III

COMPULSORY EDUCATION IN THE UNITED
STATES, (III)

It is the purpose of the present paper to set forth the problem of compulsory education as it presents itself to the American people of to-day, and to put to the test of results, so far as possible, the methods adopted for its solution. It is hardly necessary to explain that the problem is not quite the same now that it was a half century ago. Perhaps it would be more accurate to say that the conditions of the problem are not the same. The coming to our shores of increasing numbers of foreign born, the growing up among us of thousands upon thousands of the children of these foreign born, the massing in our great cities of both foreign and native populations, the settlement in our Northwest and newer West of hundreds of alien colonies, the development in our manufacturing communities of great industries employing the unskilled labor of children—these facts and others equally significant have rendered the once simple question, How shall the youth be instructed? more difficult to answer here in America in the closing years of this nineteenth century, than in almost any other country of our rank in civilization. Under these changed conditions, we find the discussion of compulsion chiefly centering at three vital points of agitation. These are: (1) The restriction of the employment of children of school age; (2) provision for the children of the very poor, so that they may not be kept from school by sheer destitution; (3) regulation and limitation of the amount and kind of instruction offered as a substitute for that of the public schools, especially of the instruction given in schools supported by religious bodies for children of alien parentage or descent.

To illustrate modern methods of dealing with the different phases of the first in this group of very practical problems, I
cannot do better than to refer to Rhode Island’s experience; for while the labor of children has been a subject of legislation in many States, it has nowhere else come to be a matter of real concern to so large a proportion of the population. About ten years ago Rhode Island first became thoroughly aroused to the necessity of placing some reasonable restriction on the employment of children in factory labor. There had been feeble attempts at restriction in the past, by a kind of local option which left all initiative to the towns and cities, but these had been fruitless. In the meantime, the neighboring States of Massachusetts and Connecticut, starting with the somewhat crude enactments already noted, had made marked progress in working out efficient systems of supervision, and several other States had followed their lead. The immediate effect, however, of this activity on the part of her neighbors had been anything but favorable in Rhode Island, for families had come thither from Connecticut and Massachusetts for the express purpose of getting employment in mills for their children, who had been kept out of such employment by the vigilance of the truant officers in their former homes. The result was that ignorance became an evil that could no longer be disguised. The showing made by the census of 1880 was appalling. The proportion of illiterates to the whole population—11 per cent.—was unequaled in any other Northern State. The foreign element in Rhode Island’s population is large, and hopelessly ignorant, so far as the adults are concerned. It was evident that the State must take active measures to secure the schooling of the young children (19 per cent. of whom lived in the cities and large villages), or this living mass of illiteracy would grow steadily greater.

The law which Rhode Island finally enacted as a partial safeguard against the growing evil disclosed by the census returns, was by no means extreme in any of its provisions. Compared with the legislation of Massachusetts and other New England States, it was decidedly moderate. Connecticut

2 Rhode Island School Report for 1882, pp. 113-119.
and Massachusetts had made thirteen the minimum age of employment in factories, stores, and workshops. Rhode Island placed the restriction at ten, and then made it apply only during school hours. The compulsory period was made unusually long—between the ages of seven and fifteen—but only twelve weeks' attendance in each year was required. Children between ten and fifteen may not be employed except in vacations, unless they shall have attended school for twelve weeks in the twelve months preceding employment. Rhode Island officials have found even this law, which is apparently far less exacting than most employment laws of recent date, quite hard enough to enforce. There has been almost constant complaint as to the employment of children under ten in factories. Still great progress has been made in bringing this class of children into the schools, and in some communities truancy seems to have been practically done away with. The State commissioner of public schools believes that a more uniform execution of the law may be obtained by giving supervisory power to State officials, as is done in Connecticut. The Rhode Island experiment may be said to be the only vigorous attempt, begun under wholly modern conditions, to deal with this question of child labor as a part of the educational problem. The laws relating to the employment of children in the other New England States had been in force before the French Canadians had settled in the factory towns in any considerable numbers. The newcomers found the laws in operation, and were compelled to obey them. In Rhode Island, on the other hand, the children of foreigners had been growing up in ignorance for years, in some communities, before an attempt was made to bring them into the schools. Considering the difficulty that must, of necessity, attend the execution of any law under such circumstances, the State is to be congratulated on the measure of success thus far attained.

The number of States provided with some form of children's employment regulation is steadily increasing. The influence of the labor unions in securing such legislation has been im-

portant, and frequent national conferences of State labor commissioners and factory inspectors have dealt with the question to some purpose. In most cases the sections in the old compulsory education laws relating to the subject have proved entirely inadequate, and recourse has been had to new and distinct enactments, in which the requirement of school attendance is incidental to that of exemption from employment. It will take time to overcome the greed and short-sightedness of parents; but the argument against child labor, on purely economic grounds, leaving education out of account altogether, is a powerful one. Child labor lowers the standard of living, and lowers the wages of adults. Once let this truth be clearly apprehended by workingmen, and it can hardly be doubted that public sentiment, which, in this country, is always a far more effective agent of reform than legal restriction, will make child labor not merely unpopular, but impossible.

But in the case of children living in extreme poverty, the difficulties in the way of school attendance are not removed simply by shutting the avenues of employment. After the child has been taken from shop, or mill, or store, he must still be clothed, if he is to be sent to school, and truant officers in cities frequently meet with cases where the parents plead lack of necessary clothing as the cause of their children's absenteeism. How to deal with these cases of destitution becomes an exceedingly important question in connection with compulsory school attendance.

It is often assumed by writers that, under our American public school system, rich and poor have always enjoyed equal opportunities on equal terms, but this assumption is based on inaccurate knowledge of the facts. Not to go back to the times when the schools were free to poor children, while others paid tuition, we need only to recall the fact that, today, in New York and several other States, text-books are provided for all unable to buy them, to perceive that discrim-

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ination is encouraged, to the advantage of the poor. In all attempts to enforce compulsory laws, the poverty of families is found to be a practical difficulty. In a number of States this is made an excuse for non-attendance, but obviously this course offers no solution, but only an evasion of the real problem. The duty of the state to stand in loco parentis has not been fully recognized in all quarters, but the advocates of compulsion have not been wanting in quick apprehension of the logic of their position. It is absurd for the state to undertake the education of all its children, unless it stands ready at the same time to receive and care for the needy among them. To exempt such from the operation of the law is not a kindness, but an act of injustice. The requirement of school attendance, if it has any justification at all, must be held to have been framed, not primarily as a restriction on the liberty of children, but as a means to promote their well-being and, thereby, to help secure the greatest good to the greatest number. This end is wholly lost to view when the state passively permits poverty to remain a bar to education. Ignorance can only be regarded as a foe alike to the child and to the state, and it is no less a foe when aided, as it often is, by conditions for which the child himself is not responsible, and which the state alone has power to remove.

But to what extent shall the child so circumstanced receive public aid? Until recently it was thought that the supplying of free text-books was all that could reasonably be expected, but now Ohio and Colorado have undertaken to provide clothing for all children of school age whose parents are unable to clothe them. There can be little question that other States will soon be brought face to face with the same problem. When the state has the simple alternative presented of permitting the child to grow up in ignorance and thus become, in a greater or less degree, a public burden, or of aiding it by public bounty, for a limited period, to become an

5 In several States all children, rich and poor alike, are provided with text-books at public expense, but allusion is here made only to those where such provision is conditioned on need.
active, self-supporting member of the body politic, the social-
istic bugbear has few terrors for the "plain people" who pay
the taxes in this country. And yet, it is quite evident that,
unless great caution is used, such a policy may be perverted
into a form of public charity which would have anything but
a beneficial effect on its recipients or on the community. If
not wisely directed, it may lead to improvidence of a very
dangerous type. It affects those children who are situated
just on the border line of pauperism. Any course that would
tend to force them within that line is surely to be avoided.
Such provisions as those now in force in Ohio and Colorado
demand the utmost vigilance on the part of the officials
charged with their enforcement. Time alone can determine
the wisdom of such legislation as applied to American condi-
tions, but, at present, the question is being asked here and
there over the country: "Is there any escape from it?"

Of late, however, the most violent controversies have not
been over the state's right to insist on the schooling of chil-
dren, or its duty to protect the helpless, but rather as to how
far the state's authority shall be exerted in fixing the stand-
ards and regulating the methods of non-public instruction.
What is known as the "parochial school question" includes
two separate and distinct issues. The one lies between those
who believe that public funds should be appropriated to reli-
gious establishments for educational purposes and those who
contend that all instruction at public expense should be non-
sectarian. Again, there is one party which asserts that the state
must exercise supervision over private schools, at least to the
extent of requiring their standards to be the same as those of
the public schools, and a host of supporters of the church
schools rise in indignation at this invasion of their assumed
rights. Here is another issue, and at present it is a very lively
one. Should Archbishop Ireland's plan⁶ be generally adopted,
and prove practicable, the parochial schools would become pub-
lic, and be subject to the same supervision to which all public
schools are subject. The administration of compulsory edu-

cation laws would thus become greatly simplified; for there would be but one school system in each community, the details of which could be definitely prescribed and understood, so that attendance for a certain number of weeks in each year would fully satisfy the requirements of the law. Under existing conditions there is much difficulty in enforcing compulsion in places where parochial and public schools occupy the same field. Very few attempts have been made to bring parochial schools under state inspection. The Ohio compulsory law requires every parish school to furnish the names, ages, and places of residence of its pupils. This is to enable the authorities to know what children are complying with the law. The head of a Toledo school of this character refused to give the information sought, on the ground that the law was unconstitutional, in that it interfered with the rights of parents to educate their children according to the dictates of their own consciences. The Ohio supreme court has decided that the provision in question was not unconstitutional, but that the state has a right to compel the attendance of children at school. The law does not attempt to restrict this attendance to the public schools, nor does it include any particular class of schools. Therefore it does not interfere with rights of conscience. This Toledo case was argued and decided on broad constitutional grounds. Perhaps no decision more important to the future of all compulsory education legislation in this country has ever been rendered by an American court. The nature of the contention only makes more evident the intimate relation existing between the general question of compulsion and that of state inspection of public schools.

The most familiar instance of recent discussion of this latter question in its various phases is the political agitation carried on in Wisconsin and Illinois in 1890. Ostensibly the sole issue in that contest was the requirement that English be used as the medium of instruction in elementary branches in all schools, but large numbers of Catholics and Lutherans were induced to believe that insistence on that requirement was in

effect a covert attack on the whole system of parochial schools. The most distinguished exponent of the opposition to the "Bennett law" in Wisconsin, Senator Vilas, seems to contend that the victory of the Democrats in that State, in the elections of 1890, established once for all the principle of absolute non-interference by public authority in any and every form of private instruction. The state may not ask what is taught in the private schools, nor how much instruction is given in any subject, nor whether the teachers are qualified to give instruction. The inevitable conclusion from the Senator's reasoning is that the state has no right to demand of any parent that his children be educated at all; for of what value is the parent's answer that his children are in private schools, if the state be forbidden to ascertain through its authority what is taught in those schools, or whether anything is taught in them? Mere attendance, in itself, is of no importance to the state. The Senator's argument, therefore, seems to overthrow every form of compulsion, and yet the first action of the last Wisconsin legislature, after the repeal of the obnoxious law of 1889, was the passage of a law, similar to those in force in more than a score of other States, requiring attendance for a fixed period in each year, and imposing a penalty on the parents for non-compliance. The truth is that compulsory education in this country must stand or fall with private school inspection. Massachusetts, Connecticut, and Rhode Island have clearly recognized this truth, and provisions practically identical with the requirements of the "Bennett law" had long been in force in each of those States.

DOES COMPULSION COMPEL?

The accompanying table shows in detail the more important provisions of all the compulsory laws now in force in the United States. Statistics of attendance in the different States are practically valueless as showing the effect of these laws. As the United States Commissioner has pointed out in his last report, the proportion of children of school age affected by these

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8 Forum, October, 1891.
laws is small, and the variations in school age and other particulars from State to State render an equable comparison between a State with a compulsory law and one without it, entirely impossible. For information as to what is actually accomplished by compulsory legislation, we are compelled to depend on the record of cases dealt with, supplemented by statements of school officers. The indirect moral effect of such laws, of course, cannot be ascertained through any system of statistics. The most important and useful information has been furnished by the annual reports of the school superintendents of the cities of Boston and Brooklyn. Superintendent Seaver of Boston has made the following statement as to the general result of an investigation conducted with great care and covering a period of six years: "Of 50,000 children in Boston to whom the compulsory laws apply, the number found inexcusably absent from school during any one year is between 500 and 600, or a trifle over one per cent. Also, it is true that more than half of this unexcused absence occurs among children already fourteen years old; that is, among children just approaching the time of exemption from the compulsory law. Again, more than one-half of the remaining unexcused absences occurs among children already thirteen years old. Thus it appears that school attendance is well-nigh perfect among the younger children; that is, among those from eight to twelve years of age, both ages included."

The last Brooklyn school report shows that during 1891 the attendance officers made 36,826 visits, investigated 6324 cases, and reinvestigated 3111 cases. It was found that 2341 children were kept at home by their parents, 1630 by sickness, and 468 by poverty. Of the truants and non-attendants, 3518 were placed in school, and 273 in special attendance school and truant home. It was found that 36 children were employed, in violation of the compulsory law, and they were placed in school. The recent experience of Brooklyn seems to demonstrate that much can be accomplished by a vigorous city school administration, even under a defective law.

*Proceedings of Department of Superintendence, Philadelphia meeting, 1891.*
<table>
<thead>
<tr>
<th>States and Territories</th>
<th>Compulsory Age</th>
<th>Amount of Residence in Each Year</th>
<th>Character of Enforcement</th>
<th>Penalty or fine or otherwise</th>
<th>Course of Study in Public Schools</th>
<th>Requirements of School</th>
<th>Amount of Schooling</th>
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<tbody>
<tr>
<td>California............</td>
<td>8-14</td>
<td>Two-thirds of school term.</td>
<td>Clerk of board of education or district trustees.</td>
<td>Fine of not more than $200 and costs for first offense, and $50 to $200 and costs for each subsequent offense.</td>
<td>Institutions of instruction or correction, or State reform school.</td>
<td>Under 14</td>
<td>12 weeks, preceding year.</td>
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<td>Colorado.............</td>
<td>8-14</td>
<td>12 weeks.</td>
<td>Any school director.</td>
<td>Fine of $2 to $5 for each offense.</td>
<td>Clothing.</td>
<td>13-14</td>
<td>12 weeks, preceding year.</td>
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<td>Connecticut...........</td>
<td>8-16</td>
<td>While sch's are in session.</td>
<td>Truant officers.</td>
<td>Fine of $5 for each truant's failure to comply with law.</td>
<td>Institutions of instruction or correction, or State reform school.</td>
<td>13-14</td>
<td>12 weeks, preceding year.</td>
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<td>Idaho................</td>
<td>8-14</td>
<td>12 weeks.</td>
<td>School trustees.</td>
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<td>Institutions of instruction or correction, or State reform school.</td>
<td>Under 15</td>
<td>16 weeks, preceding year.</td>
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<td>Illinois...............</td>
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<td>16 weeks.</td>
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<td>Fine of $1 to $25.</td>
<td>Institutions of instruction or correction, or State reform school.</td>
<td>13-16</td>
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<td>Kansas................</td>
<td>8-14</td>
<td>12 weeks.</td>
<td>School directors and presidents of boards of education.</td>
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<td>Institutions of instruction or correction, or State reform school.</td>
<td>13-16</td>
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</tr>
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<td>Maine..................</td>
<td>8-15</td>
<td>16 weeks.</td>
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<td>Fine of not more than $25.</td>
<td>Institutions of instruction or correction, or State reform school.</td>
<td>13-16</td>
<td>12 weeks, preceding year.</td>
</tr>
<tr>
<td>Massachusetts........</td>
<td>8-14</td>
<td>30 weeks if schools are not kept, otherwise so.</td>
<td>Truant officers and school committees.</td>
<td>Fine of not more than $20.</td>
<td>Institutions of instruction or correction, or State reform school.</td>
<td>13-16</td>
<td>12 weeks, preceding year.</td>
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<td>Michigan...............</td>
<td>8-14</td>
<td>4 months.</td>
<td>Truant officers and school boards.</td>
<td>Fine of $20 to $50 for first offense, and $5 to $25 for each subsequent offense.</td>
<td>Truant schools.</td>
<td>8-14</td>
<td>12 months, preceding year.</td>
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<td>Minnesota...............</td>
<td>8-16</td>
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<td>Fine of $20 to $50 for first offense, and $5 to $25 for each subsequent offense.</td>
<td>Truant schools.</td>
<td>8-14</td>
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<td>8-14</td>
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<td>Fine as in Kansas, with alternative of 30 days in county jail.</td>
<td>Truant schools.</td>
<td>13-16</td>
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<td>Nebraska...............</td>
<td>8-14</td>
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<td>School trustees.</td>
<td>Fine of $10 to $50.</td>
<td>Institutions of instruction or correction, or State reform school.</td>
<td>13-16</td>
<td>12 weeks, preceding year.</td>
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<td>Nevada..................</td>
<td>8-14</td>
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<td>School trustees.</td>
<td>Fine of not less than $50 for first offense, and not more than $25 for each subsequent offense, or imprisonment in county jail 30 days.</td>
<td>Institutions of instruction or correction, or State reform school.</td>
<td>13-16</td>
<td>12 weeks, preceding year.</td>
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<td>New Hampshire........</td>
<td>8-14</td>
<td>12 weeks.</td>
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<td>Fine of not more than $10 for first offense, and $5 to $25 for each subsequent offense.</td>
<td>Institutions of instruction or correction, or State reform school.</td>
<td>13-16</td>
<td>12 weeks, preceding year.</td>
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<td>New Jersey.............</td>
<td>7-12</td>
<td>30 weeks.</td>
<td>Police and constables.</td>
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<td>Institutions of instruction or correction, or State reform school.</td>
<td>13-16</td>
<td>12 weeks, preceding year.</td>
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<td>New Mexico...............</td>
<td>7-12</td>
<td>3 months.</td>
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<td>Fine of $10 to $50.</td>
<td>Schools designated by school officers.</td>
<td>13-16</td>
<td>12 weeks, preceding year.</td>
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<tr>
<td>New York...............</td>
<td>8-14</td>
<td>24 weeks.</td>
<td>Trustees of school districts, presidents of union schools, or officers designated by boards of education.</td>
<td>Fine of $5 for first offense, and after that $10 for each subsequent offense.</td>
<td>Institutions of instruction or correction, or State reform school.</td>
<td>13-16</td>
<td>12 weeks, preceding year.</td>
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<td>North Dakota...........</td>
<td>8-14</td>
<td>12 weeks.</td>
<td>Presidents of school boards and boards of education.</td>
<td>Fine of $50 to $200 for first offense, and $10 to $25 for each subsequent offense.</td>
<td>Institutions of instruction or correction, or State reform school.</td>
<td>13-16</td>
<td>12 weeks, preceding year.</td>
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<tr>
<td>Oregon..................</td>
<td>8-14</td>
<td>12 weeks.</td>
<td>Directors and clerk of school districts.</td>
<td>Fine of $5 to $50 for first offense, and $5 to $25 for each subsequent offense.</td>
<td>Schools designated by parents or guardians.</td>
<td>13-16</td>
<td>12 weeks, preceding year.</td>
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<tr>
<td>Rhode Island...........</td>
<td>7-15</td>
<td>12 weeks.</td>
<td>Truant officers appointed by town or city govern- ment.</td>
<td>Fine of not more than $10.</td>
<td>Institutions of instruction or correction, or State reform school.</td>
<td>13-16</td>
<td>12 weeks, preceding year.</td>
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<tr>
<td>South Dakota...........</td>
<td>8-14</td>
<td>12 weeks.</td>
<td>Presidents of school boards.</td>
<td>Fine of $10 to $20.</td>
<td>Institutions of instruction or correction, or State reform school.</td>
<td>13-16</td>
<td>12 weeks, preceding year.</td>
</tr>
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<td>Utah.....................</td>
<td>10-44</td>
<td>16 weeks.</td>
<td>School trustees and presidents of boards of education to require into cases of neglect of duty.</td>
<td>Fine of $10 to $50.</td>
<td>Schools designated by parents or guardians.</td>
<td>13-16</td>
<td>12 weeks, preceding year.</td>
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<td>8-14</td>
<td>10 weeks.</td>
<td>School directors, presidents of boards of education, or truant officers appointed by such boards.</td>
<td>Fine of $10 to $50.</td>
<td>Schools designated by parents or guardians.</td>
<td>13-16</td>
<td>12 weeks, preceding year.</td>
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<tr>
<td>Washington...............</td>
<td>8-15</td>
<td>5 months.</td>
<td>County superintendents of schools.</td>
<td>Fine of not more than $25 for each offense.</td>
<td>Schools designated by parents or guardians.</td>
<td>13-16</td>
<td>12 weeks, preceding year.</td>
</tr>
<tr>
<td>Wisconsin...............</td>
<td>7-13</td>
<td>12 weeks.</td>
<td>County superintendents of schools.</td>
<td>Fine of $10 to $25.</td>
<td>Schools designated by parents or guardians.</td>
<td>13-16</td>
<td>12 weeks, preceding year.</td>
</tr>
<tr>
<td>Wyoming...............</td>
<td>7-16</td>
<td>3 months.</td>
<td>County superintendents of schools.</td>
<td>Fine of not more than $25 for each offense.</td>
<td>Schools designated by parents or guardians.</td>
<td>13-16</td>
<td>12 weeks, preceding year.</td>
</tr>
</tbody>
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*2-15 in cities and towns where opportunity is given for industrial education. *2-16 when not employed.
But what shall be said of the rest of the country? In New York State, outside of the great cities, practically nothing has been done to make compulsion effective. In Massachusetts, Rhode Island, and Connecticut the towns and villages have been brought under the operation of the law to a very considerable extent. In Ohio, encouraging progress is being made under the law of 1889. Here and there through the country are isolated instances of enforcement, but for the most part, in more than a score of States, these laws have apparently not only failed to affect school attendance to any appreciable degree, but have tended by their very inefficiency to weaken the public school system itself in public confidence. To what shall we ascribe the cause of this general failure? It was not that compulsory education was a foreign innovation, ill-adapted to American conditions. It is true that foreign models were studied in the drafting of our State laws, but the principle itself, as has been shown in the preceding papers of this series, had a very respectable American lineage. If it was un-American, it is difficult to see what feature of our modern school system is not open to the same charge. It must be admitted that too many States have tried to deal with this question (as with others) without reference to the state of public sentiment, and in this country such a course is always fatal to the success of any movement. In many localities, doubtless, compulsion is at present quite impracticable—for instance, in portions of the new West; but practicability has been the last factor to be considered, usually, in framing compulsory legislation. Even in some of our Eastern cities, there is an absurd demand being made in these days for the enforcement of attendance laws which cannot be enforced because the school accommodations are insufficient for the children who apply for admittance. But in country districts, in States where ample school facilities are provided, difficulties have not been wanting. It has been urged that a more centralized system is needed, placing the responsibility for enforcing the laws on State officers, but in Connecticut, where centralization has all along been the order (and with apparently successful results),
it is still acknowledged that without the co-operation of local authority little can be done; and this co-operation is sought by compelling the towns and villages to appoint truant officers and establish truancy regulations, on penalty of forfeiting a portion of their respective shares in the school fund.

The danger of an illiterate population of foreign birth is probably not everywhere so great as Rhode Island’s experience would indicate. Recent investigations in New York City among the children of the tenement districts are rather encouraging than otherwise. They seem to show that a very large proportion of the New York children of foreign parentage are not only willing but eager to receive instruction. The chief difficulty seems to lie in the disgracefully inadequate facilities afforded.

Conclusions should not be hastily drawn from an experience so varied as has been that of the twenty-eight States and territories which have made compulsory education a part of their respective school codes. It has been the aim of this series of articles to present both facts and theories, but to do this without regard to any preconceived notions of the issues involved. American conditions only have been considered, as it was believed that a study of them would be of more profit than any investigation into foreign methods or systems. Unsatisfactory and even discouraging as the result of this study could not fail to be, it still remains apparent that by persistent and intelligent effort much may be done to remedy the evils of non-attendance and truancy which exist to-day in so many American communities. It has also been shown that mere legislation is not the end of the state’s duty in the matter, but only the beginning, and that vigorous official administration is essential. Such administration, to be effective, must of necessity be expensive. No State should enter on a compulsory policy without counting the cost, but no State should avoid such a policy because of the cost.

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