.

*Black Bostonians* provides a lengthy and thorough examination of the relationship between abolitionists and white Bostonians, and the significance of abolitionism in Boston among blacks and whites. In a chapter entitled “The

\(^{11}\) Horton and Horton, *Black Bostonians*, p. 66.

\(^{12}\) Horton and Horton, *Black Bostonians*, p. 79.
Integration of Abolition," the Hortons analyze the relationship between black abolitionists and William Lloyd Garrison, as well as their relationship to the national colonization movement. The Hortons draw a distinction between black and white abolitionists: while white abolitionists “supposed their antislavery mission was ended when they had publicly protested against slavery,” black abolitionists “sought to abolish slavery not only to free those in bondage, but also as a necessary step towards racial equality.”

Blacks, the Hortons point out, appreciated and welcomed white abolitionist aid, yet they would have carried on the struggle alone if necessary. While this was never necessary due to the presence of individuals like Garrison and Wendell Phillips, the Hortons recognize that black activism was not dependent upon white participation in the movement for racial equality. *Black Bostonians* recognizes the significance of the abolitionist movement in Boston’s history, yet in its discussion of the campaign to desegregate Boston’s schools it fails to draw a connection between the black movement for school integration and the national abolitionist movement. My thesis will show that the cooperation between black Bostonians and the larger local and national abolitionist movement was critical to the success of the school integration campaign.

*Black Bostonians* was unmatched in its historical scholarship until George Levesque’s *Black Boston: African American Life and Culture in Urban America* was published in 1994. Levesque’s book offers a more in-depth look at the formation and growth of Boston’s black community. On the subject of

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segregation in Boston, J. Morgan Kousser’s “The Supremacy of Equal Rights: The Struggle Against Racial Discrimination in Antebellum Massachusetts and the Foundations of the Fourteenth Amendment,” published in the *Northwestern University Law Review*, provides a thorough examination of the fight against segregation and discrimination in nineteenth-century Massachusetts. Kousser’s article explores the origins and outcome of the campaign to end segregation in travel and public places, particularly in the public schools. Kousser’s article explores the roots of the struggle, its participants, and the complex nature of the movement to desegregate the schools. Kousser frames his study with an evaluation of the larger movement against racial discrimination in nineteenth century Massachusetts, including the rise of abolitionism, the forms that abolitionism took among Massachusetts’ black and white residents, and those campaigns carried out by abolitionists on the local level. Articles such as Leonard Levy and Harlan B. Phillips’ “The Roberts Case: Source of the ‘Separate but Equal’ Doctrine” explore the roots of the separate but equal decision, focusing specifically on the *Roberts v. City of Boston* case, the legal battle to integrate Boston’s schools. Levy and Harlan’s article was helpful in delineating the progression of the legal and social struggles to desegregate the city’s schools.

Within the context of these major contributions, my thesis chronicles the development of a cohesive black community in Boston in the late 1700s and first half of the 1800s; traces the roots of the struggle for racial equality by both blacks and abolitionists; examines the establishment of separate schools in Boston and explores the origins of those separate schools. Using previously published
information on schooling in Boston, I have conducted extensive research in the Massachusetts State Archives, as well as in the original records of the Boston School Committee. While Leonard Levy and Douglas Jones published a number of primary documents relating to the struggle to integrate the Boston public schools in their 1974 book, *Jim Crow in Boston: The Origin of the Separate But Equal Doctrine*, this project presents and interprets new documents that prior studies appear to have overlooked or neglected.

Previous studies have failed to adequately trace the origins and development of the movement. Past scholars have failed to emphasize the close relationship between abolitionism and the black struggle for integrated schools in Boston. This was an effort that was brought about by black community leaders, not by white abolitionists. In the wake of the 1840 fracture of the national abolitionist movement, black abolitionists increasingly dictated the agenda of the Garrisonian movement. Lacking national power because of this split in the larger movement, white abolitionists were increasingly willing to adopt the cause of their black brethren. In Boston, this cause was the system of segregated education. The roots of the movement therefore lie both in the black community and in the larger local and national abolitionist movement. This narrative examines the struggle to bring about racial equality in the Boston public schools, and ultimately finds new significance in the origins, development, and impact of the movement.
Chapter I: 
Origins of Black Activism: David Walker's and William Lloyd Garrison's Influence in Boston

In a city nationally famous as a breeding ground for abolitionist sentiment and action, both black and white abolitionists in Boston worked to sway popular black support in favor of integration in the local schools. Abolitionist activity among blacks dated back to the late 1820s. Interestingly, the first expressions of anti-slavery sentiment did not depend upon the initiative of William Lloyd Garrison. Boston's black residents themselves, including a recent immigrant from North Carolina, David Walker, took the lead in public opposition to slavery.

In 1826 a number of leading black citizens including William G. Nell, father of William Cooper Nell, who would later become Boston's foremost supporters of integration, Thomas Dalton, Joshua and Hosea Easton, John T. Hilton, and several others formed the Massachusetts General Colored Association. Founded six years before William Lloyd Garrison's New England Anti-Slavery Society, the group served two main purposes: "to protest actively against the evils of slavery and to battle against white-supported segregationist policies so that the free blacks of Massachusetts might achieve full equality."  

The Association operated on its own until its members were welcomed into the Massachusetts Anti-Slavery Society founded five years later by Garrison.

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On November 13, 1831, fifteen white men, including William Lloyd Garrison and Samuel Sewall, met to discuss the formation of a regional anti-slavery society. Realizing the significance that an abolitionist group containing some of Boston's most prominent white citizens might have, blacks offered the African Meeting House as a location for the gathering. On the evening of January 6, 1832, a constitution was ratified that formally created the New England Anti-Slavery Society. While the twelve signers of the preamble of the society's constitution were white, roughly a quarter of the seventy-two who signed the constitution itself were black.  

Groups such as the Massachusetts General Colored Association and the New England Anti-Slavery Society were greatly influenced by the writings of David Walker. Born free in Wilmington, North Carolina, around 1785, the son of a white mother and a slave father, Walker traveled widely in the South before settling in Boston in 1825. Once in Boston, Walker opened a new and used clothing store, and quickly became involved in the Massachusetts General Colored Association, whose "primary object...[was] to unite the colored population, so far, through the United States ... and not [withhold] anything which may have the least tendency to meliorate our miserable condition."  Soon after arriving in Boston, Hall joined the Prince Hall Masons, as well as a local black Methodist church presided over by the fiery anti-slavery minister Samuel

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Snowden. Almost immediately Walker made his presence felt. Having grown up in the South under slavery, Walker had developed a powerful hatred of the institution. Acutely aware of the power of the written word to shape public opinion, Walker also became the principal agent in Boston for the first black newspaper in the United States, *Freedom's Journal*, in its first two years of operation, from 1827 to 1829.

David Walker published the first of what would be three editions of his *Appeal* in September 1829. In it, he outlined the four principal factors he believed accounted for the miserable conditions of blacks in America. The most obvious to him was slavery. The second was the hypocrisy of religion. The segregation and prejudice black people faced daily in Boston contradicted the Bible’s mandate to love thy neighbor. Walker complained that “even here in Boston, pride and prejudice have got to such a pitch, that in the very houses erected to the Lord, they have built little places for the reception of coloured people... and the preachers say nothing about it.” Third was the African colonization movement which claimed to be a benevolent organization, but which in reality was “a plan got up, by a gang of slave-holders to select the free people of colour from among the slaves, that our more miserable brethren may be better secured in ignorance and wretchedness.” Walker viewed those who supported colonization as intent upon solidifying slavery’s hold by sending troublesome free blacks out of the country. The fourth factor was the attempts by Americans in the North to keep blacks from acquiring

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any measure of education. This Walker viewed as most degrading. Southern blacks were legally denied education, while northern blacks were hindered by customs of segregation.

Drawing repeatedly on Boston for his examples, Walker pointed out the total inadequacy of educational facilities in the North, which many in Boston’s black community sadly accepted as all they were entitled to. A young boy told Walker that after nine years in Boston’s all-black schools, he still knew no grammar. “The school committee forbid the coloured children learning grammar,” the boy explained, “they would not allow any but the white children to study grammar.” Instruction in arithmetic was no better. As Walker saw it, the education blacks received in segregated schools was part of a bigger conspiracy to keep blacks ignorant. Walker was one of the first to demand an education for blacks equal to that offered to white children.

Walker linked formal education, spiritual values, and racial pride in a call for self-improvement. Boston’s blacks must unite in order to elevate themselves and their people. From education would come social improvement, collective advancement, and political challenges to racism. Too many blacks seemed content to let things remain as they were. Walker prayed that his ignorant brothers would see the truth and “throw away pretensions, and seek after the substance of learning ... for colored people to acquire learning in this country, makes tyrants quake and tremble on their sandy foundation.” If benevolent

\[\text{\textsuperscript{20} Hinks, Walker's Appeal, p. 36.}\]
\[\text{\textsuperscript{21} Hinks, Walker's Appeal, p. 34.}\]
Americans did not act to change current conditions, they would reap the consequences. One day "our sufferings will come to an end... Then we will want all the learning and talents among ourselves, and perhaps more, to govern ourselves—'Every dog must have its day,' the American's is coming to an end."22

Walker's *Appeal* created a nationwide stir. Walker circulated copies through the mail and by way of black and white seamen, who carried them to southern cities. A group of Georgians offered $1000 for Walker dead and $10,000 alive. Throughout the South, governors issued proclamations banning circulation of the pamphlet and authorizing postmasters to open and confiscate such "seditious" mailings. The mayor of Savannah angrily wrote to Harrison Gray Otis, the mayor of Boston, to demand the arrest and punishment of Walker. Otis could offer little satisfaction. He had read the *Appeal* "to ascertain whether the writer had made himself amenable to our laws." Alas, Walker had not violated any laws. Boston's mayor assured his Savannah counterpart, "we regard [Walker's *Appeal*] with deep disapprobation and abhorrence. But we have no power to control the purpose of the author." That must have been cold comfort. Fearing that legal action against Walker would only publicize his book, thus "mak[ing] matters worse," Otis's promised to issue a general caution to Bostonians not to transport such "incendiary writings" into the South. Otis' reply

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revealed the hostility of many reputable whites in Boston to Walker's tactics and their indignation at his criticism of the city's all-black schools.23

Locally, Walker's Appeal caused quite a stir among the black and white communities. William Lloyd Garrison, not yet the radical publicist he would later become, deplored the circulation of this "most injudicious publication," but admitted that it contained "many valuable truths and seasonable warnings."24 Blacks in Boston and elsewhere in the North "gloried in its principles, as if it were a star in the east, guiding them to freedom and emancipation."25 Walker spoke for the "deepest-held sorrow, anger, and aspirations" of the black community; Walker's outrage at the brutal racism and violence black Americans confronted daily spoke to them no matter where they lived, North or South.26 The Reverend Amos Beman, a prominent black abolitionist from Middletown, Connecticut, recalled how members of his community would assemble to hear the Appeal and other anti-slavery works "read and re-read until their words were stamped in letters of fire upon our soul."27

While Northern blacks received Walker's Appeal with great excitement, many whites took it as an occasion to ask why blacks were not more satisfied with what they had. An editorial in the Boston Evening Transcript on September 28, 1830, asked the same question. Why were blacks not more dedicated to elevating

23 Otis's letter to the mayor of Savannah is reprinted in full in the Appendix, Document VI, Hinks, Walker's Appeal, pp. 98-99. The letter was reprinted in the Richmond Enquirer, February 18, 1830.
25 Boston Evening Transcript, September 28, 1830.
26 Hinks, Walker's Appeal, p. xxv.
themselves up to “the virtues of the white man”? “There is no race of men for whom we feel more sympathy than for the poor degraded children of Africa,” the editor claimed, yet “we have no bowels of compassion for the contumely which they bring upon themselves by their disreputable conduct, or by their over freedom of action.” The profession of sympathy was a sham. The Transcript denounced blacks for complaining about their condition; blacks, the paper said, “require more than they already enjoy.” It was absurd to claim, as did Walker’s Appeal, that “the free colored population of the Northern States actually suffered at this moment the hardships imposed upon their less favored brethren of the South.” How could anybody believe such exaggerations? The fault lay with white abolitionists who “cannot or will not see the terrible consequences that sometimes ensue from their injudicious interference.” Abolitionists wrongly asserted that whites treated blacks poorly: the black man “has been made too much of, and taught to ‘think of himself more highly than he ought to think.’” As a result, he became unhappy with his place. It was high time that the black man “be made acquainted with his own deficiencies, taught self-respect, educated in the virtues of the white man, and not left to the imitation of his vices.”

David Walker died in 1830, yet his voice did not vanish from the scene. Walker’s pamphlet was the first declaration of abolitionist sentiment in Boston. In 1829, there were roughly one hundred anti-slavery societies throughout the United States, but not a single one in Boston. Within two years of the publication, William Lloyd Garrison had settled in Boston and launched what would gradually

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become the organ of the anti-slavery movement, *The Liberator*. In the years after David Walker’s death, white and black abolitionists in Boston adopted and then expanded on his demands for the equal education of white and black children.

While many of Boston’s black residents readily embraced the radical critique of white society offered by David Walker, the city’s white populace was far less open to his ideas. But that changed after Walker’s death; Garrison took up his charge and quickly became the mouthpiece for the growing abolitionist movement in Boston.

It was in 1831, when William Lloyd Garrison began publishing his newspaper, *The Liberator*, that Boston’s black community began to work actively with fellow white anti-slavery people to promote change nationally and locally. On New Year’s Day 1831, William Lloyd Garrison issued the first of what would eventually be more than eighteen hundred weekly issues of *The Liberator*. In an open letter to “our free colored brethren,” he dedicated *The Liberator* to the service of the nation’s 320,000 free blacks, particularly the nearly 160,000 living above the Mason-Dixon line. “Your moral and intellectual elevation, the advancement of your rights, and the defense of your character will be the leading object of our paper.”29 He assured blacks that “the struggle for equal rights in the North constituted a leading object of Abolitionism.”30

At first, Boston’s black residents were hesitant to support Garrison, as he had previously been an advocate of colonization. The editor thus strove to

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29 *The Liberator*, January 1, 1831, p. 1, col. 3.
distance himself from his previously conservative stance. In particular, he vowed
to oppose colonization with all his might: “We will strenuously oppose any
scheme, under whatever pretense ... which attempts to transport [free blacks] to
Africa.”31 Like Walker before him, Garrison urged Boston’s blacks to do
everything possible for their own improvement, to “cooperate like a band of
brothers, and depend upon themselves to raise their own character.”32 To prove
his credentials, Garrison “prominently and largely favorably” gave over a
significant portion of The Liberator to a reprint of Walker’s work.33 This display
was meant to “establish [Garrison’s] understanding of and sympathy for the
sensibilities of the black community.”34

Garrison took Walker’s militant views even further: slavery should be
eliminated not gradually but right away. Slavery was “such a grievous sin that it
had to be eradicated at once.”35 In demanding that immediate steps be taken to
end the institution of slavery, Garrison repudiated the then dominant stance of
eyearly antislavery leaders, who had long supported gradual emancipation.

While many white Bostonians and public officials ignored Garrison and
The Liberator, his voice had been heard and embraced by much of the black
community. By 1833, African-Americans made up more than sixty percent of
The Liberator’s subscription list.36 The Liberator served many purposes for such

31 The Liberator. February 12, 1831, p. 25.
32 The Liberator. May 19, 1832, p. 77.
33 Hinks, Walker’s Appeal, p. xliii.
34 Hinks, Walker’s Appeal, p. xlv.
36 James Brewer Stewart, Holy Warriors: The Abolitionists and American Slavery (New
readers: it served not only as an anti-slavery organ but also as a journal for black Americans. Alongside anti-slavery pleas ran obituaries and public announcements from free black communities all over the East, as well as letters and articles concerning black problems written by blacks from as far away as Spanish California. On the local level, *The Liberator* offered a medium for announcements of upcoming social events, for advertisements of available jobs and housing, and for discussion of political concerns, thus "providing inspirational literature for spiritual and moral guidance."\textsuperscript{37} The *Liberator* provided blacks with news they were unlikely to find elsewhere, while simultaneously furnishing Boston’s black community with a continuing and effective means for communicating among themselves. The *Liberator* thus played a crucial role in aiding the continued development of the black community.

The key to Garrison’s success with the black community was his pledge to fight not only against slavery in the South but also against racial discrimination in the North, especially in Boston. In February of 1831, John Hilton, an active member of the Massachusetts General Colored Association and Grand Master of Boston’s Prince Hall Masonic Lodge, sent a sizable donation to the *Liberator*. In an accompanying letter, he announced that "the descendents of Africa ... are now convinced of the sincerity of your intentions, and are proud to claim you as their advocate."\textsuperscript{38} James G. Barbadoes, a highly respected elder statesman of Boston’s


black community, expressed his gratitude in a speech to a large group of the city’s blacks.

    God bless you, Liberator!...In behalf of the colored people of this city...I would acknowledge the debt of gratitude under which we labor...We congratulate you for the service you have been to the colored inhabitants of this place, and as a benefactor to the African population, generally.39

While many black Bostonians supported William Lloyd Garrison and The Liberator, some blacks found his staunch advocacy of nonviolence problematic. “Throughout the antebellum years, there was a continuing debate over antislavery means and a continuous process of mutual accommodation within the black abolitionist community in Boston, between black and white abolitionists, and between black Garrisonians and Garrison.”40 The greatest difference in opinion among black Garrisonians concerned questions of political participation and nonviolence.

    After decades of being treated as inferior, second-class citizens, many black Bostonians objected to Garrison’s belief in the necessity and power of moral suasion and nonviolence as the only means to end slavery and discrimination. Garrison made clear his stance on violence in the Preamble to the Constitution of the New England Anti-Slavery Society. The Society held that “a mere difference of complexion is no reason why any man should be deprived of any of his natural rights, or subjected to any political disability.” Garrison and his followers pledged that they would “not operate on the existing relations of society

by other than peaceful and lawful means, and that we will give no countenance to violence or insurrection." This pledge to reject violence as a course of action gave rise to some agitation within a black community that had felt the scourge of racial discrimination at the hands of the local white populace for decades. David Walker spoke for many when he advocated "the use of violence as an acceptable tactic for the acquisition of freedom and equality." That stance was held throughout the antebellum period by many black Bostonians.

Garrison’s popularity brought to the surface tensions within the black community over the approach they should take towards a government that had repeatedly subjected them and their ancestors to discrimination and abuse because of the color of their skin. The reaction of black Bostonians was not uniform; some chose to support Walker’s call to arms, others backed Garrison, while still others found themselves caught somewhere in the middle.

Those who opposed Garrison had the greatest difficulty accepting Garrison’s uncompromising hostility to the American government. Garrison advocated moral opposition to a government that had repeatedly failed to live up to its promises to the Americans people, black and white. To rectify these failures, he advocated a revolution of both American values and institutions. Many of those caught between the two camps agreed that the government was not living up to its promises, yet they could not support the total rejection of the government. They believed that they could prove their worth and loyalty as

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41 Preamble to the Constitution of the New England Anti-Slavery Society, read at the African Meeting House, January 6, 1832, located in the Abolitionist Papers in the Boston Public Library’s Rare Books Room.

Americans by accepting and obeying the government rather than by publicly challenging its practices.\footnote{Horton and Horton, "The Affirmation of Manhood," in \textit{Courage and Conscience}, p. 130.}

Maria Stewart was one of the individuals who found herself caught in the middle. Stewart, a black political and religious activist, was one of the first American women to speak out publicly on political issues. During the early 1830s, an ardent abolitionist and champion of women's rights, she became a significant voice in Boston's black community. At a time of great indecision over goals and tactics, Stewart bridged the views of Walker and Garrison. While she revered Walker as "noble, fearless, and undaunted," she rejected his call to arms. Black men should assert themselves and show their bravery, intelligence, and their commitment to serving their community.\footnote{Hinks, \textit{Walker's Appeal}, p. xli.} Successful black men gave a great deal to their communities: they not only contributed to the struggle against inequality, but they were "living refutations of the ideas of racial inferiority."\footnote{Horton and Horton, "The Affirmation of Manhood," in \textit{Courage and Conscience}, p. 134.}


As early as the 1830s, two approaches to anti-slavery coexisted in Boston's black community. Walker's militancy and readiness for violence held sway with most blacks, and supporters of nonviolence constituted the minority. Yet black Garrisonians were not opposed to potentially violent action, as
evidenced by their protection of Garrison from capture by his enraged southern enemies, and by their use of violence in the many attempts to thwart the implementation of fugitive slave laws in the 1850s. To many free blacks, physical resistance represented a clear declaration of manhood. It was also an answer to the racism confronting blacks at every turn.

Many early-nineteenth-century northern and southern whites believed that blacks were savages and that slavery helped to civilize them; they feared that once that restraint was removed, blacks would lapse into barbarism. Quite a few whites believed that the African brain was smaller than that of the European, and that blacks therefore had a limited capability to learn. This prevalent attitude led many blacks to fear they would never succeed in abolishing slavery or proving their manhood simply through moral suasion and elevation. They therefore concluded that men must assert themselves through more direct physical action.

Together with white abolitionists, many black Bostonians worked to “rapidly convert the nation to their program of abolition and racial equality.”47 Boston’s abolitionists quickly formed a coalition with a number of other reform movements, which “soon served to broaden and redefine the abolitionist program.” 48 While Garrison supported alliances with the temperance, education, and women’s rights movements, many anti-slavery activists, black and white, feared that linking abolitionism with other causes would inevitably weaken the movement by alienating potential supporters.

Division over the most effective approach to abolitionism led to serious rifts in the movement; questions of tactics and goals plagued the black abolitionist community as well as the white. Internal divisions finally came to a head at the national American Antislavery Society convention in 1840. The American Antislavery Society had been founded in 1833 in Philadelphia by Garrison and Lewis Tappan, who saw the opportunity to “convert the nation to their program of abolition and racial equality.”  At the convention, the abolitionist community differed over the immediate issue of whether to allow women to hold office in the organization and to speak at public meetings. Garrisonians supported women’s rights. “What if I am a woman?” Maria Stewart asked in 1833. That was no reason to exclude a person, black or white from playing a prominent role in the movement.

What if such women as are here described should rise among our sable race? And it is not impossible. For it is not the color of the skin that makes the man or the woman, but the principle formed in the soul. Brilliant wit will shine, come from whence it will; and genius and talent will not hide the brightness of its lustre.

Unconvinced, Garrison’s opponents defected to form the Massachusetts Abolition Society. Most blacks stayed with Garrison, who believed that America as a whole was corrupt and therefore required an active revolution of American values and institutions. Garrisonians sought the eventual replacement of these discriminatory morals and institutions with a society based on racial equality. While this “root and branch abolitionism” alienated many, it attracted those black abolitionists

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who simultaneously sought to bring an end to southern slavery and to terminate all forms of racial discrimination in the North.\textsuperscript{51}

Not all blacks endorsed Garrison’s extremism. In 1840, a black man who claimed in a letter to speak for the majority of Boston’s blacks said Garrison’s leadership was obsolete and he supported the Massachusetts Abolition Society’s agenda; black Garrisonians held a meeting at African Meeting House to prove “A Colored Man” did not speak for the community. There, they endorsed only the Massachusetts Anti-Slavery Society and Garrison. They went on to cite their devotion to Garrison for the progress he, the New England Anti-slavery Society, and the American Anti-Slavery Society had made possible over the previous decade. While the attendees at the meeting affirmed their commitment to Garrison, they also very clearly supported the man, not his specific methods. Despite these differences in opinion, “during the next few years their ambivalence grew, but their devotion never waned. Despite disagreements, Garrison and most black Garrisonians were able to accommodate their differences and maintain their alliance.”\textsuperscript{52}

After the split in the anti-slavery movement in 1840, neither organization was particularly effective or exercised much influence. Garrison and his followers increasingly focused on local issues, crusading against the state anti-miscegenation law and segregation on the railway cars, and pressed for “equal school privileges.” The shift in emphasis was a direct result of the increasing role


black activists took in the Garrisonian movement in the wake of the fracturing of the larger national movement.

By the 1840s, black activists were firmly driving the Garrisonian agenda. Without their support, after all, *The Liberator* would never have gotten off the ground. And in 1840, that support was equally critical. As evidenced by the letter from "A Colored Man," some blacks were defecting around this time from Garrison to his anti-slavery opponents, who confined their efforts to the fight against slavery, rather than embracing broader social reforms. Many early anti-slavery societies, Garrison's included, sought both immediate abolition and racial equality. After the split in the national anti-slavery movement in 1840, many black and white abolitionists sought to narrow the agenda of anti-slavery societies; they feared that the adoption of broader social reforms had diluted the power of the movement and felt that a more concentrated effort was needed to end slavery. Garrison fought back by taking up the agenda of black activists, notably William C. Nell, a man who had felt the scourge of racial discrimination in the Boston schools first-hand.

Garrison and his followers declared that one could not resist slavery without opposing racial prejudice. To this end, they "worked with blacks to end their social isolation, raise their self-esteem, and build their communities."

Beginning in the mid-1830s, the abolitionists began sponsoring programs to help free blacks in the North, attacking racial prejudice and slavery, and ultimately demanding that American live up to its promise of equality. Blacks in Boston,

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backed by white abolitionists, lobbied, petitioned, and sued in the courts to bring about the integration of public facilities. In 1839 and 1840 the abolitionists turned toward ridding the last vestige of the slave code in Massachusetts, the anti-miscegenation law, bombarding the General Court with petitions signed by nearly 9,000 people. In response, the 1841 state senate passed a bill repealing the anti-miscegenation law, 17-13. The bill was defeated the same day, 134-127, in the state house.

Abolitionists had condemned stagecoach, steamboat, and railroad segregation in the 1830s, yet it was not until 1841 that a series of incidents brought the issue to public attention. At different times during the years, several black abolitionists—including Frederick Douglass, Charles Lenox Remond, William C. Nell, David Ruggles, and Mary Newhall Green, who was traveling with a small baby—were threatened or physically forced to leave the “white” cars on a number of Massachusetts railroads. White friends traveling with Douglass and Remond to and from anti-slavery meetings were prohibited from joining them in the “colored” cars. In July, David Ruggles unsuccessfully sued one railroad for assault and battery. In November, a white dentist who was dragged from a train for protesting the expulsion of a black passenger filed a similar suit. The lawyer for the conductor in the latter case argued that private corporations had the right to impose “reasonable and proper” regulations based on “the established usage and the public sentiment of this community” and that even if the rules were

54 The Liberator, March 5, 1841, p. 38, col. 5.
“unreasonable,” the dentist and his friends had no right to “take the law into their
own hands” by violating the private company’s policy. In response, Samuel E.
Sewall contended that without specific legal sanction, the railroad had no
authority to impose a rule based on the “arbitrary” criterion of race. Boston
Police Court Judge Simmons ruled against the dentist.

Having lost in the lower courts on the issue of segregated railroads,
abolitionists appealed to the legislature. In response to a petition headed by
Francis Jackson, a Garrisonian, a joint special committee of the General Court
unanimously recommended a law to prohibit racial segregation. The committee
report declared that practice contrary to the first article of the Massachusetts
Declaration of Rights, included in the state constitution, which stated that “all
men are born free and equal, and have certain natural, essential, and unalienable
rights.” Because common carriers were licensed by the state, railroads had no
right to make any “invidious distinction ... in consequence of difference in
opinion, sex, color, sect, or other rightful and innocent peculiarity.” The
Liberator viewed such distinctions as an “insult.”

Discrimination in Antebellum Massachusetts and the Foundations of the Fourteenth Amendment,”
segregation; railroad company policy dictated the segregation of railroad cars.
57 Sewall would later serve as one of the four attorneys for Shadrach in the famous fugitive
slave case.
58 The Liberator, March 4, 1842, p. 31, col. 4.
59 Constitution of the State of Massachusetts, “Part the First: A Declaration of the Rights of
the Inhabitants of the Commonwealth of Massachusetts,” Article 1.
60 The Liberator, March 4, 1842, p. 21, col. 4.
61 The Liberator, March 4, 1842, p. 1, col. 4.
Three Garrisonians testified before the committee: Charles Lenox Remond, Wendell Phillips, and Ellis Gray Loring, an affluent Boston lawyer. All three men cited segregation as an insult to blacks; the wrongs inflicted upon blacks did not "end with the termination of the route, but in effect tend to discourage, disparage and depress this class of citizens" to a point where "all hope of reward for upright conduct is cut off." Not only were blacks subjected to conditions that were "unfit for a brute," the three men testified, but such

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62 Charles Lenox Remond was an active abolitionist and served for many years as an agent of the American Anti-Slavery Society. Remond was the first black abolitionist speaker to address large integrated audiences. In 1840, he attended the World Anti-Slavery Convention in London. After spending two years lecturing in Great Britain and Ireland, he returned to the United States in 1842 and became involved in the campaign to end segregation on the railroads of Massachusetts. His speech before delivered before the legislative committee of the Massachusetts House of Representatives in February 1842 was the first speech delivered by an African-American before the all-white body. For full text of Remonds' speech to the legislative committee see Lift Every Voice: African-American Oratory, 1787-1900, p. 189-194.

63 Born to privilege and raised in a Beacon Hill mansion, Wendell Phillips was the son of a Federalist lawyer, judge, and mayor of Boston. Raised to appreciate the value of self-discipline and the responsibilities of civic virtue, Phillips practiced law after graduating from Harvard University until two experiences changed his life: the attack on William Lloyd Garrison and a group of female abolitionists, and the mob murder of Eliajah Lovejoy in Alton, Ill. "When respectable members of his own class, such as the state's attorney general, rationalized mob violence in defense of the Union, Phillips sensed that slavery threatened everyone's freedom and was perverting the character of the Republic." In the wake of these two mob actions, Phillips became actively involved the local and national abolitionist movement, inspired by the abolitionists' sense of purpose. He asked, "which of us ever dreamed... what selfish lives we were leading 'til the slave plucked the bandage from our eyes - and showed us our feet resting on his neck?" Phillips later married one of Boston's most active anti-slavery women, Ann Terry Green, a cousin of ardent Garrisonian Maria Weston Chapman, and went on to become one of abolitionism's most gifted orators. See James B. Stewart, Wendell Phillips: Liberty's Hero (Baton Rouge, L.A: Louisiana State University Press, 1986), p. 145; Goodman, Of One Blood, p. 96-98.

64 "Loring, a Boston Brahmin, was a founder of the New England Anti-Slavery Society and a strict Garrisonian from 1831 to 1845." Despite his resignation from the board of the Massachusetts Anti-Slavery Society in 1845, he continued to cooperate with the Garrisonians on a number of other matters. He would later serve as co-counsel with Wendell Phillips and Robert Morris for blacks who sought school integration before the Boston Primary School Committee in 1846. Loring was also a member of the Boston Vigilance Committee, hiding the famous fugitive slave Ellen Craft in his Brookline home in 1850. In 1851, Loring served as one of the four attorneys who represented Shadrach in the famous fugitive slave case. See Kousser, "The Supremacy of Equal Rights," p. 13; Paul Finkelman, "Not Only the Judges' Robes Were Black: African-American Lawyers as Social Engineers," Stanford Law Review, November 1994.

discrimination was forbidden by natural law and constitutional law. Remond and Phillips stressed that equality of treatment in public accommodations was "a right, not a privilege" and called on the legislature to enforce this principle in law.

The Legislature refused; the bill lost in the state senate in 1842 and in the house in 1843. Nevertheless, the battle was a success. By January 1844, all Massachusetts railroads had voluntarily abolished Jim Crow cars and allowed blacks to enter the previously "white" cars freely. No other incidents of railroad segregation were reported in Massachusetts thereafter.

The battle to repeal the anti-miscegenation law proved to be more difficult, as voluntary action by private parties could not overturn the ban against racial intermarriage. In 1842, a repeal bill passed both houses in Massachusetts despite a great deal of public opposition. During the debate, Charles Francis Adams denounced the old law as opposed to public morals, "for it promoted illicit connections" between blacks and whites who could not marry and was ultimately contrary to the state constitution's Declaration of Rights. State Senator Washburn of Worcester condemned the old law for making "arbitrary" and "invidious distinction" between citizens.

As one anti-discrimination campaign led into another, abolitionists began to attack school segregation locally. Driven by black activists like William C.

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66 Interestingly, the bill actually passed both Massachusetts houses in 1840, but it was apparently amended in the senate and defeated when sent back to the house. Again in 1841, it passed the senate and failed in the house. In 1842, it passed without division in the senate and by a "decided majority" in the house. See Kousser, "The Supremacy of Equal Rights," p. 14.


Nell, a prominent black Garrisonian and champion of equal school rights, from 1833 on, the abolitionists kept a close watch over events at the segregated Smith School in Boston. In the August 27, 1841, issue of *The Liberator*, William C. Nell reported that its 1841 public examination had "passed off in a manner highly creditable to the pupils."\(^6^9\) Despite this favorable report, in 1842, an anonymous correspondent reported considerable dissatisfaction among black parents at that year's exhibition.\(^7^0\) In a ranking of performance on standardized tests in 1845, the students of the Smith School placed the lowest of all students in Boston's eighteen grammar schools in every category, averaging less than five percent as many correct answers as students in the leading school and only twenty-five percent as many as those in the lowest scoring white school.\(^7^1\)

While most of the early integration campaigns were founded and spearheaded by the city's small abolitionist community, the cause of school integration had a special meaning for the city's black residents. Although numerically small in relation to the white population, black Bostonians became increasingly interested in and capable of challenging the ingrained system of racial discrimination and segregation. Community-building initiatives in the first decades of the nineteenth-century had awakened a group consciousness by the 1830s and 1840s that rendered the black community ready and better able to

\(^6^9\) *The Liberator*, August 27, 1841, p. 139, col. 4. For more information on William C. Nell and his role in the school desegregation struggle, see Donald M. Jacobs's *Courage and Conscience*, chapter 7.

\(^7^0\) *The Liberator*, September 2, 1842, p. 139, col. 4.

\(^7^1\) Reports of the Annual Visiting Committees of the Public Schools of the City of Boston, City Document No. 26, p. 149 (1845), located in the Boston School Committee papers in the Boston Public Library's Rare Books Room. [Hereafter cited as, BSC papers.]
protest their conditions than ever before. This protest manifested itself in many ways, one of the most significant being the challenge to segregation in the city's public schools.
Chapter II:  
Black Boston: Community Development and Origins of Equal School Rights

At the same time the abolitionists first launched an attack on segregation on the railroads, interracial marriage, and school segregation, Boston’s black community at large reached a point where it was ready and able to protest the discriminatory conditions its members faced daily. Since their first days in Massachusetts, blacks sought to improve on the conditions of their community in all spheres of life. Whether through community development initiatives or political action campaigns in the larger city, early nineteenth-century black Bostonians demonstrated a higher degree of self-awareness than ever before. The numerical growth of the black community of Boston in the first half of the nineteenth-century and its residential concentration made possible this increased level of political and social activism, as did close ties to both the Garrisonians and the larger national abolitionist movement.

Boston’s black population did not truly start to develop into a cohesive community until the late eighteenth and early-nineteenth-centuries. By the 1790’s Boston possessed one of the largest free black populations in North America, numbering nearly 1,100, a percentage of the city’s population comparable to that of Philadelphia, New York City, Brooklyn, and Cincinnati. Discrimination in
religion, housing, and employment combined with racial isolation to prompt Boston’s blacks to band together to combat and cope with their situation. 72

Contrary to standard accounts, blacks were not clustered around the waterfront in the North End, in an area affectionately known as “New Guinea.” Rather, they were dispersed throughout the small area that was Boston, primarily in the North End, South End, and West End (see Table 1.) From 1785 to 1795, the largest proportion of blacks resided in the South End; by 1794, sixty percent of Boston’s black population lived there.73 As many jobs were closed to them due to discrimination, blacks typically worked in the service trades as merchants, hatters, servants, shopkeepers, and barbers, or as street laborers, shipbuilders, and dockworkers.

The participation of more than five thousand blacks in the Revolutionary War as both soldiers and workers gave Boston’s blacks an even greater sense of their inalienable rights, leading them to believe that they deserved both independence and opportunity. While slavery was abolished in the years after the war, conditions did not improve; rather they worsened in many instances, as blacks were forced to compete with whites and new immigrants, mostly Irish, for jobs. Fear in the white community closed nearly all doors to black advancement. Initially, blacks looked within to their own community for solutions to the situation.

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<table>
<thead>
<tr>
<th>Ward</th>
<th>1784</th>
<th>1790</th>
<th>1794</th>
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<tbody>
<tr>
<td>1</td>
<td>11</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>2</td>
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</tr>
<tr>
<td>5</td>
<td>7</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td><strong>North End Subtotal</strong></td>
<td><strong>30 (19%)</strong></td>
<td><strong>31 (20%)</strong></td>
<td><strong>17 (13%)</strong></td>
</tr>
<tr>
<td>7</td>
<td>33</td>
<td>21</td>
<td>26</td>
</tr>
<tr>
<td><strong>West End Subtotal</strong></td>
<td><strong>33 (22%)</strong></td>
<td><strong>21 (14%)</strong></td>
<td><strong>26 (20%)</strong></td>
</tr>
<tr>
<td>6</td>
<td>10</td>
<td>5</td>
<td>3</td>
</tr>
<tr>
<td>8</td>
<td>16</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td><strong>Central District Subtotal</strong></td>
<td><strong>26 (17%)</strong></td>
<td><strong>11 (7%)</strong></td>
<td><strong>9 (7%)</strong></td>
</tr>
<tr>
<td>9</td>
<td>16</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>10</td>
<td>28</td>
<td>37</td>
<td>25</td>
</tr>
<tr>
<td>11</td>
<td>7</td>
<td>8</td>
<td>15</td>
</tr>
<tr>
<td>12</td>
<td>14</td>
<td>33</td>
<td>27</td>
</tr>
<tr>
<td><strong>South End Subtotal</strong></td>
<td><strong>65 (42%)</strong></td>
<td><strong>90 (59%)</strong></td>
<td><strong>79 (60%)</strong></td>
</tr>
<tr>
<td><strong>Total All Wards</strong></td>
<td><strong>154</strong></td>
<td><strong>153</strong></td>
<td><strong>131</strong></td>
</tr>
</tbody>
</table>

The abolition of slavery in Massachusetts in 1783 gave rise to community organizations focused on self-help and development. In the late eighteenth and early nineteenth centuries, black Bostonians formed a number of mutual aid organizations, such as the African Society, founded in the West End in 1796 to

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improve the condition of blacks. The African Society provided financial aid for those in need and assisted people in finding work. Likewise, fraternal organizations, such as the African Lodge, strove to provide aid and education to the black community. Although these organizations did offer valuable social services, they were not capable of meeting the ever-increasing needs brought on by migration from the South, the Caribbean, Canada, and Europe.

Nineteenth-century black Bostonians generally led a self-contained existence. Before 1800, Boston’s black community was geographically limited to the South End and small sections of the North End and West End. The increased influx of black immigrants into the city in the second quarter of the century altered the community’s traditional residential patterns. Boston’s black population rose in every decade between 1790 and 1860 (see Table 2) and spread to the lower slopes of Beacon Hill, which was dubbed by racists “Nigger Hill.” Blacks were drawn to the West End by the establishment of a number of black community-based institutions, such as the African Lodge and the all-black Smith School, as well as by the migration of Boston’s new white elite to the West End after 1795, and the range of service opportunities the white migration offered. By 1830, this neighborhood had become the largest black enclave in the city, where almost one-third of the city’s 1,875 blacks lived. Three decades later, the area claimed nearly two-thirds of the city’s blacks; some 1,395 lived in ward 6 of the West End out of a total black population of 2,284.\footnote{James Oliver Horton and Lois E. Horton, \textit{Black Bostonians: Family Life and Community Struggle in the Antebellum North} (New York: Holmes and Meier, 1979), p. 4.} The remainder were
sprinkled throughout the city, with many blacks, particularly those new to the city, continuing to reside in the North End and South End. Blacks were also concentrated on the streets immediately north of Cambridge Street in Ward 5 and in East Boston.\textsuperscript{76}

Table 2
Black Population of Boston, 1800-1860\textsuperscript{77}

<table>
<thead>
<tr>
<th>Year</th>
<th>City Population (Thousands)</th>
<th>Total Negro Population</th>
<th>Percent Total Population</th>
<th>Under Age 10</th>
</tr>
</thead>
<tbody>
<tr>
<td>1800</td>
<td>24,937</td>
<td>1174</td>
<td>4.71</td>
<td></td>
</tr>
<tr>
<td>1810</td>
<td>33,787</td>
<td>1468</td>
<td>4.34</td>
<td></td>
</tr>
<tr>
<td>1820</td>
<td>43,298</td>
<td>1690</td>
<td>3.9</td>
<td></td>
</tr>
<tr>
<td>1830</td>
<td>61,392</td>
<td>1875</td>
<td>3.05</td>
<td>372</td>
</tr>
<tr>
<td>1840</td>
<td>93,383</td>
<td>1988</td>
<td>2.13</td>
<td>416</td>
</tr>
<tr>
<td>1850</td>
<td>136.9</td>
<td>1999</td>
<td>1.5</td>
<td></td>
</tr>
<tr>
<td>1855</td>
<td>161.4</td>
<td>2216</td>
<td>1.4</td>
<td>461</td>
</tr>
<tr>
<td>1860</td>
<td>177.8</td>
<td>2284</td>
<td>1.3</td>
<td>344</td>
</tr>
</tbody>
</table>

The residential concentration of the small black population distorted the perception of those who passed through the community, making it seem much larger than it was. In reality, while the number of blacks in Boston was steadily increasing throughout the antebellum period, it always constituted an extremely small and regularly diminishing percentage of the total population. Seldom did the rate of growth among blacks equal that of the larger white population, which


expanded rapidly in the first half of the nineteenth-century, largely owing to immigration from Europe.

Still, Boston’s black community was no stranger to in-migration. By 1800, more than 1100 blacks lived in Boston, constituting less than 5 percent of the city’s residents. This number had more than doubled to 2,284 by the outbreak of the Civil War. Yet blacks had fallen to about one percent of the total population. Migration of blacks from outside of Massachusetts accounted for most of the absolute increase. By the 1850s, more than 55 percent of black Bostonians had been born outside of the state; on the eve of the Civil War, that figure was over 61 percent. Drawn by the economic and social opportunities Boston provided, as well as by the presence of a sizable established black community, migrants from the South, the Caribbean, Canada, and Europe poured into Boston.

The diverse backgrounds of migrants lent a distinct cosmopolitan character to Boston’s black community. In 1850 it included 179 newcomers from abroad: approximately ninety from Canada, thirty-six from the West Indies, forty-five from Europe; the rest were from South America and Africa. Foreign-born blacks constituted one out of six newcomers. The great majority of immigrants (67%) were native-born.

Blacks were attracted to Boston for a variety of reasons. As with all immigrant groups, the receptiveness of a place was crucial. “Deeply concerned

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79 Horton, Free People of Color, p. 27-28.
with the racial climate in areas in which they lived,” black migrants “were sensitive to the reputation of various northern cities.”

Boston’s favorable image attracted hundreds of black migrants to the city. Drawn by Boston’s national reputation as the cradle of liberty, a place where freedom was possible, blacks and other immigrant groups flocked to the city in search of employment and education.

Eventually this reputation for reform, especially among blacks, came to rest in part on the presence of William Lloyd Garrison’s abolitionist journal the *Liberator* and the cooperation between whites and blacks in the anti-slavery cause. This abolitionist association “led to a familiarity and ease that was probably responsible for the widespread belief that Boston was the ideal in race relations, an illusion believed by many abroad and perpetuated at home by those who should have known better.”

In the antebellum era, black Bostonians assumed a larger national leadership for the race than ever before. Issues raised and resolved in Boston set the standard for action elsewhere. The *Liberator* helped break down the barrier that had previously prevented blacks from voicing their opinions, providing a platform from which they could announce their reform agenda. News on local issues like segregation, plans to assist blacks returning to Africa, and efforts to aid fugitive slaves were broadcast nationwide in the *Liberator*. The journal circulated throughout the country, and its white editor helped convince many blacks that the city was a safe haven for colored people.

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80 Horton, *Free People of Color*, p. 29.
While Boston was a racially tolerant place, compared with other northern cities, the city was not free from racial prejudice or violence. On October 21, 1835, a mob broke up a scheduled meeting of the Boston Female Anti-Slavery Society. At the urging of Mayor Theodore Lyman, the women dispersed, but the angry crowd was unsatisfied. It seized William Lloyd Garrison and paraded him through the streets with a rope around his neck. Mayor Lyman rescued Garrison and placed him in jail for safekeeping.82

The mobbing of Garrison was mild. Elsewhere in the United States, anti-abolitionism erupted in serious violence. A black Philadelphia man was assaulted in October of 1849 by a crowd incensed by his marriage to a white woman. The vigilantes initially threw stones at the couple’s home, then “set it on fire, compelling the inmates to fly.” When the fire company and police arrived, the mob drove them off with stones and guns; one man was killed. The riot lasted through the night and was broken up the following day by state militia. All told, twelve people were shot, two or three of them were mortally wounded before the riot was suppressed.83

Black migrants were also drawn to Boston by the presence of an established and active black community. This community provided much-needed support to newcomers who quickly found job opportunities severely limited, many sections of the city unsafe, and hotels and white boardinghouses closed to them. Under these circumstances, local black residents were indispensable,

82 Boston Recorder, October 30, 1835.
83 Puritan Recorder, October 18, 1849.
providing both housing and social contacts. Blacks migrating to Boston in the early nineteenth-century encountered many of the same problems as did other immigrants, and they used many of the same techniques to aid their transition to urban life.

Networks of communication connected blacks in major northern cities, notably Boston, Philadelphia, and New York City. Through newspapers, letters, and personal connections, northern blacks kept in touch. They came together periodically in events sponsored by the national anti-slavery movement, religious denominations, and black fraternal organizations.84

Life in antebellum Boston was economically uncertain yet socially rich for its black residents. While they endured a financially meager existence as a result of discrimination and increasing job competition from the Irish, black Bostonians sustained a vibrant community life. Living closely together, antebellum blacks formed close-knit associations out of which grew a strong feeling of unity in an often unfriendly city.

The poverty of Boston's black residents arose largely from the scarcity of jobs. Employment for men was limited to the North End docks and midtown commercial areas; the most frequent occupation for women was domestic service. Steady employment was difficult for unskilled and semiskilled blacks to secure; most men relied on low-paid day labor and seasonal work as dock laborers and seamen. Many blacks were consequently unable to support independent households and clustered in boardinghouses and multi-family dwellings. The

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84 Horton, Free People of Color, p. 30.
practice of taking in boarders stemmed from both custom and economic and social necessity. In the pre-industrial city, it was common for both blacks and whites to board in the households of friends or relatives. By 1850 about one-third of the black households in Boston included boarders. Boarding was an important means of helping recent immigrants assimilate to life in Boston.

Hosts introduced newcomers to employment opportunities, social groups, friends, and the church. John Porter of Virginia arrived in Boston in the late 1840s without skills or employment. In 1850, he was boarding with the Gardner family, who introduced him to the Twelfth Baptist Church. He also found work in a clothing store owned by Coffin Pitt, a member of that same church. Porter became involved in the Boston Vigilance Committee, a group founded by blacks and white abolitionists to aid fugitive slaves. His landlords, the Gardners, their neighbor Pitts, and a number of other church members also belonged to the Vigilance Committee. Porter was one of many such migrant boarders who relied on their host family for entry into the activities of the black community.

Boarding also served an important function for the host family. While taking in boarders provided much-needed income, it was “also a manifestation of the responsibility many blacks felt for one another.” It was critical to black migrants’ assimilation and acceptance into the local community.

In the late 1830s and 1840s, there was an increase in self-awareness and agitation within the black community for equal rights and facilities. At the same

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85 Horton, *Free People of Color*, p. 31.
time that some called for black-controlled neighborhood schools, others pressed
the city and state for integrated schools. Despite professed interest in civil rights
causes, many black men and women opted not to take an active role in the
abolitionist movement and reform agenda, preferring to focus within and work to
reform existing black institutions. Others, such as Morris, Nell, Benjamin
Roberts, Jonas Clark, and Francis Jackson, opted to become vocal participants in
the Garrisonian reform agenda, at times even appearing to be dictate and direct
the campaign. Over time, such distinctions between members of the black
community blurred as blacks united in the late 1840s and early 1850s in an effort
to achieve equality of opportunity and treatment in the city.

Nineteenth-century blacks were no longer content to rely on white
abolitionists in their struggle to gain equal access to services. In the late 1830s,
the desire to improve conditions in the black community in all spheres of life
spread from internal development to an increasingly external, activist-oriented
movement. Blacks “established formal groups and associated informally to
provide for community services, to protest discriminatory restrictions, and to
lobby for social and political change.”

Following the abolition of slavery in Massachusetts in 1783, Boston’s
black residents turned their attention to trying to improve their condition within
the city and the condition of their fellow blacks nationwide. Their efforts within
Boston fell into two distinct areas: community development and reform of the
city’s existing institutions.

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88 Horton, *Black Bostonians*, p. 27.
Black-owned and -operated business performed an important function in community development. First, because white banks seldom lent to blacks, the community had to generate its own resources. Local black-owned grocery stores were key sources of credit. Other enterprises such as barber shops provided an important forum for the discussion and exchange of information and ideas. J.J. Smith's barbershop was a frequent gathering place for anti-slavery activists; Charles Sumner, an ardent anti-slavery senator from Massachusetts, could often be found there engaged in intense debate with blacks. Peter Howard's barbershop brought together blacks from all over the community.

While black businesses served important economic and social functions, community organizations like the African Society, founded in 1796, and black fraternal organizations like the African Lodge played an even more important role in black life. Offering programs of education and community service, these groups strove to unite and uplift.

The African Society, a mutual aid and charity organization, was based in the African Meeting House, the home of the African Baptist Church located on Beacon Hill. It helped people find jobs and aided members and their families financially. The Society also administered wills, provided for burials, and, with the help of the church, supported members' religious needs. Like other community organizations, it actively encouraged moral living, temperance, self-

improvement, and education—in short, "behaving ourselves ... as true and faithful citizens of the Commonwealth." 90

The earliest of the black fraternal societies, the African Lodge #459, was organized in 1787 by Prince Hall, a Methodist minister who had served in the American Revolution. 91 Denied permission by American Masons to establish a black lodge in Boston, Hall applied for and was granted permission by the Grand Lodge in England. The African Lodge, later renamed the Prince Hall Lodge, expanded in scope and influence over the first quarter of the nineteenth-century and drew members from all walks of life. The Lodge's educational programs and community services complemented those provided by the African Society and the black churches. 92

Other organizations—the Adelphic Union Library Association, the Histrionic Club, the African-American Female Intelligence Society, the Juvenile Garrison Independent Society, and a wide range of musical associations—met the varying needs of all members of the black community. Many influential black community leaders emerged from these early organizations. Emphasizing the need for mutual aid and solidarity, Prince Hall and his contemporaries urged the black community to act on its own behalf rather than wait patiently for the white society to provide aid. They spoke out of the belief that both slavery and

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92 Horton, Black Bostonians, p. 30.
discrimination were temporary conditions that could be overcome through courage, social action, and faith in God.\footnote{Prince Hall, “A Charge Delivered to the African Lodge, June 24, 1797, at Menotomy,” in 

As Boston’s black community came into its own in the early nineteenth-century, it became increasingly glaring that local facilities available to whites, such as public schools, were overtly denied to blacks. From the 1830s and 1840s on, the black community turned its energies to ending segregation in all spheres of life. From the start, Boston’s black residents had seen the value of education. As early as 1787, blacks petitioned the state legislature for the establishment of separate schools. Citing white prejudice and indifference to their educational needs, black citizens sought schools over which they could exercise direct control. City officials repeatedly denied the request; Boston’s taxpayers were unwilling to pay for separate white and black schools. The School Committee insisted the existing free schools were sufficient for all the city’s residents. If the black parents did not wish to make use of these opportunities, the city was not to blame. Black parents could certainly start their own school, said the committee; they simply should not expect the schools to be publicly financed.\footnote{Levesque, \textit{Black Boston}, p. 166; Schultz, \textit{The Culture Factory}, p. 160. The Boston School Committee’s 1849 Grammar School Report, which contains a sketch of black schools in the city, does not mention the 1787 petition and states that, until 1810 or 1812, blacks “were privileged to attend indiscriminately at the public schools in the town; a right which, very generally, was little availed of.” Boston School Committee, \textit{Report of a Special Committee of the Grammar School Board, Presented August 29, 1849, on the Petition of Sundry Colored Persons, Praying for the Abolition of the Smith School} (Boston, Mass.: J.H. Eastburn, 1849.)}

A strong determination to build African-American institutions led black parents to turn to other sources of aid. In 1798, they enlisted the help of several
affluent whites, obtained permission from the selectmen, and started the first school for the black children of Boston in the home of Prince Hall. Most of the African School’s financial support came from a few “benevolent white gentlemen,” though a few blacks contributed as well. The school, first run by a white teacher named Elisha Sylvester, struggled for a few months and then closed in the wake of a yellow-fever epidemic. Again, the black community turned to the city for help. In 1800, sixty-six black petitioners asked the school committee to establish a separate school for their children. An appointed sub-committee, including the Reverend John T. Kirkland of Harvard, the popular minister William Emerson, and the young Josiah Quincy, strongly recommended the plan. The Committee again refused, repeating its unwillingness to spend tax money on schools in “New Guinea.”

Because the town declined to fund a black school, white benefactors moved in. A group of philanthropists, including John Lowell, J ebidiah Morse, John T. Kirkland, the Rev. Doctors Channing, Howell, and Rev. Mr. Emerson, agreed to support the school. The revived school again met in Prince Hall’s home, with two young white Harvard students instructing the students. In the view of the white benefactors, this arrangement was inadequate; a more appropriate classroom was required. In 1806, the school relocated to the basement of the newly constructed African Baptist Church on Belknap Street on

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the northwest side of "Nigger Hill," in the heart of the largest black district in the city. That school gained a secure income in 1815, when Abiel Smith died and left an endowment of $4000 to the school, which subsequently took his name. In 1835, the Smith School finally moved into its own building constructed from the endowment funds. 99

The black community, with the help of its white patrons, both operated and funded the school until 1812, when the town of Boston began assisting the school. Reversing its earlier policy, the town contributed $200 annually; the parents of the children attending the school paid twelve and a half cents a week. This arrangement continued until 1815, when the board of selectmen demanded control over the previously autonomous school. In return for its financial support, the School Committee would take charge of the school and any others that might become desirable. They had come around to the view of black leaders and officially adopted a policy of supporting separate schools. Undoubtedly, the Smith bequest made this an attractive proposition, as the taxpayers bore only a small financial responsibility. The only expense the city paid for the schoolroom between 1815 and 1833 was for repairs, but even that was "less than the income from Mr. Smith's truly charitable bequest." 100 Blacks surrendered nearly all of their independence in exchange for this small measure of financial support. In 1820, the Smith School was incorporated into the public school system. Segregation became official: Boston funded separate schools for whites and

blacks. "At no time in their existence would the separate schools come to rely exclusively on public funds, but they would finally yield all private autonomy to public control." While separate schools continued well into the 1850s, segregation was de facto; no law required the practice. For the next twenty years, 1820-1840, the Smith Grammar School and its three primary school appendages continued undisturbed. Meanwhile, Boston's black community grew in size, all the while gaining in political maturity.

Blacks and whites had long worked together on anti-slavery causes in Boston, so the increasing militancy of black abolitionists and the ever-expanding reach of the abolitionist agenda coincided with the increasing frustration of black parents with the system of separate schools. The school desegregation controversy that developed in the 1840s and 1850s "provided a vehicle for an emerging sense of group consciousness among some Boston blacks." As the campaign developed, the local black community was soon divided.

In the late eighteenth and early nineteenth centuries, blacks had been eager to establish separate neighborhood schools, with public as well as private funding, under their own control. Separate schools fit naturally with the strategy of black self-help and community development. Yet Boston's blacks were soon to be disappointed. In spite of the Smith bequest, the Boston School Committee did not provide the necessary upkeep for the black schools, which quickly fell into

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103 Schultz, The Culture Factory, p. 158.
disrepair. The facilities were exposed time and time again as utterly inadequate. To make matters worse, black parents exercised only limited influence over the schools; the School Committee made decisions regarding curriculum and hiring independently of black parents.

At first the majority of the black community believed that simply improving the separate facilities might work, but by the 1840s, many black residents came to see that they had lost all control over the education of their children and that the city’s separate institutions would never be equal. Many black residents of Boston lost faith in the vision of separate neighborhood schools educating young people to take a leadership role in the community. Well before the campaign for integration of the public schools had begun in earnest, black parents encountered problems with the all-white School Committee, ranging from a lack of direct control over their children’s schools to a complete disregard of parental opinion and for the quality of their children’s education.

The School Committee’s increasing unwillingness to submit to the desires of black parents grew out of the larger school reform movement of the day. Black parents were not alone in complaining about their lack of influence over neighborhood schools, including the hiring and firing of teachers. White parents had similar grievances.

Up until the 1830s, the district schools, often referred to as “common” schools, were essentially “quasi-public schools, publicly controlled by the local community, and publicly supported through a combination of property taxes, fuel
contributions, and state aid." These schools were not free – parents paid tuition, as was the case at the Smith School, where parental payments amounted to roughly $300 on average while the school committee contributed $200 annually. District schools ran irregularly, open only three or four months in the winter and three months in the summer. Teachers taught anywhere from forty to sixty pupils, ranging in age from four to fourteen.

Before the mid-1830s, general school committees oversaw the educational arrangements of each town, while district committees oversaw schools in each neighborhood. District committees were run by their residents. Not surprisingly, school committees typically deferred to the wishes of parents in the neighborhoods. Such localism led to a constant turnover of untrained teachers and to irregular attendance by children, who were often kept home to work on the farm, and in the case of Boston’s black children, kept home due to parents’ discontent with their vastly unequal facilities and education.

The advent of the common school movement in the late 1830s and 1840s was brought on in great part by tremendous changes nationally with the rise in “manufacturing, foreign immigration, the decline in landholding, the fragmentation of Protestant religion, and the growth of cities.” Horace Mann, the great educational reformer, and many others believed the nation was in danger from greater diversity and fragmentation as “patriotism was giving way to unmitigated politics; religion to sectarianism; and Commonwealth to a class

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society of haves and have-nots. The rise of the factory and city only served to intensify these upsetting developments, and none of the established socializing agents seemed able to control them. It was therefore up to the public schools to fill the void and rescue the state. Facing increasing diversity in the schools, particularly with the influx of Irish Catholic immigrants, reformers stressed “the traditional goals of American schooling—intelligent citizenship, industrious work habits, and upright behavior.”

From the impulse to make uniform the education children were receiving in the public schools sprang the bid to centralize authority over the schools. Reformers sought to relocate power upwards from the districts to the general committees. Horace Mann was the leading proponent of such centralization during his twelve-year tenure as secretary of the state Board. That position gave Mann a pulpit from which to preach and inaugurate a program of comprehensive school reform. Mann pushed through state legislation that introduced grades to schools, required teachers to be professionally trained, designated the length of the school term, and standardized curricula. On the local level, Mann took away power from local committees and relocated it in a centralized system of state education. That plan served the needs of whites more than blacks, who lacked the numbers and influence to elect representatives to either the general city committee or to the larger state board.

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107 Kaestle, *Pillars of the Republic*, p. 64.

While a growing number of black parents were discontented with the unequal facilities, proponents of integration increasingly viewed separate schools as harmful to their children. Inferior schools led black children to think that they were an inferior class. After all their efforts, Boston's blacks had little of value: only a set of inferior schools, under-funded and in disrepair, over which they had little control, where their children were subjected both to an inadequate education and a social stigma. The situation was insulting. Yet it took a decade or more for Boston's black community to push for integration. The community was divided over the issue. Once unanimous in support of all black schools, Boston blacks could not agree on an alternative in the 1840s.

Despite the attempts of abolitionists, both white and black, to make the push for integrated schools appear to be unanimous in the black community, black Bostonians were divided among themselves on the subject of the schools. While many black parents felt that the existence of segregated schools was "indirectly related to restrictions on the group, such as the denial of voting rights and exclusion from jury, fire, and military service," others disagreed. One faction believed that separate education for black children should be retained, but that the wishes of their parents be given fuller consideration; this party advocated the hiring of exclusively black instructors for the separate schools. Others chose to boycott the separate schools and create interim Independent Schools.

Rather than undermining bigotry, one faction of Boston blacks, along with the School Committee, speculated that integration might strengthen it. They

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109 Cromwell, The Other Brahmins, p. 36.
feared that, rather than offering blacks a chance for a better education, integration might offer them a poorer education. If the Smith School were abolished, John T. Roberts, a black day-laborer and opponent of integration, predicted, "The poor and ill-educated colored children of the West End would be brought into disadvantageous competition and association with the more advanced and wealthy white children." Suffering "sneers, insults, assaults, [and] jeers," they would be isolated from their white peers informally, and "embarrassment would retard their progress." Thomas P. Smith argued that black schools, by contrast, offered a "retreat—an asylum secure from the taunts and reproaches heaped upon the innocent children," which should be retained for those "who were unwilling to suffer the persecution to which they would be exposed in a school where the great majority were of the favored complexion."

Thomas P. Smith stated before the Grammar School Committee that the black schools should be continued. He defended himself and elaborated on his earlier testimony in a letter to The Liberator a few months later. While he repeated his belief that the Smith School and all other separate black schools ought to be retained, Smith also stated his wish to see "the privilege of common ward schools being given to all." Like many of his fellow blacks who were opposed to total integration, Smith believed that integration and separation could coexist. The exclusiveness originated and prevailed among the white portion of

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110 Boston School Committee, Report of a Special Committee of the Grammar School Board, Presented August 29, 1849, pp. 54-55
111 Boston Post, August 14, 1849, p. 1, col. 7 (quoting testimony of Thomas P. Smith before the Grammar School Committee, and cited in the Report of a Special Committee of the Grammar School Board, p. 48.)
the community: “shall we then abolish our institutions, because the whites won’t admit us to theirs? I say never! For by doing so, we rashly destroy the means for all future happiness and improvement.” Smith saw “no baleful influences, no degradation, no oppression or prejudice, caused by colored schools.” Although they might not be necessary in Lowell, Cambridge, and other places where the black population was exceedingly sparse, “they may be extremely politic, expedient and useful in Boston...some benefit can come from [segregated] common schools.”

Separating themselves from the more vocal majority in a letter to The Liberator, the black minority proclaimed their sentiments: “We are and ever have been in favor of removing all legal disabilities from our oppressed people; we are in favor of the doors of all the ward schools being thrown open to such colored children as may desire to go to such schools. Where they differed from the majority, however, was in their opposition to the abolition of separate black institutions “until such times as we can enjoy more liberty and equality among the whites.” The early petitions to the School Committee, then, did not reflect a full consensus in the black community, yet they did illustrate the community’s dedication to quality education.

In the early years of the struggle, white abolitionists like Charles Sumner and Wendell Phillips spearheaded the campaign against the segregated schools.

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112 The Liberator, October 5, 1849, p. 160, col. 3 (reprinted letter from Thomas P. Smith defending himself and elaborating on his earlier testimony before the Grammar School Committee.)


They were sincere in their fight for a society based upon equal opportunity, in which children of different classes and races would mix together in school and come to appreciate one another, free from any pretensions of caste. Many historians, following the lead of such figures as Frederick Douglass, point out that New England abolitionists could harbor a good deal of racism, even as they attacked slavery in the South. This does not seem to be the case for the little band of blacks and whites who fought steadfastly against segregation in the Boston public schools. The challenge to school segregation was mounted as early as 1833, and was coeval with the other struggles against racism. Egalitarian-minded white abolitionists were joined in this struggle by a small group of black abolitionists who for many years had crusaded for equal rights with white Bostonians.

Using his position as pastor of the African Baptist Church, the first black church in Boston, Thomas Paul promoted the abolitionist platform. Paul began as an “exhorter,” explaining biblical passages to the congregations gathered at informal worship sessions in private homes; he soon found himself preaching to larger numbers. In May 1805, Paul was ordained as a Baptist minister in his native New Hampshire. Back in Boston, he joined with Paul and Scipio Dalton, among others, to organize a formal black church. On August 8, 1805, the African Baptist Church was officially organized with Paul installed a year later as its minister.

Paul’s children—Thomas Jr., Eli Ball, Susan, and Nathaniel Paul—carried on the activist tradition. Eli and Nathaniel became ministers like their father.
Thomas Jr. went to Dartmouth College, where he became its first black graduate. In the late 1840s and 1850s, Thomas Paul Jr. served as the schoolteacher and headmaster of the all-black Smith School. His sister Susan also followed in her father’s footsteps, becoming one of the most illustrious female reformers in Boston during the antebellum period. She was a life member of the Massachusetts Anti-Slavery Society and an activist for temperance, abolition, women’s rights, and other campaigns for social justice.¹¹⁵

The Paul family typifies the longstanding tradition of black involvement in community affairs. Scipio Dalton and his son, Thomas, were another example. Like Thomas Paul, Scipio Dalton was involved in nearly every early community organization: a founder of the African Society, organizer of the African Baptist Church, sponsor of the African School, and member of the African Masonic Lodge.

Thomas Dalton followed suit. The first president of the Massachusetts General Colored Association, and a leader in the movement that led to its 1833 merger with the New England Anti-Slavery Society, Dalton was also the treasurer of the Boston Mutual Lyceum, a black cultural and educational organization. Initiated into the African Lodge in 1825, he rose to senior warden, and within two years became co-secretary with David Walker, and remained active until at least 1876.¹¹⁶

¹¹⁶ Horton, Free People of Color. p. 45-46.
The 1833 merger of the Massachusetts General Colored Association with the New England Anti-Slavery Society was welcomed by black leaders, for the merger did not involve white displacement of black leadership. Blacks became active leaders in the New England Anti-Slavery Society after the merger, signaling the beginning of a shift from all-black to integrated organizations that constituted a biracial movement.

William Guion Nell, a tailor from Charlestown, South Carolina, moved to Boston around 1817 and married Louisa Nell, a native of Brookline. One of the original founders of the Massachusetts General Colored Association and a friend and neighbor of David Walker, Nell was involved with the organization until the 1830s. While he primarily advocated with separate black action and organization, his son, William Cooper Nell, who took a leadership role after 1830, was chiefly devoted to achieving integration.117

William C. Nell was born in December 20, 1816, on Beacon Hill. A student at the segregated Smith School in the basement of the African Meeting House, Nell was shaped for life by that experience. During a visit to the school by the mayor of Boston, Harrison Gray Otis, and the chairman of the School Committee, Samuel T. Armstrong, Nell was to receive an award for scholastic achievement. Two other black students were to get similar prizes. Instead of receiving a silver medal bearing Benjamin Franklin’s likeness (an award given to the best white students in the Boston school system – an award “legitimately our

due,” recalled Nell) the three black recipients were “each given an order on Deacon James Loring’s bookstore for the *Life of Benjamin Franklin.*” While the black students were given a book in lieu of their hard-earned medals, “the white medal scholars were invited guests to the Faneuil Hall dinner.” Despite the lack of invitation, Nell attended anyway – as a waiter. When the white School Committee Chairman Armstrong noticed Nell, he called over to the boy and whispered, “You ought to be here with the other boys.” The humiliation suffered that evening “deepened into a solemn vow that, God helping me, I would do my best to hasten the day when the color of skin would be no barrier to equal school rights.”

Driven by his experience as a child, Nell went on to become a member of the Juvenile Garrison Independent Society, a group of black youth organized for education, community service, and self-help. Quickly singled out as an exceptional orator and writer, in October 1833 Nell was chosen to address the second anniversary of the Juvenile Garrison Independent Society. His speech was so inspiring that it was printed in the *New England Telegraph.*

A lawyer in the office of Boston abolitionist William I. Bowditch in the early 1830s, Nell had the legal skills and knowledge to be helpful to the anti-slavery effort. In 1831, Nell became an errand boy for the *Liberator*, where William Lloyd Garrison soon recognized Nell’s talent. Facing great opposition,
Garrison made Nell an apprentice in the *Liberator* office at a time when "no colored boy could be apprenticed to any trade in any shop where white men worked." The white community was positive that no "nigger could learn the art of printing and it was held to be evidence of [Garrison's] arrogant folly to try the experiment."\(^{120}\) As Garrison's apprentice, Nell wrote articles, supervised the *Liberator*'s Negro Employment Office, set meetings, communicated with other abolitionists, and occasionally represented Garrison at anti-slavery gatherings. Nell criticized those black abolitionists who broke with Garrison in 1840 when the anti-slavery movement split in two. In 1848, he relocated to Rochester, New York, to assist Frederick Douglass in publishing the *North Star*, returning to Boston after growing conflict between Garrison and Douglass forced him to choose sides.\(^{121}\)

Unlike his father, William Cooper Nell worked alongside white abolitionists to achieve equal opportunity for blacks. With the help of both black and white abolitionists, Nell led the fight for integration of the Boston Public Schools and urged the abolition of all-black organizations like the Massachusetts General Colored Association. Believing that once-valuable racially separate groups were now a thing of the past, Nell urged blacks to abandon "all separate action" and become "part and parcel of the general community."\(^{122}\) Nell did not

\(^{120}\) Nell, *Colored Patriots of the American Revolution*.


advocate the abandonment of all black institutions; he continued to support those that performed services neglected by integrated groups.

Placing the good of the community ahead of his beliefs, Nell nonetheless preferred integrated action “because he believed it to be most effective and beneficial.” Separate black institutions, in his view, perpetuated racial prejudice. Only if blacks overcame de jure and de facto segregation would they be able to share in American opportunities. Nell spent his life working together with Garrison and other white abolitionists to achieve that goal.

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123 Horton, Free People of Color, p. 48.
Chapter III:  
The Cause Accelerates: The Quest for Equal School Rights

The campaign for integrated schools was two decades in the making. Less than ten years after the Boston School Committee took over the Smith School, blacks were questioning the wisdom of segregated education. With good reason: the black schools were glaringly inadequate, yet the School Committee did nothing. Insisting on ironclad control, the Committee proved unresponsive to the black community. Black parents protested with their feet. To judge from the repeated complaints about poor attendance at the black schools, many black Bostonians were evidently opting to keep their children at home rather than send them to unequal and inadequate institutions.

In 1832, a report prepared at the request of the School Committee put the number of scholars at the African School at 73 (37 boys, 36 girls), with an average attendance of about 40.\textsuperscript{125} By 1844, the number of scholars had increased to 214 (109 boys, 105 girls) with an average attendance of 145.\textsuperscript{126} While the percentage of students attending the segregated African School had increased from fifty-five percent in 1832 to sixty-seven percent in 1844, a significant percentage of black parents were opting to keep their children home from school.

\textsuperscript{125} BSC papers, II (1815-1833), May 8, 1832.  
\textsuperscript{126} BSC papers, III (1842-1845), 1844.
They may have done so out of a desire to protest the inferior quality of education offered in the all-black schools or merely because of the inconvenience of traveling to the African School from their homes in other areas of the city. School authorities, arguing that they had done all they could to meet the educational wishes and needs of the black community, wanted to know what were “the causes of [this] tardiness and non-attendance”\(^2\); it asked the sub-committee for the African School to investigate.

In October 1833, David L. Child,\(^2\) James Birney,\(^2\) and Samuel Fairbanks, of the Sub-Committee of the African School, presented their report. After reviewing the history of black education in the city of Boston since 1798, the report summarized the current condition of the school. The quality of education was inferior, the physical state of the school unhealthy and inadequate. Not only was the classroom itself “low and confined,” but it was “hot and stifled in the summer and cold in winter.” Surely a room better than the basement of the

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\(^{128}\) David Child, a farmer’s son, was a Harvard educated lawyer and editor of the Massachusetts Journal, a National Republican weekly. He was also a member of the School Committee for a number of years, a one-time sub-master of the Boston Latin School, and by the early 1830s, an abolitionist like his wife. He was one of the original ten founders of William Lloyd Garrison’s New England Anti-Slavery Society, founded in December 1831. See Goodman, Of One Blood, pp.197-199.

\(^{129}\) James Birney was raised in a prominent Kentucky family, who, despite owning slaves, regarded slavery as wrong. Birney’s family, led by his father, fought to make Kentucky a free state, forbade the whipping or sale of slaves, and charged no rent to poor families. While a student at Princeton University, Birney became friends with black businessman James Forten of Philadelphia. His ideas of human potential were forever shaped by his friendship with Forten. A crusader against the rapid spread of slavery in the South and West, and a protector of the Cherokee Nation, Birney was an agent for the American Colonization Society until 1828, when white apathy combined with black opposition to force Birney to abandon his faith in colonization. Disillusioned with both politics and the colonization movement, Birney converted to the principle of immediatism. In the late 1820s, he abandoned a career based on the struggle for southern slaves and moved North, where the struggle had a chance of succeeding. There, as a member of the School Committee and of the smaller Sub-Committee on the African School, Birney strove to eradicate the inferior education provided to black people as the result of segregated schooling. See Goodman, Of One Blood, pp. 84-86.
African Church could be found; the miserable classroom was a clear cause of poor attendance. The sub-committee noted the "obvious contrast between the accommodations of the coloured, and other children, both as to convenience and healthfulness...." At bottom, segregation was at fault. Separate schools, the sub-committee concluded, were not beneficial to either race.

The School Committee as a whole ignored the attack on segregation; it opted to support a politically less volatile plan for a new school. In February of 1835, a building was completed and named for Abiel Smith. At the dedication ceremony a month later, Judge William Minot, chairman of the Sub-Committee of the Smith School, displayed a cautious yet optimistic attitude about the advancement of the black race. With education, he announced, blacks could improve themselves, overcoming by individual effort all barriers to advancement, whether poor jobs, housing discrimination, and social prejudice. But such progress would take time, and it had to be achieved through separate schools. "The character of race is altered by slow and insensible degrees."

Black community leaders, on the other hand, had ample reason to doubt the good intentions of city educators. For several years, the School Committee had dismissed parents' concerns about the white master of the African School. Blacks repeatedly complained that William Bascom was incompetent, but nobody listened. Then in 1833 Bascom was charged with "improper familiarities" with female students. The School Committee launched an immediate inquiry. But

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when it learned that the alleged “immoralities” had occurred two years earlier, the Committee was skeptical. Why had charges not been filed right away? Most likely, it concluded, the charges were fabricated. Besides, the three girls making the accusations were known to be of “bad character.” Bascom must be innocent. The Committee dismissed the charges, and the black parents lost another round.\textsuperscript{134}

The dismissal of their complaints brought yet another humiliation in a long line of defeats over issues of local control and further aroused discontentment among black parents. Realizing black parents’ growing anger, the School Committee belatedly tried to make amends. It removed Bascom in 1834 and, without consulting black parents, replaced him with Abner Forbes.\textsuperscript{135} A white graduate of Williams College and experienced teacher, Forbes had William Lloyd Garrison’s endorsement. \textit{The Liberator} hailed Forbes as “an uncompromising abolitionist and one of the managers of the New England Anti-Slavery Society.”\textsuperscript{136} This conciliatory measure did little to bridge the growing gap between blacks and whites.

The situation improved a little in 1836, when a vacancy occurred in a black primary school, and white officials actually consulted black parents. Would they prefer a black or a white teacher? The parents requested a black instructor, and a Miss Woodson\textsuperscript{137} got the job, serving for five years without complaints. Then, in 1841, the local Board suddenly determined she was inadequate. Indeed, it alleged, “at no time since her appointment, has Woodson given satisfaction in

\textsuperscript{134} BSC papers, November 12, 1833.
\textsuperscript{135} BSC papers, March 27, 1834.
\textsuperscript{136} \textit{The Liberator}, April 5, 1834, p. 55, col. 5.
\textsuperscript{137} No record of Woodson’s first name was located.
the management and instruction of her school.”¹³⁸ Why had the Board waited so long to get rid of her? For one thing, Woodson had poor students to work with and could not be expected to show much for her efforts. For another, the Board was hesitant to act, “partly [from] a wish to give the experiment of a colored teacher a long and fair trial, and a reluctance to wound the feelings of the colored people by her removal.”¹³⁹ Now, however, it was imperative to protect students’ interests; Woodson was given three months’ notice. A new teacher, a white woman named Miss Symmes,¹⁴⁰ replaced her.

Black parents immediately demanded Woodson’s reinstatement. When these protests failed, they appealed to the general, city-wide School Committee, but to no avail. The School Committee had rejected the principle of local control, especially by black parents. Admittedly, the Committee said, parents had admirable motives. Their protest stemmed “from a proper pride, a desire to elevate their social position and a wish to gain every advantage within their reach.” But they were too self-interested to be objective. The final decision had to rest in the hands of the intelligent, dispassionate gentlemen of the Primary School Board.¹⁴¹

The School Committee’s indifference to the wishes of black parents was once again made clear in May 1844, when a number of black parents submitted charges against Abner Forbes, white master of the Smith School. He was accused of cruelty and “indiscretion in discipline manifested in adopting unusual modes of

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¹³⁸ BSC papers, II (1837-1841), March 9, 1841
¹³⁹ BSC papers, II (1837-1841), March 9, 1841
¹⁴⁰ No record of Symmes’s first name was located.
¹⁴¹ BSC papers, III (1837-1841), March 9, 1841.
punishment, in undue severity, in making improper remarks before the scholars, and in exhibition of ill temper.” Forbes was also irresponsible the parents said. He was repeatedly absent from school, neglectful of his duty, and rude to parents. Most offensive was that he “entertain[ed] opinions of the intellectual character of the colored race of people that disqualify him to be a teacher of colored children.” By 1843, Forbes had renounced his former allies, believing that black and white abolitionists encouraged black parents to destroy the Smith School. He rejected criticism of himself, believing it to be part of a larger “integrationist ploy.” “A decade of teaching in a school with poverty-stricken students and extremely high student turnover had quenched some of Forbes’ enthusiasm.”

The Committee’s investigation of Forbes lasted only six and a half days, in which time it heard eighty-six witnesses, seventeen of whom were examined a second time. Both the complainants and Forbes were represented by counsel in the proceedings, and testimony was taken from children, parents, and Forbes, much of which was given “in an excited state of feeling.” Following the hearing, the Committee reported separately on each of the five charges. The first charge—cruelty—was dismissed as “without foundation.” With regard to the second charge—indiscretion in discipline—the Committee thought the evidence “conclusive” that Forbes had indeed adopted unusual modes of punishment.

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142 BSC papers, IV (1842-1845,) June 1844.
(pinching, whipping boys on the feet, and pulling children's hair and ears for example) but not conclusive enough to convict him.

Evidence on the charge of undue absence and neglect of duty was found inconclusive, and only one specific instance of rudeness towards parents was cited, which the Committee believed thus negated the charge that such "unhandsome treatment towards...parents...was habitual with the master." In the matter of the fifth and final charge, "entertaining opinions of the intellectual character of the colored race of people that disqualify him to be a teacher of colored children," the Committee stated that "the witnesses evinced much feeling upon this point, and it was difficult to learn from any oral testimony, precisely what views the master had expressed."

Because the evidence was deemed inconclusive on this point, the Sub-Committee accepted a statement made two years earlier by Forbes in answer to a similar charge made against him by one of the city's newspapers. Forbes expressed his belief that "the colored people...belong to the human race." He went on to state that he believed them to "be rational, accountable beings, possessing minds capable of improving eternally," who were as capable as whites of acquiring knowledge. The Committee submitted Forbes's previous statement "without comment."144

On the basis of its investigation, the Sub-Committee concluded that Forbes was "a valuable instructor," but that his usefulness at the Smith School was now impaired by the allegations. Dismissal would be an injustice to Forbes,

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144 BSC papers, IV (1842-1845,) June 1844.
however, and set a bad precedent; therefore, the report recommended that Forbes be transferred to another school at the end of the school year, with the teacher whose place he was assuming replacing him at the Smith School.\textsuperscript{145} Although the school authorities had repeatedly opposed parental interference in school affairs, black parents were nonetheless surprised and disappointed with the Committee’s decision to acquit Forbes.

The Forbes controversy galvanized the black community on the school question—a fact that black leaders and abolitionists quickly capitalized on by rallying black parents around their cause. Even as the School Committee was hearing testimony against Forbes, black activists were calling for an end to segregated schools. Fearing that their message was being diluted by a close alliance with the white abolitionist cause, blacks strove to separate their demands from those of abolition-minded white Bostonians. Between 1844 and 1849, black integrationist leaders held their own public meetings and did not seek white signatures on their petitions in an attempt to make clear to the city’s white establishment that they were in fact the originators of the struggle.\textsuperscript{146}

In May 1844, Thomas Dalton and seventy-four others\textsuperscript{147} petitioned the School Committee for the termination of the Smith School and asked for the assignment of black children to other schools in the city. Boston’s blacks were

\textsuperscript{145} BSC papers, IV (1842-1845,) June 1844.
\textsuperscript{146} The Liberator, November 16, 1849, p. 103, col. 4; statement of Benjamin Roberts, printed in The Liberator, April 4, 1851, p. 3, col. 3.
\textsuperscript{147} Dalton’s petition included the signatures of such prominent black citizens as William C. Nell, Robert Morris, Jonas W. Clarke, Thomas Dalton, and George Washington. Francis Jackson’s petition in aid of the petition of Dalton et al., included the signatures of Henry W. Williams, William I. Bowditch, Edmund Jackson, Ellis Gray Loring, Henry J. Bowditch, Samuel E. Sewall, Wendell Phillips, and William Lloyd Garrison among others.
dispersed in several wards, and consequently it was inconvenient for those in the North or South End to have to send their children to the Smith School, instead of a nearby white school. Separate schools were "inexpedient." On practical grounds, the colored school was just too small. With a meager enrollment, the Smith School could offer only a limited curriculum, and so it could not attract "teachers of superior ability." But with an "inefficient teacher," the pupils became discouraged and attendance declined. Without a series of schools (e.g. an advanced one for the brightest students, a basic one for the ordinary pupils) available to black students, all students suffered from instruction that "must be kept down to the average necessities of the scholars, a plan which robs the more intelligent of the benefits of a higher education." Restricting black children to the Smith School therefore restricted their educational achievement. The petitioners went on to declare the moral grounds for abandoning segregated schools:

The present exclusion of our children from the best schools and from competition in learning, with white children, is felt as a slight upon us and them ... People are apt to become what they see is expected of them. It is very hard to retain self-respect, if we see ourselves set apart and avoided as a degraded race, by others.

In support of their plea, the petitioners pointed to experience elsewhere. In Salem, "no practical inconvenience was experienced" by the integration of the schools. Some of the black children there proved to be among the best scholars. Then there was the example of Nantucket, which had just integrated its schools at the insistence of the island's residents as well as on the advice of several attorneys who believed that segregated schools were contrary to the laws of the
Commonwealth. This action constituted a "precedent for the change we desire."\(^{148}\)

Supporting the Dalton petition was a statement by white abolitionists. Signed by Garrison, Wendell Phillips, and others, it likewise branded the segregation of colored children "inexpedient," for separation kept black children from the benefits of higher education. The white petitioners called for complete integration, enabling black children "to have the advantages of the primary, reading, Latin and High Schools, on the same terms with the white children of the city."\(^{149}\)

In response to the School Committee's latest refusal to grant their request, black leaders held a community meeting at the First Independent Baptist Church on Monday evening, June 18, 1844, to discuss their course of action. John T. Hilton, Henry L.W. Thacker, Jonas Clark, William C. Nell, and Robert Morris presided over the meeting. During the course of the meeting, it was stated "the institution and support of separate schools at the public charge for any one class of the inhabitants in exclusion of any other class is contrary to the laws of this Commonwealth...." The meeting therefore resolved "that we consider the late action of the School Committee in regard to our petition asking for the entire abolition of separate schools for colored children, as erroneous and unsatisfactory." Attendees expressed their "surprise and regret" at the recent acquittal of Abner Forbes, stating their sincere belief that he was "totally

\(^{148}\) "Petition of Thomas Dalton et al. to have the Smith School abolished and that their children be permitted to attend the other schools," BSC papers, 1844.

\(^{149}\) "Petition of Francis Jackson et al. in aid of the petition of Thomas Dalton et al.," located in the loose papers of the BSC papers, 1844.
unworthy of his present responsible station." On that note, the meeting called on black parents to withdraw their children from the separate schools "established in contravention of that equality of privileges which is the vital principle of the school system of Massachusetts."\(^{150}\)

In June 1844, the School Committee again rejected the petition to close the Smith School by a vote of twenty-four to two.\(^{151}\) Led by Hilton, Nell, Morris, Thacker, and Clark, the more "radical" faction of Boston's black community launched a boycott. Average attendance at the school dropped from 263 in 1840 to 51 in 1849. The boycott cut attendance by thirty to forty percent and subsided only after the school board relocated Forbes to another school in the city and hired Ambrose Wellington, a white abolitionist, to replace him.\(^{152}\)

Many of the concerns cited by the petitioners in 1844 dealt with issues of efficiency, attendance, curricula, and motivation – all concerns raised by the common school reform movement. At its peak between 1840 and 1846, that movement, which appealed more to Whigs than to Democrats, raised the aspirations of both blacks and reform-minded whites for education. Unfortunately for the black community, though, this same movement's drive for centralization reduced their power to effect change in their neighborhood schools.

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\(^{152}\) BSC papers, IV (1842-1845); *Boston Evening Transcript*, June 28, 1844, p. 4, col. 1. Horton and Horton, *Black Bostonians*, p. 72; Kousser, “The Supremacy of Equal School Rights,” p. 21. The Smith School Visiting Committee found the school in "deplorable condition" during Forbes's last year and "regretted" Forbes's lack of faith in the intellectual capabilities of blacks and his diminished "enthusiasm" for teaching them. Reports of the Annual Visiting Committees of the Public Schools of the City of Boston.
In the wake of school reform, they were now increasingly dependent on the good will of the general school committee for the city of Boston. And the School Committee's repeated refusal to grant equal school rights showed that the supply of such good will was limited.

Despite the pro-integrationist petitioners, use of the rhetoric of school reform, they got little help from Horace Mann, the first secretary of the newly created Massachusetts Board of Education, an ardent educational reformer, and the leader of the common school reform movement in New England. Mann firmly believed that God had made all children "of one blood," and that circumstances, not inherent inferiority, caused the differences between them. "Those orders and conditions of life amongst us, now stamped with inferiority are capable of rising to the common level, and of ascending if that level ascends." To believe any different, Mann said, was to be "arrogant towards men and impious towards heaven." Acting on these convictions, Mann and other educational reformers of the day were driven by the idea that common schools could unify society and act as "the great equalizer of the conditions of man—the balance wheel of the social machinery."

While Mann professed to be a fierce advocate of change, he faced challenges of his own in 1840 and again in 1841 from an alliance between the new governor, Marcus Morton, and a Democratic-controlled legislature, both of whom opposed both Mann and the larger Board of Education. An attempt to

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153 Messerli, Horace Mann, p. 226.
abolish the Board failed in 1840 by a vote of 182 to 245 in the House, owing to the strong opposition from Whigs and surprising support from some Democrats. In 1841, Democratic opponents of the Board again launched an attack. The Board survived again, but by a much smaller margin. The attacks left Mann rattled. Sadly, Horace Mann decided he had enough battles to fight; the needs of blacks were thus sacrificed to his agenda and blacks were left at the mercy of an unsympathetic School Committee.

The publicity over separate schools generated by the Forbes controversy led abolitionists and black leaders to conclude that the time was favorable to bring the matter before the legislature. In January 1845, a convention meeting of the anti-slavery Liberty Party in Boston memorialized the General Court. The party pushed lawmakers to pass a Declaratory Act to render illegal the collection of any taxes for the support of separate schools; bar the exclusion of any person from a public school "or other institutions of learning" on the basis of color or race; and impose "suitable penalties" on anyone who attempted to deny equal educational privileges on account of color or race.155 The memorial never actually reached the floor of the legislature, but it later became the basis for legislation, and in March 1845, the Massachusetts House of Representatives took up what had become the Education Bill.156

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156 Levesque, *Black Boston*, p. 187. It is unclear whether or not the memorial reached the Legislature. The *Boston Daily Atlas* reported on February 20, 1845 (at 1, col. 1) that a bill concerning the public schools came up but was "rejected without a discussion." It is possible this bill was the Liberty Party's memorial.
Controlled by the Whigs, the state legislature was "buttressed by a solid fifty-three-man delegation from Suffolk County, largely comprised of Boston." Because the legislature typically deferred to local delegations on matters particularly affecting their towns, Boston integrationists needed a clear majority of Boston votes to push through a school desegregation law – a majority that was difficult to achieve in a state heavily controlled by the segregationist Whig Party. Due to the state's interesting majority-win system, the Democratic Party, known for its even more strongly anti-integration sentiment, generally found it difficult as the second most popular party to achieve a majority.

Massachusetts' peculiar election rules made possible the continued election of Whigs to positions of power. Massachusetts elected a governor, the General Court, and local officials annually in the 1840s and 1850s. City aldermen and legislators ran in citywide multi-member districts. Each candidate had to win a majority of votes cast. Interestingly, if no gubernatorial candidate won a majority of the votes cast, as occurred in eight of the twelve elections from 1842 to 1853, the election went to the legislature. On the local level, if there was no majority candidate in local or General Court elections, the voters went back to the polls over and over again until a majority winner was declared. Any number of candidates, often different from those in previous races, could run in the re-election. The peculiar nature of the election system generally enabled the Whig

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158 Wendell Phillips, who testified and lobbied for integration bills before the Massachusetts legislature, acknowledged this legislative deference to local delegations in his 1855 speech at the Nell celebration. See The Liberator, December 28, 1855, p. 207, col. 2.
Party to find a candidate to defeat the opponent.\textsuperscript{159} For example, eight elections over ten weeks were needed between 1844 and 1845 in Boston in order to elect a mayor.\textsuperscript{160}

The sentiment of the general white populace was reflected in the repeated re-election of a predominantly Whig city government. Up until 1854, the Whig Party dominated Massachusetts' electoral politics. Between 1840 and 1855, only two mayors were from a party other than the Whigs - Thomas A. Davis, who served in 1845, and Jerome Van Crowninshield Smith, who served from 1854 to 1855, both members of the Native American Party.\textsuperscript{161} Additionally, towns were not required to send representatives to the General Court, therefore the prudent citizens of western Massachusetts, who "were less reliably Whig than Bostonians," often opted not to bear the expense of sending a representative to the three-month session of the legislature.\textsuperscript{162} As such, the Whigs, aided by the fifty-three man Suffolk County delegation, generally controlled the legislature.

Not only did Whig politicians control the legislature, but they dominated city government, including the Grammar and Primary School Committees of the

\textsuperscript{159} Kousser, "The Supremacy of Equal School Rights," pp. 15-16.
\textsuperscript{160} Boston Evening Transcript, December 10, 1844 to February 22, 1845.
\textsuperscript{161} Kousser, "The Supremacy of Equal School Rights," pp. 15-16. Elected in February 1845, Thomas A. Davis was a member of the new "Native American Party"—the predecessor of the "Know-Nothings." Davis was elected to office at a time of rising hostility towards the influx of European immigrants (especially the Irish.) Davis was only in office for a short time. By October of the same year, Davis's health had become so poor that he offered his resignation, which the city council refused to accept, and he continued to be the nominal mayor until he died on November 22, 1845. Immediately after his death, another Whig candidate, Josiah Quincy, Jr., was elected to office. For information on the mayors of Boston, see John Koren, Boston, 1822 to 1922: The Story of Its Government and Principal Activities During One Hundred Years (Boston, Mass.: City of Boston Printing Department, 1923), pp. 19-33; Albert P. Langtry, Metropolitan Boston: A Modern History (New York: Lewis Historical Publishers Company, Inc., 1929), volumes I and II, pp. 225-231, p. 716, 721.
\textsuperscript{162} Kousser, "The Supremacy of Equal School Rights," p. 16.
1840s that blocked integration. Using data from the Boston School Committee records, historian J. Morgan Kousser found that Democrats were even less likely than Whigs to support integration, although too few Democrats served on either committee at any time to determine the outcome on issues of integration. The real divisions ran first, between overwhelmingly segregationist Whig politicians and those men who abstained from partisan politics and served on the committee as a matter of civic duty; and second, between partisans of the two major parties of the 1840s and the Know-Nothings of 1855.

<table>
<thead>
<tr>
<th>Votes on Integration</th>
<th>Whig</th>
<th>Democrat</th>
<th>Know-Nothing</th>
<th>Unknown</th>
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<tr>
<td>For</td>
<td>20</td>
<td>0</td>
<td>32</td>
<td>17</td>
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<tr>
<td>Against</td>
<td>111</td>
<td>20</td>
<td>3</td>
<td>29</td>
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<td>No Vote or Not Polled</td>
<td>44</td>
<td>9</td>
<td>23</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL NUMBER</td>
<td>175</td>
<td>29</td>
<td>58</td>
<td>46</td>
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While the Liberty Party’s proposed law never made it to the floor of the legislature, in March of 1845 the Education Bill was reintroduced, debated, and

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165 Votes were in Grammar School Committee 1844, 1851, 1855 and those signing majority reports, 1849; and in Primary School Committee, 1845 and 1846. Not polled or no votes means votes were not recorded on issue. Know-Nothing includes 1 Republican and 2 members of the Liberty Party. If a man served multiple terms, he is counted separately for each year that he served. Kousser, "The Supremacy of Equal School Rights," pp. 56-57.
adopted. The Massachusetts House and Senate journals for 1845 are uninformative on the complex legislative maneuverings; the bill's development must therefore be pieced together from scant legislative documents and newspaper reports.

During the debate in the legislature, Representative George Harris of Nantucket immediately moved to make more explicit the portion of the bill which provided that any child in the Commonwealth unlawfully excluded from the public schools could recover damages through court action against the offending city or town. A spirited debate ensued over Harris's proposal, during which time the Boston representatives expressed the fear that the clause "would open the way for a flood of litigation...in the city." Abolitionists who first initiated the bill in 1845 failed to win public backing from Horace Mann, although Mann later claimed to have worked for it privately. Despite Mann's refusal, a number of legislators, including Representatives Samuel Wales Jr. of Boston and John Page of New Bedford, spoke out in favor of a bill that "was a Massachusetts principle and law."

Opponents of integration, including Representative Starbuck of Nantucket and Representative John Milton Earle of Worcester, charged abolitionists with advocating and practicing amalgamation. Others had no doubt that the bill was an

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166 Levesque, *Black Boston*, p. 188. For further information on the proposed amendment and House debate, refer to the *Emancipator and Weekly Chronicle*, January 29, 1845; March 19, 1845; March 26, 1845.

167 On Mann's refusal to take a public position on the bill, see the *Liberator*, April 8, 1853, p. 54 col. 3; April 29, 1853, p. 66, col. 5; May 6, 1853, p. 3, col. 3. Mann's refusal to take a stance on this controversial issue was yet another example of his desire to remain aloof in an effort to accomplish his larger goals - a fact that did not escape the notice of black and white abolitionists.

“abolitionist measure.” Representatives Ebenezer Ellis and Wales of Boston both opposed the Harris amendment because of the possible flood of litigation it would encourage. Representative Wales went on to describe the existing school arrangements in Boston as “well enough as they are. All we want is to [be] left alone.”

Despite the fervent objections of Bostonians and others, the Harris amendment passed by a vote of 90 to 70 and on March 25, after much discussion and several close votes, the amended bill became law. While the statute was a step in the right direction, its effect on separate schools was minimal. It provided the grounds from which to launch a court case contesting segregation, but until a complainant set a case in motion, the statute was a dead letter. It would not be long until a case was set in motion, but in the interim blacks and white abolitionists continued with the petition campaign.

In 1845, abolitionists and black parents shifted their attack from the School Committee, which had repeatedly rejected their appeals, to the Primary

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169 Emancipator and Weekly Chronicle, March 26, 1845. The rules of the Massachusetts legislature did not then require roll-call votes on amendments or final passages of a bill, and the house specifically refused to order a roll call on any of the crucial amendments. See Massachusetts Senate and House Documents, 1845; The Liberator, March 7, 1845, p. 1, col. 1; Boston Post, February 21, 1845, p. 2, col. 2; March 4, 1845, p. 2, col. 2; March 15, 1845, p. 2, col. 4; Boston Daily Advertiser, March 24, 1845, p. 1, col. 4; Boston Daily Atlas, February 20, 1845, p. 1, col. 1; March 4, 1845, p. 2, col. 1; March 10, 1845, p. 1, col. 8; March 15, 1845, p. 2, col. 1; March 24, 1845, p. 2, col. 1; March 25, 1845, p. 2, col. 1.

170 “Chapter 214: An Act Concerning the Public Schools,” Acts and Resolves Passed by the General Court of Mass. In the Year 1845: Together with the Rolls and Messages, Chapter 214, 1845. The amended act read: “Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows: Any child, unlawfully excluded from public school instruction, in the Commonwealth, shall recover damages therefor, in an action on the case, to be brought in the name of said child, by his guardian or next friend, in any court of competent jurisdiction to try the same, against the city or town by which such public school instruction is supported.” This act was approved by the Governor on March 25, 1845. (The marginal note on the original document reads: “Remedy for unlawful exclusion from public school instruction.”)
School Committee. That Committee during the 1840s was one of two divisions of the larger Boston School Committee, the Grammar School Committee being the other. The Grammar School Committee was composed of twenty-four members, with two members from each of Boston's twelve wards chosen annually in partisan elections. The larger of the two committees, the Primary School Committee, included one member for each of the numerous primary schools, which numbered 137 in 1846. Technically appointed by the Grammar School Committee, the Primary School Committee was "in fact self-perpetuating, filling its vacancies at quarterly meetings." Both committees were overwhelmingly Whig. The Grammar School Committee in 1844 had twenty-one Whigs and three Democrats, while eighty-three percent of the members of the 1845 Grammar and Primary School committees whose names and party affiliations were available were Whigs.

The blacks' and abolitionists' shift in focus in 1845 resulted from the belief that, because the Primary School Board exercised greater control over the destinies of the city's children than the general School Committee, if changes could be effected at the level of the primary schools, no reasonable argument would remain against integration in the grammar schools of the city.

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172 Kousser, "The Supremacy of Equal School Rights," p. 19. As Kousser explains, as late as 1850 (the Committee was abolished by the new Boston city charter in November 1854), the majority of students enrolled in the Boston Public Schools attended primary schools; therefore, the Primary School Committee was very important.
173 The names and parties of Grammar School Committee members were typically listed in the newspapers before each election, while those of the Primary School Committee were not. A partial list of the members of the Primary School Committee is contained in reports of roll calls on school integration. See The Liberator, June 27, 1845, p. 102, col. 7, p. 103, col. 1; July 10, 1846, p. 111, col. 4. Kousser, "The Supremacy of Equal School Rights," pp. 19-20.
Therefore, in March of 1845, Jonas W. Clark presented the latest petition to the Primary School Board. The Board received the request for an end to segregation but postponed action until the next quarterly meeting, when a majority said no. Board members Henry Bowditch and James Tolman responded with a scathing minority report. Henry I. Bowditch had served on the Primary School Board since 1837, and as a member of the New England Anti-Slavery Society had earned a reputation as a devout Garrisonian. After a series of interviews with the petitioners and correspondence with a number of gentlemen in Salem and New Bedford, Bowditch and Tolman urged the Board to grant the prayer of the petitioners.

In a lengthy minority report, Bowditch and Tolman challenged both the expediency and morality of segregation. Not only were separate schools a logistical inconvenience for blacks, forcing some to travel great distances to attend, but racial exclusion was anti-Christian. Young people began school “at the tenderest period of life, when the dispositions are most pliable, when impressions are most easily given and most deeply made....” Encountering the stigma on their race, black students came to see themselves as degraded. Yet racism was not inevitable. Expressing optimism about the human race, Bowditch

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174 Bowditch was a leading physician who eventually became a Harvard professor and president of the American Medical Association and of the nation’s first state board of health. In 1835, Bowditch witnessed a Boston mob trying to tar and feather William Lloyd Garrison; he pledged thereafter to devote his “whole heart to the abolition of that monster slavery.” Bowditch advocated physical resistance, helped fugitive slaves, and fought northern laws that would return them to slavery. Despite the potentially harmful effect that his involvement in the abolitionist movement may have had on the success of his medical practice, Bowditch relished the moral crusade. He retained his office in the Garrisonian New England Anti-Slavery Society even after he renounced its anti-political stance and became a Free-Soiler. See “Henry Ingersoll Bowditch,” in *American National Biography*, pp. 267-268.

175 Salem and New Bedford had both already integrated their schools.
and Tolman asserted that "prejudice is not inherent in our nature, but something that grows up afterwards." The most important reason for granting the petition was that it is "the right of the colored people to be treated in every respect as citizens."176

School segregation was illegal according to both the state constitution and laws, the two asserted, citing the opinion of attorney Richard Fletcher, Esq., the dissenters claimed that "the colored children are lawfully entitled to the benefits of the free schools, and are not bound to accept an equivalent."177 Segregation was not only illegal, but immoral. "What right has one class of men to degrade another class, as this prejudice fostered by separate schools does really degrade the colored race?"178

In what appears to have been the first mention of the subject, Bowditch and Tolman cited the benefit to whites of integrated education. Racism hurt whites as well as blacks by fostering a sense of "aristocratic pride," encouraging them to take unwarranted pride in their alleged superiority to others merely on account of their color, inducing them to behave in vicious ways towards their fellow Americans. Racial exclusion was thus antithetical to a true democracy, as well as being anti-Christian. In Bowditch and Tolman, in a remarkable display of egalitarianism, explained that when a man overcomes the prejudice of

generations, "the very light of day becomes brighter, the air he breathes appears purer," and the white man "himself becomes better and nobler."179

Both Salem, a newly integrated town, and New Bedford, in which no distinction in schools had ever been made on the basis of color, were proof "that it is perfectly safe to do as the undersigned propose in the present case"; school segregation was "unchristian, illegal and unmanly." Bowditch and Tolman then recommended that the Board put aside "all the petty prejudices and all vindictive feelings towards one another" and towards blacks to "do this act of humanity and right and grant the prayer of the petitioners." Not only would this "act of simple justice" do no harm to white Bostonians, but it would also "serve to heal many a crushed spirit among the young and old of the colored men in this city."180 The Board disagreed. After a lengthy discussion, by a vote of fifty-five to twelve, the members found it "inexpedient, at the present time" to change the school system.181

In the face of these failures, black activists borrowed a page from Horace Mann's book. They subordinated moral arguments to practical ones. The educational reformers in the latter half of the 1840s focused largely on questions of efficiency and standards, paying great attention to the details of schoolrooms and schoolyards. There should be a careful arrangement of space within the school (e.g. recitation rooms and separate cloakrooms), and schools should have

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181 BSC papers, V (1845-1849.)
attractive yards for the children to play during recess. All these provisions were missing in black schools, as had been noted repeatedly, by black parents in 1833 by the Sub-Committee on the African School, and in subsequent reports on the school by annual visiting committees, teachers, and parents.\textsuperscript{182}

In 1846, Ambrose Wellington, the white master of the Smith School, reported that the ten-year-old building was shamefully neglected and in desperate need of repairs. He described in great detail the daunting conditions:

The school rooms are too small, the paint is much defaced, and every part gives evidence of the most shameful negligence and abuse. There are no recitation rooms, or proper places for overclothes, caps, bonnets, etc. The yards, for each division, are but about fifteen feet square, and only accessible through a dark, damp cellar. The apparatus has been so shattered and neglected that it cannot be used until it has been thoroughly repaired.\textsuperscript{183}

The "perfectly deplorable" condition of the Smith School was reiterated by the School Committee in its 1847 annual report. There is "no reason why this class of our children should not be provided for, especially considering, that part of the expenses of the school are paid by a fund." Driven by the call for reform of school buildings by Mann and the reformers, members of the Visiting Committee (comprised of Smith School sub-committee members) echoed Wellington's report and added that:

The building is much too small for its purposes...The yards are...bounded on one side by the outhouse and favored on the other side by a dump in questionable proximity...The general appearance of the house...presents as little of cheerfulness and comfort as can well be found in the same space.


\textsuperscript{183} City Document No. 28: \textit{Reports of the Annual Visiting Committees of the Public Schools of the City of Boston} (Boston, Mass.: 1846), p.151.
With these conditions in mind, the Committee was unanimous: the Smith School was "unfit for the use of the school." A new school building should be erected. The report was read and accepted by the Committee, but nothing was done.  

The next year, in 1848, the Visiting Committee to the Smith School, in their annual report to the general School Committee, repeated the litany. The physical surroundings were "discreditable to the City." But the Committee defended the school's quality of education, praising the students' intellectual achievements.  

Hoping to guard against future attacks, the School Committee requested funds from the city government to repair the Smith School. In 1849, it spent over $2,000 on remodeling.

Despite these sporadic and small efforts on the part of the School Committee, the abolition campaign went forward. Blacks had achieved noticeable results in the fight to integrate the railroads and in the crusade to repeal the state's law against interracial marriage. Meanwhile, nearly all of the towns surrounding Boston had integrated their schools or were in the process of doing so. Their example reinforced the determination of Boston's abolitionist and black communities.

In 1846, led by George Putnam, eighty-five members of the black community petitioned the school committee for the abolition of "exclusive" schools. "The establishment of an exclusive school for our children is a great injury to us, and deprives us of those equal privileges and advantages in the public

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184 BSC papers, V (1845-1849.) Text of the report located in the loose papers of the BSC, May 19, 1847.

185 BSC papers, V (1845-1849.) Text of the report located in the loose papers of the BSC, August 7, 1848.
schools to which we are entitled as citizens,” the petitioners declared. The petitioners argued that black pupils got very little from the present system, despite the cost of maintaining the school. The petitioners explained this inefficiency:

Since all experience teaches that where a small and despised class are shut out from the common benefit of any public institutions of learning and confined to separate schools, few or none interest themselves about the schools, — neglect ensues, abuses creep in, the standard of scholarship degenerates, and the teachers and the scholars are soon considered and of course become an inferior class.186

Such “exclusive” schools were “felt to be if not in intention, in fact, insulting.”187

In 1846, a sub-committee of the Primary School Committee issued a lengthy, unfavorable report in response to this petition from black parents opposed to the exclusive schools. The Primary School Committee ruled against the petition by a vote of fifty-nine to sixteen in 1846, despite the protests of the committee’s two abolitionist members, Edmund Jackson188 and Henry I. Bowditch.189

Claiming that the law supported their right to determine which students should be placed in which schools, the 1846 majority report of the Primary School Committee challenged the argument that separate schools for colored children deprived them of the full benefit of the public schools. “The distinction is one which the All-wise Creator has seen fit to establish; and it is founded deep in the

186 "Petition of George Putnam et al. to have the Smith School abolished and that their children be permitted to attend other schools,” located in the loose papers of the BSC papers, 1846. Also cited in the report of the Boston School Committee, Report to the Primary School Committee, June 15, 1846, on the Petition of Sundry Colored Persons, for the Abolition of the Schools for Colored Children. With the City Solicitor’s Opinion (Boston, Mass.: J.H. Eastburn, 1846), p. 2.

187 Petition of George Putnam et al. to have the Smith School abolished and that their children be permitted to attend other schools,” located in the loose papers of the BSC papers, 1846.

188 Jackson was a merchant and an ardent Garrisonian, much like his brother Francis.

189 "Primary School Committee,” Boston Daily Atlas, June 24, 1846, p. 2, col. 5.
physical, mental, and moral natures of the two races. No legislation, no social customs, can efface this distinction."190 Because of this supposed racial distinction, separate schools were actually advantageous for blacks as well as whites. Separation protected blacks from insult. Believing that "amalgamation is degradation," Committee members rationalized that if black children were educated independent of white children, they would avoid any potential harassment that might result from integrated schools.191 To the majority of School Committee members, who were primarily Whigs, the segregation of black children was "not only legal and just, but is best adapted to promote the education of that class of our population."192

Included in the majority report was the opinion of Peleg Chandler, the City Solicitor.193 A staunch Whig through the mid-1850s, Peleg Chandler was a fervent opponent of the abolitionists. After reviewing the laws of the Commonwealth, Chandler asserted:

I am of the opinion, that the School Committee of Boston ... have the legal right to establish and maintain special Primary Schools for colored children: and, in the exercise of their lawful discretionary power, to exclude white children from certain schools and colored children from certain other schools, when, in their judgment, the best interests of such children will be promoted thereby."194

190 Boston School Committee, Report to the Primary School Committee, June 15, 1846, p. 7.
192 Boston Daily Atlas, June 24, 1846, p. 2, col. 5; Roberts v. City of Boston, 59 Mass. 198, 201, 1849. The Boston Daily Atlas was affiliated with the Whig Party, and was commonly viewed as the organ of the Whig Party in New England.
193 When he was chosen as the July 4th orator in 1844, Chandler used the occasion to attack the abolitionists as "a moral mob" whose doctrines were "dangerous to the State...and destructive of all true freedom." Boston Post, July 6, 1844, p. 2, col. 2. In the 1845 legislature, Chandler, "in a maneuver reminiscent of southern Democratic actions in Congress in the 1830s, moved to table all petitions to abolish slavery without referring them to any committee." Kousser, "The Supremacy of Equal School Rights," p. 24.
But why segregate the races, when so many communities were abandoning the practice of “exclusion”? Boston, said the Committee, was unique. “There may be no other city or town in the Commonwealth, in which colored children are found in sufficient numbers, or where they live sufficiently compact, to be advantageously gathered into special and separate schools.” Therefore whatever Nantucket or Salem did, it was “quite legal, expedient, wise, and liberal, to maintain [separate schools] in Boston.”  

While the majority report was endorsed by more than sixty percent of the Committee, the two leading abolitionists on the Board, Edmund Jackson and Henry Bowditch, offered a bitter and a lengthy minority report. Bowditch and Jackson alleged “gross and deliberate misrepresentation” of the facts. Much in the same vein as Bowditch’s 1845 minority report, the 1846 statement asserted that segregation was “morally injurious to the white children.” Taking the 1845 view one step further, Bowditch and Jackson asserted the benefits of interracial association. “One of the great merits of our system of public instruction is, the fusion of all classes which it produces. From a childhood which shares the same bench and sports, there can hardly arise a manhood of aristocratic prejudice, or separate castes and classes.”

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The abolitionist crusade shifted from a bid to improve the situation of black students into a democratic movement to achieve fuller equality in American society in the latter half of the 1840s. This inflation of goals took place at the height of the reform era in New England, the era of Transcendentalism, Brook Farm, and other attempts to perfect society. In the alliance between white and black abolitionists, the campaign for educational improvement took on a utopian cast. Significantly, it was whites, not blacks, who first introduced the broad egalitarian rhetoric into the campaign. The tone of the minority reports of the Primary and Grammar School Committees became increasingly egalitarian after 1845. This newfound vision of democracy seems to have been inspired by the shifting emphasis within the petitions from the injuries done by whites to blacks by virtue of segregation to a discussion of the harm to both whites and black caused by segregation.

Under a republican system of government, Bowditch and Jackson explained in their 1846 report, every citizen presumably enjoys civil equality and legal rights, and neither wealth, education, nor color should deny those rights. Keeping blacks segregated injured white children by fostering feelings of contempt for a seemingly inferior people. Separate schools, in turn, fostered blacks' own sense of inferiority. "Shut out and separated, they are sure to be neglected and to experience all the evils of an isolated and despised class."198 While "no doubt some parents would feel aggrieved, and the delicate sensibilities

198 Boston School Committee, Report of the Minority of the Committee of the Primary School Board, on the Caste Schools of the City of Boston; With Some Remarks on the City Solicitor's Opinion (Boston, Mass.: 1846). pp. 15-16.
of others might be moved,” if black children were integrated into the public schools, “we do doubt if we should meet as much complaint upon the admission of colored children as we do now, respecting the admission of Irish children, which in many schools are sufficiently numerous to give tone and character to the school.”

The protests of Jackson and Bowditch fell on deaf ears. The Primary and Grammar School Committees fiercely resisted change. Once it had completed renovations to the Smith School, the majority was outraged by further challenges to its policies. When Jonas W. Clark and 201 other blacks, along with 38 colored children, asked for the abolition of the Smith School in 1849, the Grammar School Committee thought it detected a conspiracy by white abolitionists. The petitioners repeated the claim that the “exclusive school” for colored children was an inconvenience. And they branded segregation as a betrayal of democracy as well. Exclusion “holds up a barrier against a portion of the people, ‘solely on account of color.’” Invoking the prevailing anti-Irish prejudice of the day, petitioners pointed out that by segregating black children, the system “secures the child of the Foreigner a privilege that is denied the native Bostonian.” Foreign children, particularly Irish children, should not be granted the benefit of attendance at the city’s white schools simply by virtue of being white. Making a point to express their satisfaction with the present white master of the school, Ambrose Wellington, the petitioners declared that any attempt to install a black

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199 Boston School Committee, Report of the Minority of the Committee of the Primary School Board, on the Caste Schools of the City of Boston; With Some Remarks on the City Solicitor’s Opinion (Boston, Mass.: 1846), p. 19.
master in the Smith School would be "regard[ed] with suspicion and as unworthy of confidence," as it would be seen as "an attempt to quiet our efforts against its dissolution."\(^{200}\) As it was "our duty and our right," the petitioners prayed that the Committee would abolish the Smith School and open up the public schools of the city to their children.

The Grammar School Committee took up the challenge. It answered with its own views of what constituted equality of education. In order to ensure that all students shared in "common school privileges," the Committee asserted, care must be taken "with due regard to situations and capacities, that like means and facilities of education be extended to all."\(^{201}\) By this standard, schools could be separate but equal.

The same year that Jonas Clark submitted a petition requesting the elimination of separate schools, 170 black Bostonians signed a petition calling for the retention of "race schools" – a number not much smaller than the 201 people who signed Clark's petition. That same year, Thomas Paul Jr., son of Thomas Paul Sr., the first black pastor of the African Baptist Church, was named Ambrose Wellington's successor as headmaster of the Smith School. This change in authority, from a white to a black headmaster, was one important reason why some black parents wanted to keep the Smith School open. Evidently, the Clark petitioners knew the move to name Paul headmaster of the Smith School was


afoot. However, the School Committee was successful in their attempt to quiet the effort of the integrationists.

This discord among those who claimed to be proponents of racial integration and equality emerged against a backdrop of a general feeling a racial animosity among the majority of the city’s white residents. Writing in 1846, the historian Jesse Chickering sought to explain much of the discrimination Boston’s black community faced: “a prejudice has existed in the community, and still exists against them on account of their color, and on account of their being the descendants of slaves. They cannot obtain employment on equal terms with whites, and wherever they go a sneer is passed upon them, as if this sportive inhumanity were an act of merit...Thus, though their legal rights are the same as those of whites, their condition is one of degradation and dependence....”202

While the Grammar School Committee asserted that prejudice was most common among the lower classes of whites, the fact was that those who most fiercely resisted integration in Boston belonged to the political, social, and economic white elite. In terms of occupational makeup, professionals and merchants, who were hardly typical of the majority of Boston’s white population, dominated the committees. For example, bankers, clergymen, physicians, lawyers, and government officials made up only 2.2 percent of the 1860 adult males in Boston but at least 47 percent of the School Committee members. While

the mass of white Bostonians may have supported school segregation, "it was the socioeconomic elite that articulated its rationale and kept it in force."203

While a racist economic elite dominated the school committees and city politics, the white community was hardly united in racism. The Workingmen's and Anti-Masonic Parties espoused reformist views in the mid-1830s. These groups, while small in size, fostered egalitarian sentiment that passed on to the Know-Nothing Party of the mid-1850s. As seen in the minority reports of Henry I. Bowditch, James Tolman, and Edmund Jackson, reform sentiment also made its way into the Boston School Committee. David Child, who in 1833 wrote a scathing Report on the African Schools, citing the inadequate provisions for the black schools and calling for an end to segregation, was the journalist husband of Lydia Maria Child, the abolitionist writer. A well-known reformer, Child was nonetheless elected to the School Committee.204 A former member of the Massachusetts House of Representatives and editor of the Massachusetts Journal, a respected political journal favored by aristocrats and industrialists, Child used his position on the School Committee to improve black educational opportunities, while his wife employed her literary talents to combat slavery and prejudice. In 1833, Lydia Maria Child published An Appeal in Favor of That Class of Americans Called Africans. This small book was widely read, winning converts like William Ellery Channing, the leading Boston religious liberal, and Charles Sumner, then a struggling young lawyer, to the abolitionist crusade. While it

204 David Child married Lydia Maria Francis in 1828. Lydia Maria was already a popular novelist and editor of a children's magazine, Juvenile Miscellany. She too had taught school and become an early opponent of slavery and an ardent Garrisonian.
inspired some to join the abolitionist crusade, others rejected the idea of a genteel lady publishing a book alleging the equal humanity of blacks and whites.205

Emphasizing the poor quality of black education in Boston and other cities, Child commented that in the North, “our prejudice against colored people is even more inveterate than it is at the South.” The segregation of black and white children was the most successful of the “unrelenting efforts to keep the colored population in the lowest state of degradation.” Black children attending the public schools were every day discouraged and subjected to poor conditions. Public opinion made it difficult for blacks to gain an education, and it “prevents them from making profitable use of what knowledge they have.” Child argued that if blacks had vicious tendencies, as many whites argued, “is it not our duty, and of course our wisest policy, to try to make them otherwise?” This reform could only come through education.

White people should not expect black people to attend inferior schools. Speaking of the grammar school in the basement of Boston’s African Church, Lydia Maria Child observed:

The apartment is close and uncomfortable, and many pupils stay away who would otherwise gladly attend under more convenient circumstances. There ought likewise to be a colored teacher instead of a white one. Under the domain of existing prejudices, it is difficult to find a white man, well-qualified to teach such a school, who feels the interest he ought to feel, in these Pariahs of our republic.

Child demanded that the city at least provide better facilities and a new school for black children at the public’s expense. The city owed this to blacks as payment for the injustices of society. For their sake and for the sake of public safety, better

education was a sensible investment. For "what will so effectually elevate their character and condition, as knowledge?"\textsuperscript{206}

Such egalitarian sentiment was held only by a minority of the white populace of Boston. The repeated re-election of Whig candidates to positions of authority in the local and city government is a powerful example of the predominantly anti-integrationist stance of the city’s white residents. The Whig establishment’s overwhelming support for segregation meant that gradual progress toward a school integration law was virtually impossible. Through their control of electoral politics, segregationist white Bostonians made the work of abolitionists and black Bostonians more difficult, and for many years, managed to successfully hold off the integration of white society.

The resistance of the majority of Boston’s white residents to integration was partly due to the prevailing belief that the system of segregated schools was established by the city at the explicit request of black parents. Various Grammar and Primary School reports reflected this belief, emphasizing that “these schools were established at the urgent and repeated requests of the colored people themselves.” The fact that blacks came to be educated in separate schools, the 1849 report said, “was an indulgence to their own desires, their own preferences, haply to their honest prejudices…” The 1846 report of the Primary School Committee could not believe, or would not admit, that the views and feelings of the black community might have changed over time, and even if an index of

\textsuperscript{206} Lydia Maria Child, \textit{An Appeal in Favor of That Class of Americans Called Africans} (Boston, Mass.: 1833), pp. 208-232. Also discussed in detail in Clifford, \textit{Crusader for Freedom}. 
change could exist, "it is by no means certain that they [black parents] understand their true interests." The Democratic Boston Post hypocritically argued that the objections to segregated schools did not emanate from the city's black residents, but from white abolitionists. The protests took place "because a parcel of rabid enthusiasts, pretending to be friends of the colored people, chose to meddle with matters that did not concern them, and with a system which was working prosperously, in all love and harmony."

While these statements by the Committee and the Post did not reflect known facts, it was true in that the black community was divided among itself on the subject of the schools. While the early petitions to the School Committee did not reflect a full consensus in the black community, they did illustrate the community's dedication to quality education. The conditions of the schools and continuance of segregated education were a central concern and source of bitter disagreement and division between blacks and public officials. The issue was repeatedly debated in the press and at public meetings, and at least two majority and two minority School Committee reports were published on the subject. By the late 1840s, the discord over the school situation in Boston was at the point where only the courts were capable of ending the controversy, or so it was thought by blacks and abolitionists.

Chapter IV:
The Roberts Case, the Rise of the Know-Nothings and the Quest for Legislative Action

In 1849, Benjamin Roberts, one of the earlier black petitioners, filed suit in Boston’s Court of Common Pleas in his daughter Sarah’s name in an attempt to test the constitutionality of the School Committee’s power to enforce segregation.²⁰⁹ He did so under the 1845 statute, which provided that any child unlawfully excluded from the public schools might recover damages against the city.²¹⁰ Like many other black parents, Roberts had tried four times to enter his five-year-old daughter Sarah in one of the white primary schools in the district in which he lived, and she had been rejected each time on the grounds of race. Each day Sarah passed at least five other primary schools on her route to the Smith School. Roberts was told that Sarah could be admitted to the colored school at any time, but he refused to have her attend there. Like many black parents at this time, rather than support the existence of separate schools that offered an inferior education, Roberts opted to keep Sarah at home.

²⁰⁹ Roberts v. City of Boston, 59 Mass. 198, 200-201 (1849). Roberts, a printer by trade, was a leader in the struggle for integration and abolition in the 1840s and 1850s.
²¹⁰ "Chapter 214: An act concerning Public Schools," Acts and Resolves Passed by the General Court of Mass. in the Year 1845: Together with the Rolls and Messages, Located at the Massachusetts State Archives. The act reads: "Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows: Any child, unlawfully excluded from public school instruction, in the Commonwealth, shall recover damages therefor, in an action on the case, to be brought in the name of said child, by his guardian or next friend, in any court of competent jurisdiction to try the same, against the city or town by which such public school instruction is supported." Approved by the Governor, March 25, 1845.
Roberts hired Robert Morris, a lawyer "whose very presence as a colored member of the Massachusetts Bar, was a living protest against all[-]colored institutions," and the prominent Boston attorney Charles Sumner to argue Sarah's case. Sumner was "a man of cultivated erudition, oratorical eloquence, and exalted moral fervor," who would later he would become one of New England's greatest Senators and one of slavery's most tenacious foes. Peleg Chandler, a staunch Whig and ardent opponent of abolition, in his capacity as solicitor for the city and the state's leading expert on municipal law, represented the city of Boston in the case. Chief Justice Lemuel Shaw, one of the most preeminent state jurists of the day, presided over the case in the Supreme Judicial Court.

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211 Triumph of Equal School Rights in Boston. Proceedings of the Presentation Meeting Held in Boston, December 17, 1855..., p. 7. The mere presence of a black attorney contradicted the prevalent racist notions about black inferiority. Robert Morris later recalled that when he argued his first case in Boston, "the courtroom was filled with colored people, and I could see on the faces of every one of them, a wish that I might win the first case that had ever been tried before a jury by a colored attorney in this country." Morris' victory proved to both blacks and whites that blacks could triumph in the white legal system. Finkelman, "Not Only the Judges' Robes Were Black."

212 Benjamin Roberts and his black allies went first to Morris and not to a white attorney, p. which time Morris initiated the case in court. Yet as soon as Roberts went before the Massachusetts Supreme Judicial Court, Morris deferred in oral argument to his more experienced, better-trained and politically connected co-counselor, Charles Sumner. At the time the Roberts case went to trial, Morris was an inexperienced, twenty-three-year-old lawyer who had been practicing for less than two years. Yet his involvement in the Roberts case made Morris the first black attorney to appear before any state's highest court. Nearly two years later, Morris was acquitted by a federal grand jury after having been charged with treason by federal authorities for his involvement in the escape of the fugitive slave Shadrach. For more information on Robert Morris, see Finkelman, "Not Only the Judges' Robes Were Black."


214 No record of Chandler's argument before the court has survived. The Supreme Judicial Court archives has a record of the court proceedings and an abbreviated version of Sumner's arguments, but Chandler's argument before the court is absent from the record. Sumner's argument has survived as he published the entirety of his arguments at the conclusion of the trial.

215 Historian Stanley Schultz says of Shaw: "A man of firm principle, Shaw dominated the Court for over three decades. In over 2,000 opinions during that time, he wrote only one dissent, and in only three of his constitutional opinions was the Court less than unanimous in concurring."
Emphasizing the tremendous importance of this case, Sumner claimed that in deciding it, the courts were “deciding a question which concerns the personal rights of...colored children...[,] the Constitution and Laws of the Commonwealth...[,] that peculiar institution of New England, the Common Schools [,]...the fundamental principles of human rights...[and] the Christian character of this community.” Sumner recognized that although this was the first time this discussion had been brought before the courts, it was no stranger to the public. No fewer than four different School Committee reports, two majority and two minority, had been devoted to this question. The controversy had overflowed from official channels into the newspapers, where numerous articles appeared espousing both sides. “At last it has reached this tribunal. It is in your power to make it subside forever.”

Sumner’s argument summarized the claims that had been made by white and black petitioners over the preceding decade. In his argument before Shaw, Sumner stated, “which way soever we turn, we are brought back to one single proposition—\textit{the equality of men before the law}.” Sumner based much of his case on Articles I and VI of the Massachusetts Declaration of Rights, which stated, “All men are born free and equal, and have certain natural, essential and unalienable rights, among which may be reckoned the right of enjoying and

Schultz, \textit{The Culture Factory}, p. 201. Shaw, a devout “Cotton Whig” who owned thousands of acres of land in the slave state of Kentucky, served twelve years on the bench before declaring a single law unconstitutional. He was also the first judge to write a full opinion sustaining the Fugitive Slave Act of 1850, in the case of Thomas Sims. See Kousser, “The Supremacy of Equal School Rights,” p. 43.

\textsuperscript{216} Arguments of Charles Sumner, Esq., Against the Constitutionality of Separate Colored Schools, \textit{in the Case of Sarah C. Roberts v. The City of Boston. Before the Supreme Court of Mass., Dec. 4, 1849} (Boston, Mass.: 1849), pp. 3-4. [hereafter, \textit{Sumner’s Argument}].

\textsuperscript{217} \textit{Sumner’s Argument}, p. 31.
defending their lives and liberties,” and “No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public....” Based on his interpretation of the Massachusetts Constitution, Sumner observed that every form of inequality and discrimination in civil and political institutions was illegal. No person could be created or born with privileges not enjoyed equally by all, nor could any institution be established that recognized distinctions of birth.

Sumner went on to argue that the state legislature, in agreement with the constitution, had made no discrimination whatsoever in providing for an educational system. He showed that the Supreme Court had never allowed for any discrimination in the administration of the public schools. Rather, the court had declared that “The schools required by the statute are to be maintained for the benefit of the whole town, as it is the wise policy of the law to give all the inhabitants equal privileges for the education of their children in the public schools. Nor is it in the power of the majority to deprive the minority of this privilege.”

The “caste” nature of the Boston schools made them unconstitutional, Sumner said; the Boston School Committee had engaged in racial discrimination. Picking up on the arguments first set forth in the 1844 petitions of Thomas Dalton and Francis Jackson, and in subsequent petitions, Sumner argued that the power to

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218 State Constitution of Massachusetts, Declaration of Rights, Art. I. VI.
219 Commonwealth vs. Dedham, 16 Mass. 141, 146 (1819).
segregate could not be implied as a legal right of the School Committee because
the committee "cannot brand a whole race with a stigma of inferiority and
degradation." To imply the existence of that power "would place the Committee
above the Constitution..."\textsuperscript{220} The committee could consider only factors of age,
sex, and moral and intellectual ability as legitimate qualifications, not
complexion. The committee's assumption that an entire race possesses certain
qualities that make a separate classification necessary, he added, was an
unreasonable exercise of the committee's discretion and therefore illegal.

Sumner argued that the segregated school could not be considered an
"equivalent" to the white schools because of the inconvenience and stigma of
caste it imposed. Just as Edmund Jackson and Henry I. Bowditch had argued in
their 1849 Minority Report, Sumner asserted that the public schools, by
definition, were for the benefit of all classes meeting together on terms of
equality. For this reason, he found that the school in question, the Smith School,
was not a public school and as such had no legal existence. It therefore could not
be considered a legal equivalent to the white schools; yet even if there could be an
equivalent by law, the black children should not be required to accept it and or
give up their rights to "precise Equality."\textsuperscript{221}

Before closing, Sumner explained matters "not strictly belonging to the
juridical aspect of the case," yet necessary for understanding it. Repeating the
arguments first set forth by Henry I. Bowditch and James Tolman in their 1846

\textsuperscript{220} Sumner's Argument, p.21.
\textsuperscript{221} Sumner's Argument, pp. 24-25.
Minority Report to the School Committee, and later reiterated in Edmund Jackson’s and Bowditch’s 1849 Minority Report, Sumner cited the inherent damage done to whites by way of segregation. “The whites themselves are injured by the separation,” as they are taught to deny the basic tenet of Christianity—“the Brotherhood of Mankind.” “Nursed in the sentiment of Caste, receiving it with the earliest food of knowledge,” young hearts were hardened by prejudice, and they were subsequently “unable to eradicate it from their natures.”

The school is a small world in which children are trained for participation in the larger world of life. It must therefore “cherish and develop the virtues and the sympathies which are employed in the larger world ... beginning there those relations of equality which our Constitution and laws promise to all.” The current system nursed its students in discrimination, negating the supposed purpose of the “common school.” Sumner closed by saying, “prejudice is the child of ignorance. It is sure to prevail where people do not know each other.”

There was a great outpouring of public sentiment in the popular press in the period between Sumner’s closing arguments and Chief Justice Shaw’s decision. The Democratic Boston Post, in their “Report on the Smith School,” spoke for a large portion of the white populace when it expressed the belief that “no real wrong, but much real good, has resulted from this separate system; that its abolition would be, in the highest degree, injurious to colored children,” and that “the school committee have a right to apportion the pupils to the various schools at their own good pleasure.” The Post went on to predict that, should

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222 Sumner’s Argument, pp. 28-30.
the court rule in favor of the blacks, "the consequences...would be a great excitement, hard thoughts, political action, the revival of old prejudices, and, finally, the secession of the whites from several of the finest edifices in the city, which, in turn, and per force, would become "separate schools" for the blacks." Ultimately, the paper asserted that white parents would not let their children attend school with black children, and if forced, would withdraw their children from the city schools in favor of the less racially diverse suburbs. Should white parents tolerate the integration, black children "would be subjected to a constant series of sneers, oppressions, and personal harms and indignities." The paper then expressed the popularly held belief that the present objections to the segregated system were "not maintained by any large portion" of the city's black residents; rather, "a parcel of rabid enthusiasts, pretending to be friends of the colored people, chose to meddle with matters that did not concern them, and with a system which was working prosperously, in all love and harmony."\(^{223}\)

One week after the Post article appeared, The Liberator printed a reply to the Post's "Report on the Smith School." The paper first reprinted the article in full, itemizing the Post's many points, and then proceeded to refute each of the paper's assertions. The Post was "either very stupid or very unprincipled" for believing that the abolition of separate schools would be "injurious to colored children" and that many blacks favored segregated schooling. The Liberator retorted, "the mendacity of this declaration is perfectly astounding. An overwhelming portion [of the black community] is arrayed in uncompromising

hostility to the exclusive school, and the party in favor of continuing is too insignificant to be counted.” The Liberator asserted that “the ‘real wrong’ consists in denying to a portion of our fellow citizens equal rights and privileges on account of their complexion.”

Should the court decide that separate schools for colored children were legal, “the excitement will be all the more intense, the agitation all the more vigorous, until this unnatural barrier is overthrown,” because “there is something higher and stronger than a tyrannous decision of a court—and that is justice; and justice must in the end triumph, even though the heavens should fall.” If the court should decide in favor of abolishing separate schools, The Liberator doubted that white Bostonians would resort to the type of mob violence that the Post predicted. They considered the “attempt of the Post to stir up animosity and the spirit of outrage, in advance,” to be “truly despicable and wicked.” Lastly, in response to the Post’s assertion that the present objections to the segregated system were “not maintained by any large portion” of the city’s black residents but by a group of “rabid enthusiasts,” The Liberator retorted that “the ‘rabid enthusiasts,’ who are sneered at by the Post, have had no occasion to open their lips on this subject. Our colored citizens have taken up their own cause, with a degree of unanimity unparalleled, and will defend it to the last.”

In March 1850, Chief Justice Shaw, himself a former member of the Boston School Committee, delivered the unanimous opinion of the four-person court upholding to the fullest extent the power of the School Committee to

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224 The Liberator, November 16, 1849, p. 2, col. 5.
enforce segregation. The Court was not convinced that Sarah Roberts had been unlawfully excluded from public school instruction. The 1845 Act Concerning the Public Schools, under which Benjamin Roberts sued on behalf of his daughter, provided relief for "any child, unlawfully excluded from public school instruction, in the Commonwealth"; if this unlawful exclusion could be proved in a court of law, the child "shall recover damages therefore." As a broad principle, Shaw agreed that all people are equal before the law;

But when this great principle comes to be applied to the actual and various conditions of persons within society, it will not warrant the assertion, that men and women are equally clothed with the same civil and political powers, and that children and adults are legally to have the same functions and be subject to the same treatment; but only that the rights of all, as they are settled and regulated by law, are equally entitled to the paternal consideration and protection of the law, for their maintenance and security. What these rights are, to which individuals, in the infinite variety of circumstances by which they are surrounded in society, are entitled, must depend on laws adapted to their respective relations and conditions.

Shaw was satisfied that the decision of the School Committee to maintain separate primary schools for black and white children was based on the grounds of reason and experience. Until such time as the legislature laid down more specific school regulations, the court ruled, "the law has vested the power in the..."

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225 Justices Samuel Sumner Wilde (a Federalist appointed in 1815), Charles A. Dewey (a Whig appointed in 1837), and Theron Metcalf (a Federalist/Whig appointed in 1848) were associated with Chief Justice Shaw in the case. Justice Richard Fletcher, who had given an opinion at the bar on the unconstitutionality of segregated schools, without explanation, opted not to sit in the Roberts case. Shaw gave the appearance of unity by not mentioning Fletcher’s refusal to participate in the decision and by saying that the members of the court were “all of the opinion” that Sarah Roberts had not been unlawfully excluded. In other cases where Fletcher or other justices were absent, this absence was noted. Therefore, Shaw’s failure to note Fletcher’s non-participation in Roberts may well have been deliberate.

226 “Chapter 214: An Act Concerning the Public Schools,” Acts and Resolves Passed by the General Court of Mass. in the Year 1845: Together with the Rolls and Messages, Chapter 214, 1845.

227 Roberts vs. The City of Boston, 59 Mass. 198, November 1849.
committee to regulate the system of distribution and classification...", therefore the authority exercised by the School Committee was legitimate and legal. On April 8, 1850, the Court dismissed the suit of Sarah Roberts against the city of Boston; the separate-but-equal doctrine had become part of American legal history. The Court's decision did not signal the end of the campaign for desegregation; rather it stirred the black community and its abolitionist allies to greater efforts in the next several years.

Although disheartened by the Court's decision, blacks and white abolitionists vowed to fight on. By this point, the movement against segregation in the public schools was composed of two groups: white and black abolitionists who took early stands against segregation and for "equal school privileges," and black parents disgusted by the conduct of the School Committee and its subsidiary bodies from 1841 through 1849. These two groups were later joined by blacks and whites who changed their views between the court's decision in Roberts in 1849 and the triumph of equal school rights in 1855.

While some people gradually lost heart in "separate schools" under the School Committee's managements, others were adamantly opposed to segregation in principle. Believing that the momentum of public sentiment was shifting in their favor, abolitionists and black parents formed a black-led "Equal School Rights Committee" and resolved to carry the fight to the legislature. William Lloyd Garrison expressed continued optimism: the "people (who are greater than

\footnote{Roberts vs. The City of Boston.}
the Court) will, we are confident, remedy this injustice.” In 1850, William C. Nell asked the annual convention of the New England Anti-Slavery Society for its help in the campaign. While the Society initially promised aid, its attention was diverted elsewhere when Congress passed a new fugitive slave law. The favorable response Garrison and other proponents of school integration hoped for from the white community was dashed when a crowd of blacks stormed the Boston courthouse in 1851 to free a fugitive slave arrested under the new law.

Shortly after passage of the Fugitive Slave Act, a meeting of Boston's black residents at Belknap Street Church vowed to resist the law. Back in 1840 black Bostonians had joined with other New England blacks to form the Freedom Association; William Cooper Nell and Henry Weeden were among the founding members. The association sought to aid, protect, and ensure the safety and well-being of fugitives, by any means necessary, including the use of violence. This position followed closely the ideas put forth by David Walker in his *Appeal*, published only a decade earlier. Following in the decade-old tradition of resistance to the return of fugitive slaves, black Bostonians united in opposition to the strengthened law of 1850; the Fugitive Slave Act “generated a strongly militant reaction even among those who had favored nonviolence.”

The prominent black abolitionist, Charles Lenox Remond, demanded defiance of the act, protection of all fugitives, and withholding of federal troops should southern slaves rise up against their masters. At a community meeting in

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229 *The Liberator*, April 26, 1850; June 14, 1850.
230 Nell and Weeden were two of William Lloyd Garrison’s strongest supporters in Boston.
1850, William C. Nell cautioned his fellow blacks to be watchful for kidnappers and, should they be confronted, to defend themselves, acting as they would to “rid themselves of any wild beast.”

In the wake of the new law, vigilance committees were formed to protect fugitives, and the old committees meanwhile redoubled their efforts to ensure that no fugitive slave would be returned to slavery. One concern of many of Boston’s black residents was that slave hunters typically did not discriminate between free blacks and fugitive slaves—therefore, all blacks were in danger of being kidnapped. Lewis Hayden, a highly respected member of Boston’s black community and a clothing dealer by trade, was himself an escaped slave who regularly hid fugitives. At one point when he was confronted by slave catchers, he and several other armed men barricaded his home and threatened to light two kegs of gunpowder rather than allow the fugitives to be returned to slavery.

The Boston Vigilance Committee, staffed by black and white anti-slavery activists, intensified its activities to protect the city’s black residents. Violent resistance to the new law quickly followed. In February 1851, a band of blacks and whites stormed the city Court House and succeeded in freeing Frederick “Shadrach” Wilkins. Another rescue attempt in April of the same year failed to free Thomas Sims, who was subsequently sent back to slavery in Georgia.

In May of 1854, United States authorities seized Anthony Burns, a fugitive slave from Virginia who was residing in Boston. A number of factors

differentiated the Burns case from those before it; since passage of the Kansas-Nebraska Act, feelings were running high in a city that was nationally regarded as the bastion of anti-slavery sentiment; and federal officials were eager to prove to southerners that their property rights would be protected—even in Boston. Following Burns’s arrest, Boston’s black community quickly rallied and, led by white abolitionist Thomas Wentworth Higginson, tried unsuccessfully to rescue Burns from the Court House. Burns was later returned to Virginia to great tumult in Boston. While the financial cost of the Burns episode was tremendous, the political and social ramifications significantly surpassed the expectations of all involved. There were no further attempts to enforce the law in Boston despite the presence of a large number of fugitive slaves in the city (perhaps as many as 400.) The Burns case made the city a national symbol of opposition to the law.234

The resistance of free blacks to the Fugitive Slave Act reflected a growing militancy in the North and especially in Boston. Whereas the majority of the early agitation had arisen in the abolitionist camp and among black community leaders, in the early 1850s ordinary black Bostonians began to demand loudly what they felt was their due. The activities of ordinary black Bostonians took several forms; the most prominent was the agitation surrounding the state of Boston’s segregated schools.

The nearly two-decade-long struggle by members of Boston’s black community for equal school rights was not a goal that was sought by all. Much as

was the case in the 1970s, a minority within the black community simultaneously supported the right of blacks to attend common schools and saw value in strengthening autonomous black institutions. Ultimately, the "points of difference" between the two black groups were, in the words of Thomas P. Smith, "in reality very trifling." The gap between those who advocated total integration and those who supported the dual strains of integration and separatism was never very wide, nor was it difficult to bridge.

The level of black participation in meetings to discuss education—black integrationists held at least fifteen public meetings in 1849 alone—indicates that, regardless of which faction they supported, black Bostonians considered the issue to be very important. According to the 1850 United States Census, 616 of Boston’s 1999 blacks were adult males. Thomas P. Smith acknowledged that approximately 300 blacks had attended one or more of the integrationist meetings. While a significant number of women included their names on petitions favoring integration, few women or children took part in the meetings, therefore this figure amounts to nearly 40 percent of the adult male population—a very high figure for a poor, not well-educated, frequently transient group. The nearly 40 percent of the black adult male population who attended integrationist meetings, combined with the number of people who signed petitions supporting the continued operation of the Smith School, suggests that the proportion of blacks who recorded an opinion on the issue definitely reached a quarter of the adult

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236 *Census of the United States (1850)*.
population. It is clear that regardless of the negative comments of the Grammar School Committee and much of the city’s white population, Boston’s black community was deeply concerned about the nature of their children’s education. Black Bostonians clearly favored the end of their exclusion from the common schools of the city because of race. At no time did either black faction advocate strict segregation in the schools; rather, the white school committees did. Even those blacks who advocated the continuance of all-black schools simultaneously supported the principle of voluntary integration for those who sought it.

In the spring of 1851, black and abolitionist crusaders moved their attack to the state legislature, submitting petitions signed by blacks and whites from both the city and the surrounding towns. As soon as the Boston School Committee learned that the legislature was in the process of considering an abolitionist-sponsored bill against the exclusion of children from the public schools on account of color or race, Committee members “unanimously” voted to memorialize the legislature in opposition. According to the Committee, Boston’s public schools were “liberally and happily organized with separate schools for the two principal races” and offered both “equal opportunity... without subjecting either to objectionable associations.” The Committee believed that the proposed legislation would “greatly disturb and distract the present liberal and happy arrangement of our schools.” The School Committee informed the legislature that
they were prepared actively to oppose the enactment of the proposed bill. The pending bill was defeated early in 1852.237

The following year, several black parents petitioned the School Committee for the right to send their children to the white Chapman School, on the grounds that the Smith School, located in the West End, was too far from their homes in East Boston. The School Committee countered that white children were also forced to travel long distances to the Latin Grammar and English High School—both of which, however, were city-wide institutions unlike the white neighborhood schools that the East Boston parents wished to use. Turning down the request, the Committee invoked the court’s ruling in the Roberts case. But the body offered once concession. It voted to pay the cost of the East Boston children’s travel by ferry to the Smith School, “rather than establish a precedent” whereby children forced to travel great distances to attend all-black schools could thereby attend the closest white school. Paying the cost of the black children’s travel was a far better option than allowing black children to attend white schools in their neighborhoods, a precedent “which [Committee members] foresee, at no distant period, will prove very troublesome and dangerous.”238

Edmund Jackson, an ardent Garrisonian and long-time member of the Primary School Committee, joined the fray in a letter which stated that

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237 BSC papers, VI (1850-1854,) May 13, 1851. The Grammar School Committee resolution “ordered” the Suffolk delegation to oppose integration, which would disturb “the present liberal and happy arrangement of our schools....” Joseph Wightman, longtime member of the Primary School Committee, was a Whig member of the Massachusetts house in 1851, and coordinated the battle against the bill. Boston Post, May 22, 1851, 1, col. 7; Kousser, “The Supremacy of Equal School Rights,” p. 46.

238 BSC papers, VI, (1850-1854), 1853.
“Mr. [Horace] Mann… claims much more credit for his opposition to caste schools than his facts will warrant.” Jackson pointed out that, throughout his tenure as Secretary, Mann had taken great care to keep his views and opinions on “equal school rights” from the public. When the abolitionists solicited his support, Mann had refused to become involved because “it was an unpopular matter.” Privately, Mann admitted this was true, but he justified his actions on the grounds that it was best calculated to produce the greatest good for the greatest number. While Mann was hardly a Garrisonian, he was opposed to slavery and to antiblack prejudice. His inaction arose out of a sincere belief that the cause of public school reform would be jeopardized were he to antagonize potential supporters who harbored prejudices against blacks. In a letter to his friend Samuel J. May, a leading Garrisonian, Mann wrote, “the moment it is known or supposed that the cause [of public school reform] is to be perverted to, or connected with, any of the exciting party questions of the day, I shall never get another cent.” While Mann may have felt that his stance was justifiable, Wendell Phillips in turn expressed moral outrage that a man of Mann’s reputation and authority should remain in “timid silence” when his position and prestige could have accomplished so much for Boston’s black residents.

At the same time the abolitionists were engaged in a verbal debate with Mann, a new case presented itself to the courts. In the fall of 1853, Edward

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239. The Liberator, May 6, 1853, p. 3, col. 3 (letter from Edmund Jackson addressed to Mr. Garrison.)
Pindall, a young black student, was excluded from a white primary school near his home on Southac Street in the West End. Pindall, who was light enough to "pass," had initially been admitted to the white school, but was expelled as soon as it was learned that he was "black." His father, William T. Pindall, immediately filed a $500 damage suit against the city. Interestingly, rather than let the case run its judicial course, the new mayor, Benjamin Seaver, and the Board of Aldermen (with the Common Council's concurrence), intervened. Weary of the long dispute, the politicians ordered the long-dormant Committee on Public Instruction to investigate.

In May 1854 the Committee came back with a surprising report: it recommended "equal rights and equal privileges to colored children." The report echoed Sumner's earlier arguments. "In no other city or town in the Commonwealth is any distinction made in admitting children to the public schools on the grounds of color..." Nor did any law require such policy. Integration, in fact, was good policy. Far from producing "no injurious effects," it had succeeded everywhere else in Massachusetts. "Everything proceeds with harmony, pleasantness and success," and the "children of the schools will grow up

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241 The spelling of Pindall is unclear. The records of the court spell it "Pindell," whereas the Committee on Public Instruction's report and all subsequent references to the case in the secondary literature spells it "Pindall."

242 Edward Pindall's mother was a light-skinned mulatto and his father was nearly white.

243 Seaver, a Whig, was mayor of the city of Boston from 1852-1853; he would lose his office to Jerome Van Crowninshield Smith, a member of the new Know-Nothing Party, in 1854.
without that unchristian prejudice against color, now so prevalent in the community." 244

To be sure, the Supreme Court had recognized the School Committee’s authority to establish separate schools. But the power to create implied the power to abolish. “In accordance with the progress of the age,” the School Committee should give integrated education a chance.245 If Boston were to be the last town in Massachusetts to do away with segregated schools, let her be the first large city in the nation to establish the equal right of all to a common school education. The Council then “ordered” the School Committee to give the subject early and candid consideration.246

On August 15, 1854, Henry A. Drake and James N. Sykes presented the majority report to the committee. Surprisingly, it was sympathetic to black protests. Drake and Sykes advised the School Board to let the Pindall case run its judicial course. But in the meantime, since no law required segregation, the Board should let black children attend the schools nearest to their homes. This would provide a “perfectly satisfactory” solution. Black parents could send their children to neighborhood schools or to the separate Smith School if they so preferred. By this policy of voluntary integration, Drake and Sykes hoped to end the long dispute.247

244 City Document No. 54: Report of Committee on Public Instruction, On a Case of a Child Excluded From a Public School of this City (Boston, Mass.: 1854), pp. 5-6.
245 City Document No. 54, p. 7.
246 City Document No. 54, p. 9
247 Loose papers of the BSC, August 15, 1854.
In his minority report, Dr. Luther Parks Jr. went even further. The separate Smith School should be maintained "for those children whose parents prefer to have them attend it." But nobody should be obligated to attend. Blacks should have the right to attend white schools "no matter what may be their proximity to the Smith School." Parks felt that if the Board wished to separate different classes of students, then their main concern should not be separating blacks from whites, but the native-born from the "large class of children of foreign parentage" entering the city.248

*Pindall v. The City of Boston* went before Judge Perkins at the Court of Common Pleas in October 1854. Because the *Roberts* case had already established the School Committee's legal right to provide segregated education, Judge Perkins told the jury that the question they were to decide in the case "rested solely upon the evidence of color." Most abolitionists expected Robert Morris, the attorney for Pindall, to move for a new trial on the grounds that the jury's verdict should be based on tangible evidence introduced in court, not whether Pindall appeared to be of African descent. It is unclear, however, why Morris, an abolitionist and long-time advocate of having all children admitted to the public schools irrespective of color, chose instead to defend Pindall on the narrow ground of whether or not he was "sufficiently colored" to be barred admission.249

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248 Loose papers of the BSC, August 15, 1854. See *House No. 167, Commonwealth of Massachusetts*, March 17, 1855, p. 8. The report of Luther Parks very much reflects his Know-Nothing bias and his sympathy for blacks.  
249 *Pindall v. The City of Boston*, 1854.
William C. Nell quickly realized that, due to Morris's line of defense, the principle of equal school rights regardless of color, for which the abolitionists and blacks had long fought, was not at issue in this case. Before the court’s decision had been announced, Nell wrote “whatever may be the result of this pending trial, it but affects the one individual, or, perhaps, the few others who can pass the examination of a skin-scanning committee; but it is absolutely of no advantage in establishing the principle that all children, of whatever complexion, are equals before law.” It was a sad commentary indeed when the children of tax-paying black citizens were denied legal rights “until the scales of colorphobia determine whether, in the ‘estimation of a hair,’ his right to common-school instruction may not have been confiscated.”250

Sensing that public opinion had undergone a gradual but perceptible change on the issue of school integration due both to the continued indifference and offenses of the School Committee and to the impact of larger national events, Nell encouraged blacks and abolitionists to seize the opportunity. Nell urged blacks to “take advantage of the times” by placing their names on another petition to be submitted at the next session of the General Court.251 In the coming months, black community leaders and abolitionists worked together to get 1,679 signatures from Boston and the surrounding towns. Nell alone obtained three hundred and eleven signatures in Boston, while Lewis Hayden got eighty-seven more from within the city’s limits. The roughly four hundred signatures from Boston

250 The Liberator, November 10, 1854.
251 Ibid.
residents were augmented by a total of 1,281 more from other Massachusetts towns. Over the course of fifteen years, the leaders of the campaign for equal school rights had seen a dramatic rise in the numbers of blacks who were willing to sign their names to petitions requesting the abolition of separate schools. In 1844, Thomas Dalton had submitted a petition to the School Committee on the behalf of 74 others, while in 1849 Jonas W. Clark had submitted a petition containing over 240 signatures from both parents and students alike. The number of black petitioners from within the city of Boston jumped from 240 in 1845 to 398 signatures in 1854.

Not only did the number of signatures rise from 1845 to 1854, but the focus of those petitions shifted. While Jonas W. Clark submitted a petition containing more than 240 signatures of people who were in favor of integrated schools in 1849, that same year nearly 130 black people signed an anti-integrationist petition. Roughly 371 people signed either the integrationist or the anti-integrationist petition in 1849, a number that was fairly close to the total (398) who signed the 1854 petition calling for an end to segregation. This number reflects the fact that many blacks who had formerly supported segregated schooling in Boston came to realize by the early 1850s that separate schools would never be equal. While it took over twenty years to gather steam, the cause of equal school rights finally took off in the early 1850s.

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252 The other petitions came from: Nantucket (55 signatures), Lynn (289), East Bridgewater (93), Lexington (85), Bolton (169), Haverhill (332), Leominster (88), Charlestown (55), and Salem (115). House No. 167, Commonwealth of Massachusetts, p. 1.
Twelve petitions containing 1,681 signatures from black and white residents statewide were submitted to the legislature at the start of the new session in 1854. This latest effort could not have come at a better time politically. Massachusetts state and local governments had just experienced a tremendous political upheaval in the 1854 elections. American (Know-Nothing) Party candidates garnered sixty-three percent of the vote and were put into virtually every elective office in the state. Know-Nothings swept every seat in Congress, elected Henry Gardner to the Governor's office, and filled all but seven slots in the General Court (state legislature). The landslide victory of the Know-Nothings in Massachusetts was unmatched elsewhere in the nation, as was its destruction of the existing party system.

The rise of the Know-Nothing party to power in Massachusetts grew out of widespread disillusionment and discontent in the wake of explosive urban and industrial growth. The process of industrialization and urbanization gave rise to wrenching social and economic dislocations. By 1855 nearly a third of the whites in Boston were Irish-born, and most were recent potato-famine immigrants. Lingering outrage over the Compromise of 1850, which was repeatedly reinforced by a series of spectacular captures and trials of fugitive slaves, the uproar throughout the North against the 1854 Kansas-Nebraska Act, and the rapid change in the state's demographic composition "offered ambitious politicians [an]

253 The petition circulated said simply, "The undersigned, inhabitants of ________, respectfully request the Legislature to provide by due legislation, some effective means to prevent the colored children of Boston from being deprived of the equal privileges of the common schools of the city."

opportunity to break the Whig monopoly of power.” In the wake of such tremendous social and economic changes, the established parties failed to launch a significant response to the wide range of issues and problems that accompanied modernization. Thus traditional party attachments weakened; many of the rank and file looked for a political party that would make a real difference in their lives. “In 1854, such a vehicle materialized in the form of an anti-party, anti-politician populist movement that promised to cleanse the statehouse of corrupt old parties and self-serving political careerists and turn the government over to the people so that they might right the wrongs that for so long had afflicted them.”

The Know-Nothing Party, otherwise known as the American Party, in the span of a single election, drove the state’s political elites from power and transformed Massachusetts into a one-party state. Despite its promising beginning, the Know-Nothings’ reign in Massachusetts was brief; after only three years in power, the Know-Nothings succumbed to another new party, the Republican Party, and quickly disappeared. “In the formative period of its development, the American party had proclaimed itself the people’s party, dedicated to serving the people’s needs. That promise was its bond with the people... That bond was broken, however, once a new set of political elites gained control of the party and converted it into a political organization similar to those

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Mulkern, The Know-Nothing Party in Massachusetts, p. 5.
the voters had rebelled against in 1854.” Before it was corrupted, however, the American Party implemented an unprecedented number of reforms.

The sheer volume and variety of reforms generated at both the state and local levels of government in 1855 reflected the Know-Nothings’ radically different attitude towards the proper functions of government. Believing in the republican idea of government as the servant of the people and in the principle that the majority is the sole judge of what is right, the Know-Nothing party shifted the focus of government away from special to general interests and “pushed the bounds of legislative activism far beyond the limits observed during the era of the second party system.” Most of the 1855 legislators believed it was their duty to use the power of the state to remedy previously neglected social problems and to convey the people’s wishes into the statute books. The Know-Nothings believed in working for the good of the whole and not for the good of the party, sect or special interest, as had been the case in the past.

The fruits of the Know-Nothing’s work for “the good of the whole” was not extended to all members of society. While the Know-Nothings did push an inclusive agenda, they did not in fact equally support the rights of all Bostonians; the Native American Party played the “Irish card” to get its way. In a time of great anti-Catholic sentiment, aroused by the recent surge of Irish immigrants

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258 Mulkern, *The Know-Nothings in Massachusetts*, p. 107. This shift in attitude also reflected the makeup of the new legislature. V. Purdy found in comparing the members of the 1855 Know-Nothings General Court to those of the Whig-dominated 1850 body that the 1855 group was much less wealthy, p. least in the cities; much less likely to have served previously in the legislature; much less likely to have prestigious occupations; and much younger. See Kousser, “The Supremacy of Equal School Rights,” p. 59.
fleeing the potato famine, the Know-Nothings invoked previously existing hostility to the Catholic newcomers to secure support for racial integration. This appeal substituted one form of racism (anti-Irish) for another (anti-black) in a supposed campaign for equality.

This newfound receptiveness to the needs of ordinary people manifested itself in an increasing willingness to listen to those minority voices and opinions that had previously been ignored. Blacks and abolitionists gained serious attention for the first time. In general, Know-Nothings favored blacks and anti-slavery. Charles W. Slack, who would become the leader of the school integration forces in the 1854 General Court, later remembered that "it was a very singular and somewhat unexpected thing to find so many anti-slavery men" in the legislature. While Slack claimed that "he did not know how it had happened," the Democratic Boston Post bitterly asserted that Know-Nothings was "but freesoilism in disguise...in place of promises it silently, everywhere, puts abolitionists in power." William C. Nell's latest petition drive thus was well-timed.

The flood of petitions for school integration were sent to the House Committee on Education, which relied almost exclusively on the documents provided by Nell. On March 17, 1855, the Committee presented its report:

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259 Charles Slack was a member of the liberal "Bird Club" and editor of its organ, the Boston Commonwealth. See Mulken. The Know-Nothing Party in Massachusetts.
261 Boston Post, January 16, 1855.
262 The Committee on Education report comprised a series of clippings (all provided by William C. Nell) from: Sumner's arguments in the Roberts case, the Hon. Richard Fletcher's opinion as to the illegality of maintaining separate schools, the 1854 report of the Committee on
segregation must go. The Committee expressed dismay that “the city of Boston has now alone the unenviable distinction of maintaining separate restrictive schools for colored children.” “...This is done in violation of all rule and regulation”—and for no good reason: black children suffered “serious inconvenience” from the practice, and worse, their learning was held back. The Committee concluded, “first, that colored children make less progress in a separate school; and, second, that no practical inconvenience need follow the abolition.” The Committee took up arguments made by Henry Bowditch and other dissenters since the late 1840s. Public schools, it argued, should be agents of democracy:

One of the great merits of our system of public instruction is the fusion of all classes which it produces. From a childhood which shares the same bench and sports there can hardly arise a manhood of aristocratic prejudice or separate castes and classes. Our common-school system suits our institutions, promotes the feeling of brotherhood, and the habits of republican equality. To debar the colored race from these advantages, even if we still secured them to equal educational results, is a sore injustice and wrong, and is taking the surest means of perpetuating a prejudice that should be deprecated and discountenanced by all intelligent and Christian men.  

The Committee on Education therefore proposed amendments to the Public School Act of 1845. Whereas the 1845 law merely stated that any child “unlawfully excluded” from the public schools could recover damages from the city or town, the 1855 law specifically stated what it meant to be “unlawfully excluded.” No distinction could be made on the basis of race, color, or religion.

Public Instruction, majority and minority reports of the School Committee in response to the report of the Committee on Public Instruction. School Committee reports on the condition of the Smith School, as well as a number of testimonies from residents of Nantucket, New Bedford, Cambridge, and Worcester regarding the overall success of the integration process in the New Bedford and Nantucket schools.

when a student sought admission to the public schools, and if any student were
 denied admission on these grounds, he could sue the town or city for damages. In
the reforming mood of the day, there were only a few objections. Some, like Rep.
Elizur Baldwin of Boston and Rep. Benjamin Hall Dewing of North Chelsea,
asserted that the needs of black children were already being met in the Boston
public schools. Others, including Rep. Eben Kimball of Salem, Rep. Luther
Lincoln of Deerfield, and Rep. John Swift of Boston, defended the many benefits
to come from integrated education. Charles Slack’s proposal that the bill take
effect the following September, was accepted without opposition. On March
24, 1855, both Houses of the legislature passed the bill, and on April 28, 1855,
Governor Henry Gardner signed it into law.

Years of division and struggle culminated in the triumph of equal school
rights in 1855. After nearly two decades of struggle, Boston’s black community
achieved integration of the city’s schools. The black community had experienced

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264 The Liberator, April 6, 1855. Boston Evening Telegraph, April 3, 1855.
265 Included in the Acts and Resolves Passed by the General Court of Massachusetts in the
Year 1855: Together with Messages, Chapter 256. the law read: “An Act in amendment of ’An
Act concerning Public Schools,’ passed March 25, 1845. Be it enacted by the Senate and House
of Representatives, in General Court assembled, and by the authority of the same, as follows:
Sect. 1. In determining the qualifications of scholars to be admitted into any public school or any
district school in this Commonwealth, no distinction shall be made on account of the race, color or
religious opinions, of the applicant or scholar.
Sect. 2. Any child who, on account of his race, color or religious opinions, shall be excluded from
any public or district school in the Commonwealth, for admission to which he may otherwise be
qualified, shall recover damages therefore, in an action of tort, to be brought in the name of said
child by his guardian or next friend, in any court of competent jurisdiction to try the same, against
the city or town by which the school is supported.
Sect. 3. In filing interrogatories for discovery in any such action, the plaintiff may examine any
member of the school committee, or any other officer of the defendant city or town, in the same
manner as if he were [a] party to the suit.
Sect. 4. Every person belonging to the school committee, under whose rules or directions any
child shall be excluded from such school, and every teacher of any such school, shall, on
application by the parent or guardian of any such child, state in writing the grounds and reasons of
such exclusion.
Sect. 5. This act shall take affect from and after the first day of September next.”
a revolution of opinion in favor of integration. William C. Nell had achieved a considerable victory. It is important to note that no one in the black community ever approved of the legal exclusion of blacks from city schools. Everybody knew that the School Committee’s practice stigmatized African-Americans. The “conservative” position was to support both the continuation of all-black schools (such as the Smith School) and access to all other city schools for those who preferred them. This strategy of voluntary integration was a choice that few black parents adopted. The more “radical” position was to abandon all-black institutions and to embrace an integrated society. It is clear that William C. Nell always wanted the latter.

The transformation of black opinion between 1849 and 1854 in favor of integration was not a result of continued decline in the condition of the black schools, nor was it due to the perennial problems of under-funding and disrepair. Rather, the impact of the Fugitive Slave Law and white abolitionists’ readiness to join in efforts to rescue blacks from return to the South, combined with the increasingly egalitarian rhetoric of the day, infused the black community with a spirit of idealism. Faith in democratic equality inspired blacks to switch over to the cause of integration at the same moment the Know-Nothing Party, with its reform agenda, came to power. Boston blacks overwhelmingly believed that legally mandated segregation was wrong, and most wanted their children to attend the common schools with children of other races.

In September of 1855, the new bill took effect. Boston’s schools reopened on September 3, 1855, and the “Trial Hour,” as Nell later called it, was at hand.
Although experiences elsewhere had shown that integration could succeed, the capital was potentially different. The first day of school went off without incident, despite the dire predictions of those who opposed integration. There was no white flight, no outbursts of prejudice, no violence. That night, the *Boston Evening Telegraph* reported that “the introduction of the colored youth into the schools, was accomplished with general good feeling....”266 In fact, a general feeling of excitement existed among many white youth; one enthusiastic white boy ran through Myrtle Street, bag in hand, shouting: “Hurrah! we are to have the darkies to-day, and I’m going to have one right side of me!”267

Actually, the reactions of white Bostonians were mixed. The Catholic *Boston Pilot* doubted that integration would succeed. Even after it was evident that no serious disturbances had occurred, the *Pilot* continued to predict, “there may be serious trouble yet.” The paper cited the relative lack of trouble as a result of the fact that the children of the wealthier whites attended private schools, thereby removing those most likely to oppose integration. Praising the Irish for their acceptance of the blacks in the schools, the editor explained that the Know-Nothings “probably thought in their ignorance that Catholics would regard this [integration] more as an insult.” This was not the case. The Irish had long been taught in church to “regard the colored children as of the same species with themselves.” No racial distinction existed in Catholic churches. Why then in schools? The truth was that white racism was a Protestant problem: “most

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266 *Boston Evening Telegraph*, September 3, 1855.
267 *Boston Evening Telegraph*, September 3, 1855.
Protestants here regard [blacks] as beings of another and inferior species.” Ultimately the true test of the integration “experiment” would be found in the “comparative merits of whites and blacks as to intellectual force,” the Pilot asserted. Black children would soon find themselves unable to compete with whites and consequently retreat to their own schools.\textsuperscript{268} The Pilot would turn out to be wrong. Black students, once admitted to the white schools of the city, not only flourished academically; they at no point exhibited an overwhelming desire to return to segregated schools.

Only seven black children showed up at the Smith Primary School for the first day of school and none showed up at the Smith Grammar School. Caught off guard by this development, the School Committee quickly met to discuss what to do with the nearly abandoned Smith School. The Committee ultimately concluded that Abiel Smith’s bequest would not be violated by providing education for blacks in non-segregated schools. By a vote of thirty-eight to six, the Board voted to close down the Smith School, “together with the primary school and the school for special instruction...and all the other schools being for the exclusive education of colored children.”\textsuperscript{269} Segregation in Boston was dead.

William C. Nell, who had led the fight for integration for a decade and a half, was exultant. At a celebration at the black Southac Street Church that December 1855, he recalled looking down from his window the day before school opened. A boy was passing the Smith School where he had once been a student.

\textsuperscript{268} The Boston Pilot, October 6. 1855.  
\textsuperscript{269} BSC papers, VII (1855-1858), September 11, 1855, p. 87.
With his hands in the air, he exclaimed with joy: "Goodbye forever, colored school! Tomorrow we are like other Boston boys."  

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Conclusion:
The Triumph of Equal School Rights

On December 17, 1855, Boston abolitionists, black and white, met to rejoice in their victory. "It was one of those rare days in the history of a hard struggle," Wendell Phillips remarked, "when there was something palpable to rejoice at. Men were always asking—What has the anti-slavery agitation done? [Phillips] was glad to answer that they had this answer to make now—It has opened the schools!"271

Phillips was only one of the many prominent abolitionists, black and white, who was present at a celebration at the Southac Street Church honoring William C. Nell’s contributions to the school integration campaign. William Lloyd Garrison, Charles W. Slack, John T. Hilton, and Charles Lenox Remond all took occasion to thank Nell for his unfailing commitment to the cause of equal schools. A feeling of victory for the abolitionist cause was in the air.

Although the struggle for school reform had begun fifteen years earlier when Nell, Phillips, Garrison, and two other white abolitionists submitted the first petition to the Boston Grammar School Committee praying for school integration, the struggle was not entirely their own. Nor could the abolitionists claim complete responsibility for the victory. The 1854 triumph of the Know-Nothings

had been crucial: it had swept the state’s Whig establishment out of office and put anti-slavery men in their place. Thus, when William C. Nell “came up with his huge budget of papers,”272 the chairman of the education committee of the lower house, the former Free Soiler, Charles W. Slack of Boston, only had to “put the manifold testimony he [Nell] brought into the shape of a ‘Report,’ and present it to the House.”273 The 1855 bill, banning any official from excluding a child from any school because of race, color, or religion, passed the house on a voice vote with only about half a dozen “nays” and passed the senate without dissent.274

School segregation ended only when the Whig Establishment was overthrown by the Know-Nothings, with the help of both abolitionists and rising reform sentiment, and a new counter-elite came to power headed by more democratic, anti-slavery, non-establishment men. In the decade before the legislative decision, a number of white Bostonians became aware of the glaring contradictions inherent in a society that on one hand demonized slavery and on the other embraced a policy of separatism in public life. In the months and years after the Fugitive Slave Act of 1850, the opening of new territories to slavery in 1854, and the continual stream of immigrants to the city, there was a gradual yet perceptible change in the climate of opinion among Boston’s white residents. As

273 *Boston Evening Transcript*, April 11, 1855, p. 4, col. 1. Slack did not exaggerate about the way in which his report was put together. The handwritten draft in the Massachusetts State Archives is full of pasted-in segments of printed documents from earlier years of the campaign, which Nell most likely supplied.
sectional differences deepened between the North and the South, Boston's Whig Establishment was both unwilling and unable to adjust to the fact that many white Bostonians were more willing to tolerate and even embrace causes that would distinguish northern society from southern slave owners and southern society. Just as their counterparts in Boston nearly 125 years later could advocate desegregation in the South only for so long before some began to call attention to their own racist institutions, Boston's white residents did not all embrace abolitionism, yet whereas before they had accepted or even advocated discriminatory policies, now they began to feel guilty about their existence.

Years of division and struggle culminated in the triumph of equal school rights in 1855. Boston's black community had undergone a gradual change in the decade prior to the 1855 legislative decision. The sense of community that had been building since the 1820s and 1830s became a much stronger force in the mid-1840s. New black societies, clubs and lodges were formed in the latter half of the 1840s that helped produce a stronger leadership class attuned to the needs of the black community and angry at the denial of equality. This leadership class, nearly all abolitionists themselves, had been clamoring for equality and integration for nearly a decade prior to this mass mobilization. They were then able to use their role as leaders to encourage black Bostonians to be less passive about speaking out and organizing for their rights.

Thus we see that the legislative triumph of 1855 was made possible by the joint efforts of the black community, abolitionists, and the Know-Nothing legislature. A combination of both social and political forces altered the
consciousness of both blacks and whites and made something that seemed impossible in 1849 appear inevitable in 1855. At the December 1855 celebration honoring his efforts in the school struggle, William C. Nell expressed the tremendous joy that the black community felt in seeing "the companionship, in studies and healthful glee, of boys and girls of all colors and race in these temples of learning, so justly a theme of pride to every citizen....Since the 3rd of September to the present time, the sun, moon, and stars are regular in their courses!" 275

The integration of the public schools was only one step toward achieving complete integration and acceptance of racial equality in Boston, yet it was a major one. The integration of Boston's public schools in 1855 altered the consciousness of both black and white Bostonians and ultimately set Boston down what would later prove to be a bumpy path towards true racial integration in the city's schools. The fight against racial exclusion in the Boston Public Schools during the 1840s and 1850s raised many of the issues that would be agitated in the second school crisis of the 1970s. The situation of the black schools in the 1840s closely resembled that of their 1970s counterparts. The only difference is that the Boston School Committee of the twentieth century did not establish segregation as a formal rule in the 1960s and 1970s, though it was prevalent de facto. The legal attacks in the nineteenth century on segregation as a violation of blacks' inherent rights to equal education anticipated those put forth first by Kenneth Clark and the plaintiffs in the Brown v. Board of Education of Topeka in 1954 and

275 Triumph of Equal School Rights, p. 9.
later by proponents of integration in Boston during the busing crisis. The resolution of the nineteenth-century school crisis came from the state legislature; it was easy for people in the suburbs and small towns of Massachusetts to impose the burden of racial integration on Bostonians. They would not experience the consequences of that policy, as the vast majority of towns had few blacks, who could be incorporated into their schools without a problem. This too closely parallels the situation of the 1970s, where white Bostonians were condemned for their resistance to integration by high-minded residents of the suburbs, where few blacks lived or attended school.

The situation of the 1840s and 1850s closely paralleled that of the 1970s. In a popular democracy, where majorities can “tyrannize” over minorities, as Tocqueville proposed long ago, the struggle for equality is never-ending. Nearly a century and a half after the first battle for integration was launched, black Bostonians found themselves facing a familiar wall of discrimination and de facto segregation in the city’s schools. But for a brief moment in 1855, black and white Bostonians could rejoice in the triumph of equal rights.
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APPENDIX I

Table A.1. Growth of Massachusetts Population, 1810-1860

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Table A.2. Number of alien passengers landed at Boston and Charlestown, 1831-1855

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APPENDIX II

David L. Child et al.,
Report On African Schools

The committee on the subject of the African School House have attended to the subject, and respectfully report.—The African School in Boston, was commenced by people of colour in the year 1798, a license for the purpose having been first obtained from the Selectmen of the town. It was kept in the house of Mr. Primus Hall and was supported by subscription, the prevalence of the yellow fever in that year dispersed it.

The late Rev. Dr. Morse of Charlestown, the Rev. President Kirkwood, and the Rev. Doctors Channing, Howell and the late Rev. Mr. Emerson revived it about three years afterwards. For two years, those and some other gentlemen whose names are unknown to the committee provided for the entire support of the same school and the coloured children were instructed therein gratuitously. At the expiration of that time, the contributors proposed that they would continue to furnish a teacher if the coloured inhabitants would provide a room. They acceded to the proposal and hired a carpenters shop situated contiguous to the present schoolhouse and fitted and furnished it for a schoolroom. Here the school was continued during three years. Meantime, the site of the present schoolhouse and meeting house was purchased and the purchase money raised by subscription. On behalf of the school, the coloured inhabitants subscribed a considerable sum and the late Chief Justice Parsons, the late Abiel Smith, Lieut. Gov. Phillips, and seven other gentlemen subscribed one hundred dollars each. The African Baptist Church erected the house of which the basement story is now occupied in part by the school. There appears to have been a verbal agreement that the whole of that story should be appropriated for a school room for the coloured youth of Boston, of all religious denominations, and it also appears that Judge Parsons, and other gentlemen made that a condition of their donations. Some difficulty appears to have arisen in finally adjusting the respective rights of the church and school, which has terminated by a committee of the latter consenting to accept a part of the basement story for a schoolroom. The remainder was leased for dwelling houses and the rents devoted to the support in part of the ministry in said Church.

It remained for the coloured inhabitants to finish the interior of the schoolroom. This they did by subscription; about two hundred dollars appears to have been subscribed, but much of it being subscribed by coloured seamen, and the embargo coming on, only ninety-eight dollars were in effect collected. The whole expense was about three hundred dollars, and the deficiency of about two hundred appears to have been made up by the committee of the coloured inhabitants vis: Messrs. Primus Hall, Fortune Symenes and Cyrus Tappal, Mr. Abel Barbadoes generously contributed the labor of lakering and plastering. In

1808, the room was completed and was immediately occupied by the school. The Rev. gentlemen aforesaid continued to defray the expenses of instruction, assisted by the voluntary contribution of those coloured parents who were able until the year 1812. In that year, the town for the first time took notice of the institution. The sum of two hundred dollars was then paid from the town treasury, and the same sum continued to be paid annually from the same for a number of years. At the same time the coloured people raised the sum of three hundred dollars annually, for the same object.

Upon the death of the late Abiel Smith, Esq. in the year 1815, the City assumed the entire care and support of the school. The only expense which the City has paid for the schoolroom has been for repairs, but this has been less than the income from Mr. Smith's truly charitable bequest.

The situation of the room is low and confined. It is hot and stifled in summer and cold in winter. But this is not the only or greatest objection to it. The obvious contrast between the accommodations of the coloured, and other children, both as to convenience and healthfulness seems to your committee to be the principal cause of this school being so thinly attended. The committee cannot but regard this distinction both as invidious and unjust. If it is desirable to educate youth[,] form within them such rules of life as may save the expense and disgrace of prison discipline, [sic] when they become to be men, then it is peculiarly the duty of the city to provide fully for the instruction of the children of colour. If any distinction be made between them, and others, it ought to be in their favour and not against them; for their parents are precluded by custom and prejudice from those lucrative employments which enable whites to be liberal and public spirited. When it is considered that during all the time that the coloured inhabitants have been paying their proportion of taxes towards the education of all the white children and youths in the city wonder will be that they did so much, not that they did not do more for themselves.

The committee are therefore of opinion, that it is just and expedient that a suitable building be forthwith provided, at the expense of the City, to be placed in a healthy and pleasant situation, for the accommodation of the African School, and that the Honorable Chairman of the School Committee be instructed to make a request to the city Council, to that effect. All which is respectfully submitted.

D.L. Child
James G. Birney
Samuel Fairbanks

The foregoing report was read and accepted.
APPENDIX III

Last Will and Testament of Abiel Smith

Boston January 1816

To the
Selectmen of the Town of Boston
Gentlemen

I annex hereunto an extract from the last will and testament of my brother Abiel Smith late of Boston deceased in which he bequeathed to the Town of Boston certain property therein specified should the Town accept the said bequest on the conditions and for the purposes expressed in that instrument, I shall be prepared to transfer the same conformable to the benevolent intention of the donor.

I have the honor to be
with respect
Your Ob. Serv.
Barney Smith
Executor to the last Will and Testament of Abiel Smith late of Boston deceased.

Extract

I bequeath to the Selectmen of the Town of Boston for the time being and to their successors in that office, all my thirty shares in the Newbury port Turnpike, all my twenty shares in the second Turnpike road in New Hampshire, my Seventeen & half shares in the Kennebeck Bridge, my five shares in the bridge across from Tiverton to Rhode Island, my five shares in the Springfield Bridge, my share in the Boston Theatre, my share in the Bathing house in Boston with four thousand dollars in the three per Cent funded Stock of the United States; in trust for the purposes following & no other, to wit, that they shall collect & receive the net income thereon and appropriate & apply the whole income to the maintenance & support of a school or schools under their direction for the instruction of people of color meaning Africans & their descendants, either clear or mixed, in reading writing and arithmetic in such place, places & manner as said Selectmen shall deem best & if said Selectmen shall & do accept this donation within one year from the time of my decease for said purpose, I then order my executor to transfer to them all my title to said property for the purposes aforesaid.

* "Selectmen's Minutes, 1816," Records... Early History of Boston... 1811-1818, v. 38 (Boston, Mass.: 1908), 159-160.
APPENDIX IV

Investigation of the Discipline of the Master of the Smith School [Abner Forbes], June 1844

The sub-committee on the Smith School, having received through one of its members, a letter from Dr. D.H. Storer (sp), entering a general complaint against the master of the Smith School, and having investigated the grounds of the complaint, ask leave to make to the board the following report. The charges contained in the original complaint, together with other charges, that arose in the early part of the investigation, were resolved by the committee into five distinct allegations, as follows: 1st Cruelty in discipline. 2nd Indiscretion in discipline manifested in adopting unusual modes of punishment, in undue severity, in making improper remarks before the scholars, and in exhibition of ill temper. 3rd Absence from school, and neglect of duty. 4th Improper treatment of the parents of scholars. 5th Entertaining opinions of the intellectual character of the colored race of people that disqualify him to be a teacher of colored children. The [?] of investigation adopted by the committee, was such as to render it certain that, no evidence, which might throw any light upon the case should be excluded; and this [?] necessarily subjected them to the hearing of a great extent of testimony, that was irrelevant. No less that eighty-six [] were heard, seventeen of whom, were examined twice, making the whole number of examinations, one hundred and three. Both the complainants and the master were heard by counsel, and the trial was continued for six and half consecutive days, with the exception, only of one half day when it was impended on account of a meeting of the Board. The whole history of the masters [] with the school, covering a period of ten years, was laid open, and old, as well as new cases of difficulty and dissatisfaction were investigated. Some of the testimony was given in an excited state of feeling, some parts of it were conflicting, much of it was necessarily form children, and the committee found it difficult, in some cases, to satisfy themselves as to the facts. Although copious notes of the testimony were taken, and reserved for the use of the Board, if required, it is not thought advisable to extend this report much beyond the conclusions to which the Committee have arrived, respecting the several allegations. The first allegation is that of cruelty in discipline. This charge, the Committee have no hesitation in saying appears to be without foundation. The second allegation is indiscretion in discipline.... The evidence introduced to prove some of the alleged acts of indiscretion differed essentially. The Committee, however, consider the evidence to the conclusive that the master has been indiscreet, so far as relates to the adoption of unusual modes of punishment, but not conclusive in relation to either of the other specifications under the head of indiscretion. The objectionable mode of punishment referred to, is that of whipping boys upon the feet. It appears that this punishment has

been inflicted in the school, for offenses in the highest degree. It does not appear that the degree of punishment has been particularly severe and it is the mode only that justifies the charge of indiscretion. In his defense on this point, the master showed by testimony, that the same mode of punishment was formerly practices in some of the other schools. He also showed that in one instance, a member of the school committee, a physician, being in the Smith School when this punishment was administered, took occasion to say, “He considered it the most judicial mode of corporal punishment, that he had ever seen inflicted.” This circumstance may be viewed as punishing the master with an excuse for having continued to practice the objectionable mode of punishment, but not with a justification. The third allegation is absence from school and neglect of duty. Although the evidence relative to this allegation did not perfectly settle the question whether the master has ever been unnecessarily absent from the school; yet both the statements of the witnesses and the acknowledgements of the master concur to show that formerly a fraction of the school-time was misappropriated in reading newspapers. A satisfactory reform, however, on that point, is shown to have existed in the habits of the master during that last twelve months. The fourth allegation is improper treatment of the parents of the scholars. Although the testimony on this point did not show that unhandsome treatment of the parents of the children was habitual with the master, there was one instance shown, in which a woman, who came to the school room to inquire for, or rather to demand her son, was sent off by the master, with unjustifiable roughness. The fifth allegation states that the master entertains views of the colored race of people, which disqualify him to be a teacher of colored children. The witnesses evinced much feeling upon this point, and it was difficult to learn from any oral testimony, precisely what views the master had expressed. It appeared, however, that two years since, he was attacked on this point in one of the city newspapers; and had occasion in his defense to write and publish his creed. It stands in these words: “1st I believe them the colored people to belong to the human race, and endowed with all the attributes common to humanity.” “2nd I believe them to be rational, accountable beings, possessing minds capable of improving eternally.” “3rd I believe there is no human art or science, the acquiring of which had been specifically denied them by nature, if they can enjoy facilities suited to their natures.” The above quoted declaration having been made deliberately and without any reference to the trial, it is thought just to take it as expression of the views of the master. It is therefore submitted without comment, and the Board are left to determine whether it sustains the fifth and last allegation. Your Committee suppose it will be expected of them in concluding their report, to propose some final action in the case. In the performance of this part of their duty, they are prepares to recommend a measure to all concerned. They view Mr. Forbes to be a valuable instructor in the school service of the city; and, yet, they apprehend his [] in his present situation to be in a measure impaired. They would view his discipline to be an act of injustice to [them], and an example of injurious effect upon the schools. Under these circumstances, your Committee recommend that, at the end of the present school year, in August, the master of the Smith School be
transferred to one of the other schools and the present master of the school to which he shall be transferred be transferred to the Smith School.

Respectfully submitted, F. Emerson, Chairman.

Which report was read and accepted. [June 1844]
APPENDIX V

Petition of Francis Jackson et al. in Aid of the Petition of Thomas Dalton et al., 1844*

To the School Committee of the City of Boston: The undersigned being convinced that the exclusion of the colored children from the public schools of this city attended by whites, is on various accounts, inexpedient; more particularly by its operating virtually to debar them from the benefits of a higher education, respectfully pray that they may be permitted to have the advantages of the primary, reading, Latin and High Schools, on the same terms with the white children of the city.

<table>
<thead>
<tr>
<th>Francis Jackson</th>
<th>Ellis Gray Loring</th>
<th>Wendell Phillips</th>
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<tr>
<td>John G. King</td>
<td>Henry I. Bowditch</td>
<td>R...Bayley</td>
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<td>William Lloyd Garrison</td>
<td>Richard Hildreth</td>
<td>Edmund Jackson</td>
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<tr>
<td>Henry Willard Williams</td>
<td>S.E. Sewall</td>
<td>Thomas Bowean (sp)</td>
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<tr>
<td>William I. Bowditch</td>
<td>J. []</td>
<td>N.L. Bowditch</td>
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* "Petition of Francis Jackson et al. in Aid of the Petition of Thomas Dalton et al., 1844," Records of the School Committee of Boston, loose papers, Rare Book Room, Boston Public Library.
APPENDIX VI

Petition of Thomas Dalton et al. to Have the Smith School Abolished and That Their Children Be Permitted to Attend the Other Schools, 1844*

To the School Committee of the City of Boston: The undersigned colored citizens of Boston, very respectfully represent: that the establishment of separate schools for the colored children of this city appears to us inexpedient for the following reasons: First: We are satisfied that we never shall have a really good or flourishing school under this system for as the colored school can have but a limited number of pupils, few teachers of superior ability will be found to take charge of it, and from this cause, the children must and always will suffer. Second: The inefficiency of the teacher will moreover be a cause for keeping the children from school, and thus the school will more and more grow thin and languish. Third: Either one colored school must combine instruction in all studies from the most elementary to the highest, which your adoption of a contrary system in the white schools shows cannot be efficiently and advantageously done, or else the instruction must be kept down to the average necessities of the scholars, a plan which robs the more intelligent of the benefits of a higher education; or lastly there must be a series of colored schools, which from its expense would be impracticable. How is an intelligent colored youth in Boston to make the same proficiency in his studies as a white boy who is admitted to the High or Latin School? If it be said that the colored boy can be admitted to the High or Latin school, why exclude him from the other schools? Fourth: The present exclusion of our children from the best schools and from competition in learning, with white children, is felt as a slight upon us and them, and is calculated to express an honorable ambition. People are apt to become what they see is expected of them. It is very hard to retain self-respect, if we see ourselves set apart and avoided as a degraded race, by others. Do not say to our children that however well behaved their very presence in a public school, is contamination to your children. Fifth: Under the system of allowing the white and colored children to attend the same schools as it formerly prevailed in Salem, we believe no practical inconvenience was experienced. Some of the colored youths of that City were among the best scholars. The colored children were well treated and well taught. Sixth: You have a precedent for the change we desire. We are informed that on the Island of Nantucket where great attention is paid to the schools, the inhabitants have with great unanimity abolished the colored schools which were kept up for some years, and that the children now attend the same schools; the recent change having been made partly in view of considerations like those we have presented, and partly in conformity with elaborate written opinions from several legal gentlemen in Boston, advising that

* "Petition of Thomas Dalton et al. to Have the Smith School Abolished and That Their Children Be Permitted to Attend the Other Schools, 1844," Records of the School Committee of Boston, loose papers, Rare Book Room, Boston Public Library.
the establishment of separate schools for colored children by the public is contrary to the laws of the Commonwealth.

Wherefore your petitioners would respectfully by earnestly ask the immediate and entire abolition of the colored schools in Boston.

Thomas Dalton
Henry Randolf
Thomas Cole
Francis P. Clary
John A. Robinson
William Riley
Samuel Wilson
George Gaul (sp)
Solomon R. Alexander
James B. Saunders
Thomas P. Smith
Jonathan Cash
A.F. Clark
N.H. Logan
Rev. Jehiel C. Beman
Charles A. Battiste
Jane Putman
June B. Shillings (sp)
Aaron Clant (sp)
18 more

George Washington
Solomon Guess
Augustus Murray
George C. Clary
John H. Lewis
Joshua B. Smith
Benjamin Wecotere
Isaacac Wissiek
Charley S.C. Roberts
William C. Nell
John J. Smith
C. Robinson Weeden
C.S. Clark
Anna Logan
William Beman Jr.
Martha A. Battiste
Edward B. Sautoy (sp)
Thomas Br... (sp)
Isaac Woodlen...d (sp)
Jonas W. Clark
Ellen Garrison
Henry Weeden
Amelia M. Nathan
John P. Coburn
Lyman Hutchinson
James Johnson
Marion A. Howard
William Junier
Robert Morris
A.P. Howard
Cordelia L. Hawrand
Chad Mahony
Sarah Logan
Nancy Beman
Enoch L. Stallad
G.J. Leueile (sp)
John B. Peoc (sp)
John Poog. (sp)
APPENDIX VII

Resolution, June 1844, John T. Hilton et al. Colored Citizens*

At a meeting of the colored citizens of the City of Boston, held in the First Independent Baptist Church, on Monday evening, June 18, 1844, the following resolutions were unanimously adopted: Whereas, we, the colored citizens of the City of Boston have recently sent a petition to the School Committee respectfully praying for the abolition of the separate schools for colored children, and asking for the rights and privileges extended to other citizens in respect to the common school system, viz: the right to send our children to the schools established in the respective districts in which we reside, and Whereas, the School Committee at their last meeting passed a vote, stating, in substance, that the prayer of our petition would not be granted, and that the separate schools for colored children be continued, and Whereas, we believe, and have the opinion of eminent counsel, that the institution and support of separate schools at the public charge for any one class of the inhabitants in exclusion of any other class is contrary to the laws of this Commonwealth, - therefore,Resolved, that we consider the late action of the School Committee in regard to our petition asking for the entire abolition of separate schools for colored children, as erroneous and unsatisfactory. Resolved, that while we would not turn aside from our main object, the abolition of the separate colored schools, we cannot allow this occasion to pass without an expression of our surprise and regret at the recent acquittal by the School Committee of Abner Forbes, Principal of the Smith School, and of our deep conviction that he is totally unworthy of his present responsible station; and that the colored parents of this city are recommended to withdraw their children from the exclusive schools established in contravention of that equality of privileges which is the vital principle of the school system of Massachusetts. Resolved, that a copy of the above preamble and resolutions be sent to the Chairman of the School Committee with a request that the petition heretofore presented may be reconsidered, and that we be allowed a hearing on said petition before them.

John T. Hilton – President
Henry L.W. Thacker – Vice-President
Jonas W. Clark – Vice-President
William C. Nell – Secretary
Robert Morris – Secretary

APPENDIX VIII

Erecting a New School House for the Smith School*

Your committee have examined the condition of the Smith School house and find it perfectly deplorable; and are astonished it should have been suffered to remain so long without enlargement or repairs. The old school houses which have been abandoned were palaces in comparison with this; and we see no reason why this class of our children should not be provided for, especially considering, that part of the expenses of the school are paid by a fund. The building is much too small for its purposes. It has no recitation rooms; there is no suitable space in the entries that overclothes can be hung in them. The yards for each division are [ ] fifteen feet squares, bounded on one side by the outhouses and favored on the other by a dump in questionable proximity. The only way to these great conveniences is through a dark and damp cellar. The internal arrangements of the house are peculiar; the building being so planned, that the oldest scholars are obliged to occupy the seats provided for the younger and vice versa. The general appearance of the home within is singularly [word unclear] and presents as little of cheerfulness and comfort as can well be found in the same space. Considering these faults, your committee unanimously agree in reporting, that the Smith School house is unfit for the use of the school, and recommend the adoption of the following order. Ordered that the city government be requested to erect a new schoolhouse for the use of the Smith School upon some spot not far from the present one.

All which is respectfully submitted... Read and accepted.

APPENDIX IX

Acts and Resolves Passed by the General Court of Mass. In the Year 1845:
Together with the Rolls and Messages.

Chapter 214
An act concerning Public Schools.
Be it enacted by the Senate and House of Representatives, in General Court
assembled, and by the authority of the same, as follows:

Any child, unlawfully excluded from public school instruction, in the
Commonwealth, shall recover damages therefore, in an action on the case, to be
brought in the name of said child, by his guardian or next friend, in any court of
competent jurisdiction to try the same, against the city or town by which such
public school instruction is supported.

[Approved by the Governor, March 25, 1845.]

[Margin reads: "Remedy for unlawful exclusion from public school instruction."]
APPENDIX X

Minority Report on Abolishing Separate Colored Schools; Boston, June 18, 1845. In Response to Petition of Jonas W. Clark and Others*

The petition
The petition is most respectfully worded and is signed by some of the most respectable of our colored citizens and among them are two clergymen. They ask, first, that these separate schools for colored children may be abolished and secondly, that the colored children be allowed to attend any school, that their parents may choose in their respective districts. The undersigned have had interviews with the petitioners and have corresponded with different gentlemen in Salem, New Bedford in relation to the subject, and have determined to recommend to this Board the granting of the prayer of the petitioners. We have arrived at this determination for the following reasons:

1. **If separate schools are discontinued, the colored race will be elevated.**

   "...Elevated without injury, but with absolute benefit to their paler brethren. It is in vain for us to deny that although we do not place manacles upon the limbs of the Negro in these New England States, there is a bondage more corroding, perhaps, to the heart of the suffering African race than the iron fetters that are forged for it in the far South. A prejudice exists here that is unchristian and unmanly, and which grinds the colored man to the dust. It begins, by means of these separate schools which we now seek to abolish, at the tenderest period of life, when the dispositions are most pliable, when impressions are most easily given and most deeply made.... It not only deprives him of what every white man enjoys, viz the power of self-elevation, but, by that deprivation, it causes an indifference, on his own part, to his fate.... Instead of self-elevation, the soul of the colored man, under the damming influence of this prejudice, presents but too frequently the mournful picture of self-abasement... Now the main roots of all this prejudice spring as we have stated from this separate school system, and if that system were abolished the undersigned believe that the prejudice itself would gradually die for want of nourishment; whereas it will flourish, in its most unmitigated form, so long as the present system lasts. We are well aware that some will say that the prejudice existed before the separate school system was established... and that therefore we are taking cause for effect... we must allow that this prejudice is not inherent in our nature, but something that grows up afterwards, and in fact, that it is something instilled into us from without.

But second, allowing this prejudice did exist to a certain degree before the establishment of separate schools, is it not true that the separation, as it actually occurs, tends to foster and cherish the unholy feeling? It is because the undersigned think that separate colored schools tend more than any one other thing to degrade the colored race in this manner, and because their abolition would tend to elevate the race by opening to them paths of honor and profit that we propose to grant the prayer of the petitioners.

2. The legal and moral bearings of the subject. But the second and most important reason for granting the prayer is this; that it is the right of the colored people to be treated in every respect as citizens. In regard to the legal view we have the opinion of one of our most eminent jurists, Richard Fletcher, Esq. In his communication with the school committee of Salem and subsequently published in the Salem papers, Doings of the Salem School Committee: ... Resolved, that it is not for the public interest to incur the expense of supporting a separate school for the purpose of educating so small a number of scholars as have attended the school for colored children during this past year. Resolved, that under the Constitution and laws of the Commonwealth it is not competent for the school committee to exclude from any public school any child in all other respects entitled to admission therein, solely on the ground that such child is a person of color. Resolved, that ... the following statement of the constitutional rights of colored citizens in respect to the education of their children in the public schools, as prepared by Hon. Richard Fletcher, is adopted by this board and is hereby ordered to be placed upon the records.

"Neither the constitution nor the laws of this Commonwealth, make any distinction between a colored person and a white person. A colored man is a free citizen, with the same rights, privileges, and duties, as any other man, so far as the constitution and laws of this Commonwealth are concerned. He pays his share of the expenses, and is entitled to vote and act as any other citizen. The children of colored parents are, therefore, entitled to the benefit of the free schools, equally with others. It may be said that the free school, provided exclusively for colored children, is equally advantageous to them. I think it would be easy to show that this is not the case. But, suppose it were so, it would in no way affect the decision of the question. The colored children are lawfully entitled to the benefits of the free schools, and are not bound to accept an equivalent."

What is true of Salem is true of any town or city in the Commonwealth. The School Committee of Boston, Wm. Fletcher says, virtually, has no legal right to establish these schools. The Moral Question. But the moral point of view is the firmest on which we can stand when we demand a restoration of the colored people to equal privileges with the whites. What right has one class of men to degrade another class, as this prejudice fostered by separate schools does really degrade the colored race? One of the petitioners was educated at New Bedford, where, for twenty years, there has been a total disregard to color in the schools. He stated to the committee that he had been, all his youth up, accustomed to meet with white children and to contend with them for the honors of the school.

* Morning Telegraph news clipping of letter from the Hon. Stephen C. Phillips the mayor of Salem, forwarding the annexed opinion of the Hon. Richard Fletcher of Boston.
"And" now, said he, "I come her and find that my child will be excluded from institutions similar to those I myself attended; Sooner will I myself educate her who is just entering her fifth year than submit to the degradation of sending her to a separate school, for by that act, I shall virtually admit that I have no right to send her elsewhere. I feel that she has a right to go to any school in the state and she ought to have the privilege." Such should be the feeling of every colored person in this city. Unfortunately some are too much occupied; others have been nursed in ignorance and cannot, if they would, teach their children; and being desirous that their offspring should have instruction they send them to our present schools, when if they feel degraded by so doing, preferring degradation for themselves to absolute ignorance for their children....

3. The abolition of the separate school system will tend to wipe off the dark traces of slavery.

4. The whites will be benefited. ....If we abolish these schools it will have a tendency to eradicate that supercilious spirit [of prejudice], that aristocratic pride which induces us to do wrong and to look with a loathing...eye at all the colored people....Evil effects upon himself of any prejudice against any other human being....Let a man overcome that prejudice; let him treat as a brother him whom he has despised or hated; and the very light of day becomes brighter, the air he breathes appears purer, ... and he himself becomes better and nobler...

5. Distance from the separate schools a reason for allowing colored children to go where they choose.

6. The pocket question.

7. Its safety. The experiment at Salem may be said to have fairly tested the question and to have decided that it is perfectly safe to do as the undersigned propose in the present case. Again, we believe it to be a fact that the colored people of New Bedford where there has never been any distinction made, are really higher than they are elsewhere....

8. The present laws are evaded.

9. Examination of the objection to the abolition of these separate schools. Prejudice..., No person has a right to public instruction, It will destroy/disturb the primary school system..., That the School Committee has no right to legislate on this matter before public opinion is up to the point at which it would be proper to make this change, The physiological question.... Our powers originate with the Grammar School Board; ergo, we must wait for them to act, The signers of the petition are not parents...the triviality of such an argument is too great for any long answer.

10. The sum total. Thus, whichever way we look upon this subject we find that an unhallowed prejudice and mere expediency are the arguments against the measured, whereas, in favor of it, rise up every principle of divine justice and of an enlightened policy. We have seen that it is unchristian, illegal and unmanly. Ought not therefore the members of this
Board, putting aside all the petty prejudices and all vindictive feelings towards one another and towards the unhappy race whose cause is now advocated fearlessly to do this act of humanity and right and grant the prayer of the petitioners? It can do our whiter skins, or if you will, our nobler souls no harm, for when was it ever known that such a deed read injury to the soul of any man? It will serve to heal many a crushed spirit among the young and old of the colored men in this city. The aged will bless us; for it will be the harbinger of a fairer day for their offspring, even if they themselves are destined never to see its meridian brightness. Youthful hearts will become more buoyant, for the weight of prejudice which is already beginning to enclose them in its icy bonds will be struck off, and thousands, yet unborn, will rejoice in the hour in which we shall perform this act of simple justice.

Respectfully submitted.

H.J. Bowditch
James Tolman
June 18, 1845
APPENDIX XI


In Primary School Committee, Boston, February 6, 1846.

The following petition was read, and referred to Messrs. Crowell, Kimball, Bowditch, Ingraham, and Putnam, to consider and report.

Mr. Jackson was subsequently appointed on the Committee, in the place of Mr. Putnam resigned.

Attest,

ALVAN SIMONDS, Secretary.

TO THE PRIMARY SCHOOL COMMITTEE OF THE CITY OF BOSTON:

The undersigned colored citizens of Boston, parents and guardians of children now attending the exclusive Primary Schools for colored children in this City, respectfully represent;—that the establishment of exclusive schools for our children is a great injury to us, and deprives us of those equal school privileges and advantages in the public schools to which we are entitled as citizens. These separate schools cost more and do less for the children than other schools, since all experience teaches that where a small and despised class are shut out from the common benefits of any public institutions of learning and confined to separate schools, few or none interest themselves about the schools,—neglect ensues, abuses creep in, the standard of scholarship degenerates, and the teachers and the scholars are soon considered and of course become an inferior class.

But to say nothing of any other reasons for this change, it is sufficient to say that the establishment of separate schools for our children is believed to be unlawful, and it is felt to be if not in intention, in fact, insulting. If, as seems to be admitted, you are violating our rights, we simply ask you to cease doing so.

We therefore earnestly request that such exclusive schools be abolished, and that our children be allowed to attend the Primary Schools established in the respective Districts in which we live.
APPENDIX XII

Abolition of the Smith School, Boston School Committee Records

Rev. Dr. Bigelow from the Committee appointed to consider the expediency of abolishing the Smith School and of distributing its pupils among the other schools, presented a Report adverse to the abolition of the School to which was appended the following Resolves. Resolved: That in the opinion of this Board, the abolition of the Smith School, in accordance with the prayers of sundry petitioners, under existing circumstances would be a measure injurious and inexpedient; and that, if hereafter called for by the public voice under explicit sanctions of the law, its execution at this juncture would be, in an especial manner, premature and impolitic. Resolved: That the interests of the School and the claims of equity demand a recurrence to earlier usages of this Board in the appointment of teachers, and that for the future a preference should be given to competent colored applicants in elections to the office of master. Mr. Russell, from the same committee presented a Minority Report upon the same subject, which was read.

The Majority Report was then accepted and resolutions, above recorded, were passed.

APPENDIX XIII

Memorial to the Legislature, Boston School Committee Records*

Mr. Emerson sub-committeed the following Resolve and order – and moved their adoption: Whereas this Board have heard that the Legislature of the Commonwealth have now under consideration a bill, the entire provision of which is in the following words – “No child shall be excluded from any of the public schools of the Commonwealth on account of color or race” and whereas the public schools of Boston are now liberally and happily organized with separate schools for the two principal races of children – offering equal opportunity of learning to both, without subjecting either to objectionable associations – and whereas, if the said bill should become a law, it would greatly disturb and distract the present liberal and happy arrangement of our schools – therefore Resolved: That this Board do respectfully memorialize the Legislature, and seriously protest against the enactment of the said Bill, and that they do this in the full belief, that the result of such enactment would prove equally injurious to the best interests of both races of children. Ordered: That a Committee be appointed by the Chairman, who shall be charged with the presenting a certified copy of this Preamble and resolution to the Legislature, and who shall take such measures as they may deem expedient to oppose the enactment of said Bill.

Read, and said Preamble, Resolve and Order were unanimously adopted, May 13, 1851

* “Memorial to the Legislature,” Records of the School Committee of Boston, Rare Book Room, Boston Public Library, vol. VI, 1850-1854.
APPENDIX XIV

Abolishment of the Smith School, Boston School Committee Records*

Mr. Tuxbury offered the following: Whereas, by a recent act of the Legislature of this Commonwealth, the several towns and cities are required to admit into their public schools all children of suitable age and qualifications, without distinction in regard to color, thereby rendering any further provision for the separate instruction of the colored children of this city unnecessary and inexpedient, therefore, Ordered, That the school now existing in Joy Street, and designated as the “Smith School,” together with the Primary School and the school for special instruction connected therewith, and all the other schools being for the exclusive education of colored children, be discontinued and abolished; and that the Secretary be directed to inform the several persons recently elected as teachers in said schools, that their services in that capacity will no longer be required by the city. Sept. 11, 1855

APPENDIX XV

"Colored Children to be Admitted to All Schools, Boston School Committee Records"

Ordered, That the subject of providing free instruction for the colored children of the city in Reading, Writing and Arithmetic be referred to the several District Committees with authority to admit said children into the several schools now established in their particular districts, in all cases where they can properly be accommodated; otherwise, to make such other suitable provision for their accommodation as may, in the judgment of said district Committees be deemed most advisable: meaning and intending, hereby to comply with the condition contained in the will of the late Abiel Smith, whereby the income of the legacy left by him may be secured to the city for the purposes for which it was given. Sept. 11, 1855

* "Colored Children to be Admitted to All Schools." Records of the School Committee of Boston, Rare Book Room, Boston Public Library, vol. VII, 1855-1858.
APPENDIX XVI

Legislative Acts and Resolves 1855
Chapter 256*

Order, relative to additional legislation in regard to the powers of school committees.
Mr. Slack of Boston.
Adopted.

Commonwealth of Massachusetts.
House of Representatives, Feb. 7, 1855.
Ordered, that the Committee on Education inquire into the [expediency] of additional legislation in regard to the powers of school committees in determining the number and qualifications of scholars admitted into public or district schools.

Adopted.
Sent up for concurrence.
In Senate Feb. 8, 1855. Concurred.

* "Legislative Acts and Resolves 1855, Chapter 256," Massachusetts Historical Society, 1855.
APPENDIX XVII

Acts and Resolves Passed By the General Court of Massachusetts in the Year 1855: Together with Messages

Chapter 256
An act in amendment of "An Act Concerning Public Schools," passed March 25, 1845.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Sect. 1. In determining the qualifications of scholars to be admitted into any public school of any district school in this Commonwealth, no distinction shall be made on account of the race, color or religious opinions, of the applicant or scholar.

Sect. 2. Any child who, on account of his race, color or religious opinions, shall be excluded from any public or district school in this Commonwealth, for admission to which he may otherwise be qualified, shall recover damages therefore in an action of tort, to be brought in the name of said child by his guardian or next of friend, in any court of competent jurisdiction to try the same, against the city or town by which the school is supported.

Sect. 3. In filing interrogatories for discovery in any such action, the plaintiff may examine any number of the school committee, or any other officer of the defendant city or town, in the same manner as if he were party to the suit.

Sect. 4. Every person belonging to the school committee, under whose rules or directions any child shall be excluded from such school, and every teacher of any such school, shall, on application by the parent or guardian of any such child, state in writing the grounds and reasons of such exclusion.

Sect. 5. This act shall take effect from and after the first of September next.

House of Representatives, April 7, 1855
Passed to be engrossed. Sent up for concurrence.

In Senate, April 17, 1855
Passed to be engrossed, in concurrence, with the following amendment, to wit:
At A, in the title, after the word "March," strike out "24," and insert "25."
Sent down for concurrence.

House of Representatives, April 18, 1855.
Concurred.
Approved by the Governor, April 28, 1855
VITA

Melisa Kate Nasella