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A historical analysis of race on the education of black children in Dayton, Ohio, during the nineteenth century

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THESIS

A HISTORICAL ANALYSIS OF RACE ON THE EDUCATION
OF BLACK CHILDREN IN DAYTON, OHIO,
DURING THE NINETEENTH CENTURY

DISSERTATION

SUBMITTED TO

The School of Education and Allied Professions of

THE UNIVERSITY OF DAYTON

In Partial Fulfillment of the Requirements for

The Degree

Doctor of Philosophy in Educational Leadership

Linda Gillispie B.A., M.ED.

THE UNIVERSITY OF DAYTON

DAYTON, OHIO

2005

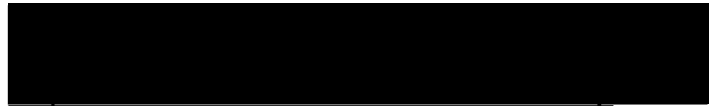
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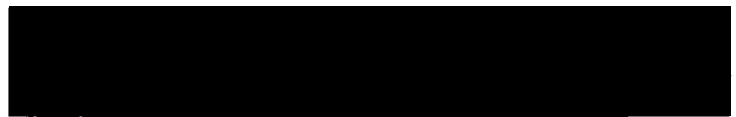
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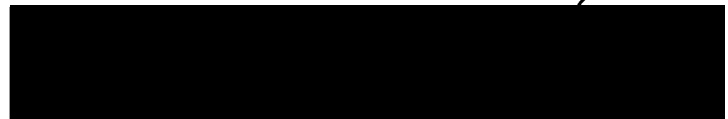
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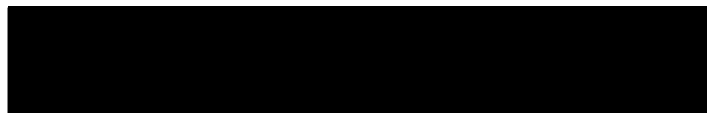
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A HISTORICAL ANALYSIS OF RACE ON THE EDUCATION
OF BLACK CHILDREN IN DAYTON, OHIO,
DURING THE NINETEENTH CENTURY

By

Linda Gillispie, Ph.D.

The University of Dayton, 2005

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ABSTRACT

This study is an analysis of the development of the education of black children in Dayton, Ohio, during the nineteenth century. This period is important because it represents a time in American history of educational awakening and self-empowerment. It was a time when there was a national push for common schooling, and a call for universal education that would be open to all children regardless of status. However, the doors of common schooling would not be readily opened to black children. This study examines the profound effects that racism had on the development of the education of black children in Dayton, Ohio.

While slavery was prohibited in Ohio by the adoption of the sixth article of the Northwest Ordinance of 1787, lawmakers made it clear that they were in no mood to grant civil rights to its black citizens. Almost immediately after Ohio entered the Union, the Ohio Legislature began the passage of a series of "Black Laws" starting in 1804, that stayed in effect until the repeal of these laws in 1849 and 1887. These laws effectively

excluded black citizens from entering the state without a bond, from voting, joining the military, testifying in court, or educating their children in public schools. This study investigates the conditions faced by black citizens in Dayton both before and after the Civil War and demonstrates how many of the issues facing the country and the State of Ohio played an important and often tragic role in development of education for black children in Dayton.

Even with the chains of the "Black Laws" binding them, Dayton's black citizens along with many others in Ohio, worked relentlessly to repeal these laws with petitions to the legislature. They were especially vigilant in trying to repeal the Black Law that excluded black children from public schools and some were equally as vigilant later in trying to repeal the law that mandated separate schools for black children.

The right to access public education became a reality for black children in 1849, eighteen years after public education had been opened to Dayton's white children. The long distances that black students had to travel to the "Colored School," coupled with poor facilities, ungraded classes, a shorter school year and a weak curriculum, led some black parents to request entry into white schools within their district. The Dayton black community soon became split over whether it was best to keep black children in black schools where their needs could be best met by understanding black teachers, or to push for entrance into white schools, as the most expedient way to achieve social equality, even at the cost of black teachers losing their jobs. The issue was settled in 1887 by the repeal of the Black Laws that ended separate schools for black children. Only one black teacher was retained.

To my husband, William, who has always been the greatest supporter a wife could have and to Dayton historian Mr. Charles Austin who has dedicated his life to the research of African Americans in Dayton and Montgomery County, Ohio.

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CHAPTER I

INTRODUCTION

Historical Background

The development of the history of black education in this country is intricately woven into the history of the American heritage and the development of American civilization. Yet, both histories represent very different versions as they intersected in their development. The status of blacks in America is conditioned by the historical fact that large numbers of Africans were brought to these shores enslaved and were kept in slavery for eight generations.¹ Upon coming to the American shores, blacks were enslaved because of the economic needs their enslavement served. Race, however, was soon used as a justification for rationalizing the inhuman institution of slavery, and later for the disenfranchisement of blacks politically, socially and economically after slavery.²

America's earliest history reveals that in 1619 when the first twenty indentured black servants arrived on the shores of Jamestown in Virginia, their education was closely connected with the church through missionary teachings.³ The early conditions and opportunities for education for blacks changed as the status and definition of slavery changed. The status of slavery was unknown to English law, and so indentured blacks as well as indentured whites and Indians were described as servant or slave, with the term being used interchangeably.⁴ Black servitude, which dictated a specific work length

¹Richard C. Wade, ed., *The Negro in American Life; Selected Readings* (Boston: Houghton Mifflin, 1965), 9-18.

²Mary F. Berry and John W. Blassingame, *Long Memory: The Black Experience in America* (New York: Oxford University Press, 1982), 7-15.

³Carter G. Woodson and Charles H. Wesley, *The Negro in Our History* (Washington, D.C.: Associated Publishers, 1972), 82, 102-106.

⁴*Ibid.*, 82.

obligation, gradually evolved into America's own definition and custom of slavery whereby blacks were debased from an indentured servitude status to permanent slavery.⁵

Before blacks began to feel the full wrath of the institution of slavery, clergy provided blacks with the fundamentals of education in order that they learn the principles of the Christian religion. There were schools for blacks, such as Goose Creek Parish, in South Carolina, provided by the church, in almost every city and town that blacks were located in the eighteenth century, with some colonies not only having schools for free blacks, but for slaves as well.⁶

The rising tide of slave importation led to a rise in white racial consciousness and widespread fear that too large a slave population might lead to an uprising against whites. This race consciousness changed the relations between whites and blacks. As black status deteriorated to a legalized status, whites developed a belief that blacks were of inferior stock and not to be treated as social equals. This led colonial America to establish a lower status role for blacks by adopting control measures known as slave codes.⁷ The slave code adopted and institutionalized by South Carolina in 1712, and later refined to be more restrictive, served as a comprehensive model of control measures for the South during the colonial period.⁸ Later, the fate of slavery was further sealed through legal actions when delegates met in 1787 at the Constitutional Convention and through a three-

⁵ T. R. Davis, "Negro Servitude in the United States: Servitude Distinguished from Slavery," *Journal of Negro History* 8, no. 3 (1923): 248-269.

⁶ Woodson and Wesley, *Negro in Our History*, 102-106.

⁷ Peter Kolchin, *Unfree Labor: American Slavery and Russian Serfdom* (Cambridge, MA: Belknap Press of Harvard University Press, 1987), 34-34.

⁸ Leslie H. Fishel and Benjamin Quarles, *The Negro American: A Documentary History* (Glenview, Ill: Scott, Foresman and Company, 1967), 21-26.

fifths compromise, voted on provisions that demonstrated their greater concern for "property rights" rather than "human rights."⁹

From the late eighteenth century to the end of the Civil War, southern blacks were legally forbidden from learning to read and write, and were completely disenfranchised politically, socially, and economically. In most cases, the church of the South ceased to be a source of enlightenment for blacks and by 1834 restricted their teachings to oral instruction only.¹⁰ Yet, in spite of these repressive measures and despite the dangers, many slaves learned to read and write because of the compassion or utilitarian needs of their masters or through the slaves' own sheer ingenuity.¹¹ Orator and abolitionist Frederick Douglass, born into slavery, became self-educated by the age of twelve by conscientiously befriending white boys and quickly convincing them to teach him how to read. The educational situation for blacks in many northern states during this period proved to be only slightly better because of the assistance from religious groups such as the Quakers and Methodists, and from the efforts of free blacks themselves.¹²

The issue of slavery tore at the seams of the contradictory nature of American democracy and moral consciousness. The slavery issue soon became infused with other issues that contributed to the Civil War.¹³ The preservation of the Union was

⁹ Rayford W. Logan and Irving S. Cohen, *The American Negro: Old World Background and New World Experience* (Boston: Houghton Mifflin Company, 1967), 58, 63.

¹⁰ Carter G. Woodson, *The Education of the Negro Prior to 1861* (New York: Arno Press and New York Times, 1968), 112-113.

¹¹ James Anderson, *The Education of Blacks in the South, 1860-1935* (New York: Macmillan Publishing Company, 1988), 16-17.

¹² Woodson, *The Education*, 94-109, 129-131.

¹³ Benjamin Quarles, *The Negro in the Making of America* (New York: Collier-Macmillan, 1964), 109-124.

sympiotically tied to the issue of slavery, and brought the issue of race and human rights to the forefront.

As the battles between the North and South ensued, the northern state of Ohio played a major role in the war in preserving the Union. However, the strong sentiment of pro-slavery by large numbers in the southern counties of Ohio and the early enactment of "Black Laws" demonstrated that many in Ohio were not in favor of human rights for blacks.¹⁴ Although Ohio's constitution, drafted in 1802, adopted the 1787 Northwest Ordinance anti-slavery clause, it also granted suffrage to the "white male inhabitants" only. To ensure a proscribed low status for blacks and to discourage them from coming to Ohio, the Ohio Legislature began the passage of black laws as early as 1804 and continued to enact a series of laws that further restricted the rights of black citizens.¹⁵ These laws required blacks to show freedom papers when entering the state, later required them to post a bond of \$500 upon entering the state, and excluded them from the militia, jury duty, institutions, poor houses, and from public education. William Jay, an abolitionist preacher and son of the first Chief Justice in the United States wrote in 1835:

The laws of Ohio against the free blacks are peculiarly detestable, because not originating from the fears and prejudices of slave-holders. Not only are the blacks excluded in that State from the benefit of public schools, but with a refinement of cruelty unparalleled, they are doomed to idleness and poverty, by a law which renders a white man who employs a colored one to labor for him one hour, liable for his support through life!!¹⁶

¹⁴ Charles T. Hickok, *The Negro in Ohio* (New York: AMS Press, 1896), 39-51.

¹⁵ John Reuben Sheeler, "The Struggle of the Negro for Integration into the Political and Cultural Pattern of Ohio before 1860" (Paper presented at the Proceedings of The West Virginia Academy of Science, Bethany, West Virginia, May 5-6, 1950), 141-142.

¹⁶ William Jay, *Inquiry into the Charter and Tendency of the American Colonization, and American Anti-Slavery Societies* (Printed by R.G. Williams in 1838; repr., New York: Negro University Press, 1969), 23-24. Jay gives an in-depth documented inquiry into the American Colonization Society and its effect and influence on slavery, state laws, Christianity and on the condition of free blacks in America.

It was against this backdrop and sentiment toward blacks, that Ohio entered the Civil War. However, even under these severe conditions, blacks willingly and patriotically volunteered to fight in the Civil War. The leaders at first refused their admittance, but later, out of necessity, allowed them to enlist in the Union Army. In 1860, there were only 36,673 blacks in all of Ohio with less than 500 in Dayton. Yet, in 1863 a total of 5,092 or 14% of Ohio's black population enlisted in the two regiments of the United States Colored Troops. To their dismay, the soldiers found that they would be paid only ten dollars a month, a fee much lower than white soldiers, and would receive no provisions for the support of their families, as was provided to their white counterparts.¹⁷

The end of the Civil War brought the emancipation of slaves in the South and a period of Reconstruction. The Reconstruction period, which lasted from 1866 to 1877, provided southern blacks with temporary enfranchisement politically and educationally. The Reconstruction Act of 1867 required southern states to give blacks voting rights, and allowed them to take part in their reconstructed governments.¹⁸ Southern black politicians played a crucial role in establishing universal education as a basic right in the Southern Constitutional Conventions during Congressional Reconstruction.¹⁹ Their actions also helped set the national stage for universal education.

While southern blacks enjoyed a temporary reprieve, by being allowed to participate politically before power was restored to the Confederate states, the status of blacks in Ohio did not immediately improve after the war. Historian Charles Hickok

¹⁷ Hickok, *Negro in Ohio*, 70, 71; Sheeler, "Struggle of the Negro for Integration," 145-146.

¹⁸ John Hope Franklin, *An Illustrated History of Black Americans* (New York: Time Life Books, 1970), 50-52.

¹⁹ Anderson, *Blacks in the South*, 19.

notes that, "the people of Ohio, even after four years of war...were yet in no humor to grant free negroes the right of suffrage."²⁰ It was only when Congress in 1869 proposed the Fifteenth Amendment, which prohibited the States from denying or abridging the right of suffrage on account of race, color or previous condition of servitude that Ohio reluctantly submitted. Ohio's reluctance was displayed after being notified of the proposal, by immediately dispatching to Congress a refusal to ratify the amendment. However, the reality that a sufficient number of states supported the amendment to ensure that it would become law, forced Ohio's hand.²¹ The Fifteenth Amendment went into force in 1870.

As the State of Ohio displayed its reluctance to grant political enfranchisement to all its citizens, the attitude toward public education for blacks in Dayton, Ohio, developed along the same lines. Public education was not offered to blacks until 1849, eighteen years after it was opened to whites. Even then, up until 1887, there were a series of legal enactments proscribing the segregation of the races, followed by a pattern of de facto segregation.²² The segregated school pattern was a mirror of Dayton's social structure. Socially, Dayton came to embrace the legal application of "separate but equal" doctrine later handed down in the *Plessy v. Ferguson* decision that was applied in the areas of housing, schools, and public facilities.

As the black community debated whether integration or segregation was the best means for achieving justice, they did so against the force of an America destined to keep

²⁰ Hickok, *Negro in Ohio*, 73.

²¹ *Ibid.*, 21.

²² Frederick A. McGinnis, *The Education of Negroes in Ohio* (Blanchester, Oh.: Curless Printing Company, 1962), 11-12.

them in their low status. Blacks were challenged and limited on many levels. The segregated school system in the North and South bred a pattern of inferior elementary and secondary schools, plagued by poor facilities, and limited resources. The economic exclusion from job opportunities effectively shut blacks out from becoming an equal participant in the American social structure. The overall status of blacks in America set the stage for national debate at the turn of the century by black leaders as to how to best educate blacks and improve their condition.

Statement of Purpose

Embedded in the establishment of the city of Dayton and its urban school district is the unique history of the development of education for black children during the nineteenth century. The purpose of this study is: (1) to disclose the genesis of race consciousness and its impact on the education of black children; (2) to trace the educational development of black children within Dayton, Ohio; (3) to examine the relationship that politics, culture, and economics had on black education; (4) and to disclose how the black community responded to and negotiated their environment in regard to education. The educational development of black children in Dayton took place at a time when race relations were strained and when whites were sometimes at odds with each other over the issue of race. This study will analyze the racial influence on black educational development as the state, city, and school district developed.

This study embodies two underlying assumptions: 1) American society never meant to offer equal education to blacks as they offered it to whites and, 2) The country fostered two types of "citizen education" simultaneously. McGinnis notes that black

education was meant to educate blacks for a subservient place in American society in hopes that blacks would be induced to accept it.²³ He further points out that the education offered to blacks was specifically organized and administered to prepare them for their place in society that was reserved for them. Along similar lines, historian James Anderson puts forth the thesis that two types of "citizenship education" existed in this country by stating.

Both schooling for democratic citizenship and schooling for second-class citizenship have been basic traditions in American education. These opposing traditions were not, as some would explain, the difference between the mainstream American education and some aberrations or isolated alternatives. Rather, both were fundamental American conceptions of society and progress, occupied the same time and space, were fostered by the same governments, and usually were embraced by the same leaders.²⁴

It is recognized that this attitude and treatment toward blacks in many instances fostered a cohesiveness and focus among blacks in the advancement of self-help and self-reliance in education and other arenas. It compelled black leaders to develop educational philosophies that would assist in their quest for liberation for blacks, and movement toward attainment of social justice for all Americans regardless of race.

Justification

The selection of the time period of the nineteenth century is important because it represents a time in American history of educational awakening and self-empowerment. In the early period, there was a national push for the common schooling, and for the first time, a call for "universal education."²⁵ Common schooling, which advocated access for

²³ McGinnis, *Education of Negroes*,

²⁴ Anderson, *Blacks in the South*, 96-97.

²⁵ Wayne Urban and Jennings Wagoner, Jr., *American Education: A History* (New York: McGraw-Hill Companies, 1996), 96-97.

all children regardless of station or status, was a reform that was more political and organizational than pedagogical or curricular.²⁶ Reformers leading this movement believed that in order to have an orderly, and civil society, the citizens needed to be educated and trained to exercise their rights and responsibilities in a democracy. Under this premise, all men, rich and poor, could have equal access in the democratic process, thus empowering all.

While this advocated "universal education" often did not include black children, or white children with "strange" religious beliefs, such as the Catholics, it did further plant the seeds for blacks to pursue educational inclusion. In the North, blacks assembled a Negro National Convention in 1832 and resolved, "If we ever expect to see influence of prejudice decrease, it must be by the blessing of an enlightened education."²⁷ In Ohio, a group of black citizens from several of the largest cities formed The Education Society in the mid-1800s, to provide for the support of schools and the education of black children.²⁸ The group also submitted petitions for the repeal of the black laws to the General Assembly. The concept of education as a vehicle for democratic participation for blacks was an inevitable corollary of white democratic participation.

Prior to the Civil War, northern blacks' efforts were also coupled with the increased interest in higher education for blacks as a possible solution of the slavery problem. Blacks felt that the enlightenment of their race to become educated, productive citizens would be the best method in changing the system. Under the auspices of this

²⁶ Ibid., 96-97.

²⁷ Leon Litwack, *North of Slavery* (Chicago: University of Chicago Press, 1961), 113.

²⁸ Leonard Erickson, "The Color Line in Ohio Public Schools, 1829-1890" (PhD dissertation, Ohio State University, 1959), 61-65.

interest and the sincere concern from groups such as the Methodist Episcopal Church and African Methodist Episcopal Church, several institutions of higher learning were established in various northern states. As a result of land grants and legislative acts passed, there were thirty-six colleges established for blacks between 1865 and 1880 and forty-nine established from 1880 to the end of the century.²⁹

The establishment of Wilberforce University in 1856 near Xenia, Ohio, had a significant influence on the development of the black race in America. In addition to carrying out the objectives of the founding fathers "for the elevation of the entire race through education and religion," the school held numerous conferences concerning the educational, economic, and social issues of blacks and made the findings known to the public.³⁰ While the university had an impact on the black race nationally, its effects were also felt locally by its influence and by the fact that it trained several of the early black teachers who worked in the Dayton school system.³¹

After the Civil War, during the Reconstruction period, the concept of universal education and empowerment was again pushed to the forefront. Reconstruction efforts through the Freedmen's Bureau, established in 1865, was the first major initiative by the government to enfranchise southern blacks educationally.³² Also, politically during this

²⁹ Frederick, McGinnis, *A History and Interpretation of Wilberforce University* (Blanchester, Ohio: Brown Publishing Company, 1941), 3, 12.

³⁰ Ibid., 4-5.

³¹ Arlena Sherard, "The Origin, Development and Present Status of Negro Education in Dayton, Montgomery County, Ohio" (master's thesis, University of Dayton, 1943), 16-18.

³² W.E.B. DuBois, *The Souls of Black Folk* (Chicago: A.C. McClurg, 1903; New York: Dover Publications, 1994), 16-19.

time, black politicians such as Henry M. Turner, T. G. Campbell and Thomas P. Beard, played a crucial role in establishing universal education as a basic right in the Southern Constitutional Conventions during Congressional Reconstruction.³³ Their advocacy helped set a national tone for universal education. The Reconstruction policies along with the actions by religious groups and philanthropists stimulated an educational awakening for blacks and propelled the development of elementary schools, teacher training institutes, and colleges for blacks. The education of the blacks at that time was viewed as one of the greatest answers to the "race problem" in that it would enlighten masses of people and empower them to triumph over all opposition.³⁴ This period set into motion the notion of education leading to equality.

However, the notion of education's influence on egalitarianism was critically tested as larger numbers of blacks entered the industrial centers of the North and found that white hostility and discrimination hardened as their numbers increased.³⁵

The investigation of this study during the nineteenth century is important because it represents significant movements in American life that affected both blacks and their educational systems. Within this broader context, this study of the education of blacks in Dayton, Ohio, will enhance our understanding of black education within urban America and also encourage research on similar topics.

³³ Anderson, *Blacks in the South*, 19.

³⁴ Woodson and Wesley, *Negro in Our History*, 439

Need for and Significance of the Study

To date, there has not been a comprehensive historical investigation concerning the educational development of black children in Dayton, Ohio. As the first scholarly account of education of blacks in Dayton, Ohio, this study will analyze the historical origins of contemporary educational practices. In addition, it will place the contemporary educational problems within a historical perspective.

The understanding and significance of African American history is important. Carter G. Woodson viewed history as the scientific search for the truth. According to Woodson, historic truth regarding blacks can only be derived from a scientific investigation of the black experience in Africa and in America. The dissemination of this "scientific truth" would build self-esteem among blacks and help eliminate prejudice among whites. Further, he stipulates that it is only through the publication of the facts about black history in white America, that blacks "could enjoy a larger share of the privileges of democracy as a result of his worth."³⁵ Through the knowledge of these contributions, "a great inheritance" would be crystallized, rendering the value of black history to others, and serving as an inspiration for blacks toward greater achievements. Within this approach to the discipline of history is the notion that the scholar's responsibility is to keep before the people of this country the importance of humanism if the nation and the world are to rise to a new level of human tolerance and

³⁵ Judy Mohraz, *The Separate Problem, Case Studies of Black Education in the North, 1900-1930* (Westport, Conn.: Greenwood Press, 1979), 143.

³⁶ August A. Meier and Elliott Rudwick, *The Making of Black America: Essays in Negro Life and History* (New York: Atheneum Press, 1969), 9.

understanding.³⁷ In this sense, the discipline of history and more importantly the field of African American history passes on to succeeding generations a true sense of humanism.

Those who attempt to understand American history without the African American inclusion will have an incomplete picture. Thomas Holt, Professor of History and Director of Afro-American and African studies at the University of Michigan, states "that the proposition that Afro-American history cannot be understood separate from broader national and even international development is the corollary of another: an understanding of African American history is central to the study of American history."³⁸ Viewed in this light, African American history becomes a window into the nation's history, a sort of vantage point from which to reexamine and rewrite that larger history.

Historian John Franklin postulates that each generational succession of Afro-American historians is motivated by a mission, and that mission is shaped by perceptions of the conditions and needs of black people at that time and by the general imperatives imposed by the larger society.³⁹ In this sense, the research and writing of history is itself a reflection of history and politics and the dissemination of new histories is political action with historical consequences. Each generation writes its own history with hopes of trying to understand how it arrived at the current state. As a black scholar, I have a responsibility to myself, the community, and to the profession to tell our story. In Fleming's discussion on history and the black community he articulates the importance of

³⁷ William H. Harris, "Trends and Needs in Afro-American Historiography," in *The State of Afro-American History: Past, Present and Future*, ed. Darlene C. Hine (Baton Rouge: Louisiana State University Press, 1986), 139-143. Several authors made contributions to this book. Hereafter this book will be referred to as *State of Afro-American*.

³⁸ Thomas C. Holt, "Whither Now and Why?" in *State of Afro-American*, 5.

³⁹ *Ibid.*, 1-8.

black history and its dissemination to the black community:

Social history is the recorded collective experience of a group of people over time. These experiences are not just randomly assembled facts about the past; from the perspective of the community, the history of a people is what they in the present find of value and of relevance to their lives and would like to pass on to future generations. Cultural values are intricately woven into a group's history, because it is these values that distinguish one group from another...there is a need for black people to pass on from one generation to the next those values that they feel are important and that have historically been significant for group identity.⁴⁰

In this vein, old questions in American history demand new answers from the angle of African American history. The task of this study will be to put black people at the center of their history and to put the black experience at the center of American history by reinterpreting that history in light of that experience. In essence, "Our history's ultimate power, is in its truth telling; its ultimate aim, is to reshape the present and to create visions of a new future not only for black Americans but for the whole society."⁴¹

Methodology

The nature of a qualitative study is that it is phenomenological and is concerned with understanding human behavior from the members' own frame of reference.⁴² The researcher has the challenge of understanding constructed meanings of social organizations. In understanding constructed meanings of social organizations, qualitative researcher Robert Donmoyer, embraces anthropologist Clifford Geertz's view in proposing that rather than focus on universal theories that ignore cultural variations, there

⁴⁰ John E. Fleming, "History and the Black Community," in *State of Afro-American*, 197.

⁴¹ Vincent Harding, "Responsibilities of the Black Scholar to the Community," in *State of Afro-American*, 10.

⁴² Isadore Newman and Carolyn R. Benz, *Qualitative-Quantitative Research Methodology: Exploring the Interactive Continuum* (Carbondale, IL: Southern Illinois University Press, 1998), 80.

should be an importance placed on “local knowledge” and the need for “thick description” of particular idiosyncratic context.⁴³ In this view, the approach is subjective, looks at many variables, is inductive, emergent, holistic, and process and discovery orientated.

Historians agree there is no single interpretation of facts or single story to which we all need to agree. It is understood that every history represents an attempt to “make sense” of the past from the perspective of the present. This study is informed by assumptions and lenses of an interpretivist historian. While there are many who would argue that all history is interpretive, the interpretivist historian has the responsibility of not only selecting and interpreting what is important, but also determining how important facts are juxtaposed and organized. The historian has the challenge of selecting facts of necessity, which will be strands occurring simultaneously at different locations, and then weaving them into a single stream of words to create a multidimensional tapestry.⁴⁴

Within this interpretivist view, the researcher will interpret events within the context of the period as well as from a chronological perspective. The theoretical framework of historian Kenneth Kusmer, will be utilized as a meaningful way of ordering information derived from the collection of historical data. Kusmer asserts that in the study of black urban history, the overall theoretical framework should be based on recognition that there are three general forces that have shaped the black urban experience:

⁴³ Robert Donmoyer, “The Continuing Quest for a Knowledge Base: 1976-1998,” in *Handbook of Research on Educational Administration*, ed. by J. Murphy and K. S. Louis (San Francisco: Jossey-Bass, 1999), 28.

⁴⁴ David Krathwohl, *Methods of Educational and Social Science Research: An Integrated Approach*, 2nd ed. (New York: Addison Wesley Educational Publishers, 1998), 574-575.

1. External forces. These generally refer to the attitudes of whites toward blacks, and more particularly to the manner in which the behavior of whites impinges upon blacks. The degree of white hostility toward blacks, levels and types of discrimination, the limits that the white population sets to acceptable racial contact, the existence or lack of violence against blacks---all count as external factors.
2. Internal forces. These refer to the ways in which black urban dwellers have responded to their circumstances, either through the retention or creation of cultural values or institutions that are indigenous to the black community. Religious institutions, folk culture, and distinctive family patterns are a few of the examples of internal forces at work in the black community.
3. Structural forces. These refer to fundamentally nonracial forces at work in the urban system that affect the black community in some manner. The type and quantity of various housing stocks, the kind of transportation, the general economic nature of a metropolis (commercial, manufacturing), and numerous other aspects of urban society can, at any given time, impinge upon the urban dweller in distinctive ways.⁴⁵

In utilizing this theoretical framework, the researcher recognizes that in examining the influence of these forces, under most circumstances, none of them operate independently of the other two. The researcher examines the interplay between those forces and between the social reality and perceptions defined by the participants. In keeping with historical research techniques, the data for this study will be discovered rather than created and will be based on both primary and secondary sources.

⁴⁵ Kenneth L. Kusmer, "The Black Urban Experience in American History," in *State of Afro-American*, 105-106.

CHAPTER II

THE EARLY DEVELOPMENT OF OHIO AND THE SETTLEMENT OF DAYTON

The Acquisition of Ohio Land

The white settler's quest for the Ohio Valley began as early as 1749 when the French and English fought to control the land from the various Ohio Indian groups. The dispute between the two European forces went on until the Treaty of Paris was signed in 1763, when the French, after losing the French and Indian War, assigned the "Great West," which includes the present state of Ohio, to the English. However, during the Revolutionary War, General George Rogers Clark sought to capture British forts in the Ohio, Illinois, and Indiana area. In 1779, Clark defeated Lt. Colonel Henry Hamilton and his British troops at Vincennes. This battle was a turning point in the Revolutionary War and resulted in the Colonial Revolutionary Government taking control of what was to become the Northwest Territory as Great Britain formally relinquished their rights and interest by 1783.¹ When Ohio came under control of the United States as part of the Northwest Territory, and Congress authorized the sale of the land in 1787, it also marked a turning point in the settlers' relationship with the native peoples.²

The Ohio Indian tribes did not easily relinquish the use and control of the Ohio Valley land to the invading settlers without many years of war. Early in the

¹ Thomas A. Burke, *Ohio Lands: A Short History* (Columbus: Office of Ohio State Auditor, 1987), 1-5.

² Majorie E. Loyacano, *A History of Race Relations in the Miami Valley* (Dayton, Ohio: Carillon Historical Park), 1-7. This booklet, originally prepared for the Dayton Dialogue on Race Relations, examines race relations in the Miami Valley from a historical perspective. There is no publication date.

1790s a confederation of tribes: Miami, Shawnee, Delaware, Potawatomi, Ottawa, Wyandot, Chippewa, Kickapoo and Kaskakia, joined forces to keep white settlers from invading their hunting lands between the Great and Little Miami Rivers.³ While there were numerous Indian villages west of the Great Miami and east of the little Miami, the Indians claiming the Miami Valley were called the Miami tribe. The name "Miami" means "mother" and comes from the language of the Miamis who belonged to the Algonquin tribe. The Miamis were noted for intelligence and force of character, and were the head of a powerful confederacy.⁴ The "Miami Confederacy," organized and led by Miami war chief Little Turtle, was victorious in battles in 1790 over armies led by General Josiah Harmer and in 1791 over Governor Arthur St. Clair.⁵ While winning some battles, and waging continuous raids back and forth across the Ohio River that earned the area the title of "Miami slaughter-house," the Indians were ultimately beaten, and were forced to relinquish a great portion of their land. The Treaty of Peace in Greenville in 1795 provided that more than 16 million acres of Indian land be ceded and gave the United States title to Ohio lands except for the northern quarter.⁶

The relationship between the early European settlers and Native Americans serves as a starting point in the history of race relations in and around Dayton, Ohio. The years between 1780 and 1830 were important in the development of a number of

³ Ibid., *Race Relations*, 1-8.

⁴ John F. Edgar, *Pioneer Life in Dayton and Vicinity 1796-1840* (Dayton, Oh.: Oregon Historic District Society, 1896), 12-21.

⁵ Loyacano, *Race Relations*, 1-8.

⁶ Robert W. Steele and Mary D. Steele, *Early Dayton 1796-1896* (Dayton, Oh.: U. S. Publishing House, 1896; Salem, MA.: Higginson Book Company), 20-21.

basic beliefs, attitudes and assumptions held by Americans.⁷ This was particularly true of the development of increasingly rigid thoughts and feelings concerned with racial differences that continued to be perpetuated during the early republic. The early English colonists in the new world had strong negative perceptions of persons who differed from themselves physically or culturally. Early on, they used racist notions concerning Native Americans by describing them as a “brutish” sort of people, lacking religion, and being nearer to beasts than to humans—to justify taking their land.⁸ The early English settlers contrasted themselves with Native Americans and blacks by the term Christian, which embraced much more meaning than was contained in specific doctrinal affirmations. Englishmen set Native Americans and blacks apart because they considered them to be heathens, which they viewed as savages, barbarous, and uncivilized. This made the concept of Christianity convey the idea and feeling of we against they, civilized against barbarous, English against Native Americans and blacks, and white rather than tan or Black. The historical experiences of English people had made for the fusion of religion and nationality, making the qualities of being English and Christian inseparable.⁹

The same racial attitude towards Native Americans was also prevalent in Dayton’s early development. Historians, Robert W. Steel and Mary Davies Steele, describe the years between 1812 and 1816 in the following manner:

The frontiersman could not, as a rule, believe an Indian less cruel and treacherous or more worthy of consideration than the wild beast which he shot whenever he had the opportunity. Even the more intelligent and humane

⁷ Donald R. Wright, *African Americans in the Early Republic, 1789-1831* (Wheeling, IL: Harlan Davidson, 1993), 164-170.

⁸ *Ibid.*, 164.

⁹ Winthrop D. Jordan, *White over Black: American Attitudes Toward the Negro, 1550-1812* (Williamsburg, VA: University of North Carolina Press, 1968), 52-56.

inhabitants of Ohio shared this distrust and contempt of Indians: and Indians professedly friendly did many things which confirmed the evil opinion the whites had of them.¹⁰

As the whites developed the city of Dayton, the attitudes remained fixed. Historians Steele and Steele reported that in November of 1831, a group of 250 Seneca Indians passing through Dayton on their way to the reservation west of the Mississippi River “ excited great curiosity by their singular, rude, and uncivilized habits and appearances.”¹¹

It was this type of racial attitude that enabled most white settlers to accept without question, the forced relocation of Native Americans from the Miami Valley several decades following the signing of the Treaty of Greenville.¹²

Parallel racial attitudes would be manifested toward blacks as they entered the state of Ohio and as the city of Dayton developed. Native Americans and blacks rapidly came to serve as two fixed points from which English settlers could triangulate their own position in America; “the separate meanings of Indian and Negro helped define the meaning of living in America.”¹³

Founders of The Settlement of Dayton

Upon receiving the title to lands north of the Ohio River, the Continental Congress was faced with a number of problems which included: Revolutionary War veterans demanding the land bounties promised them; squatters crossing the Ohio and

¹⁰ Steele and Steele, *Early Dayton*, 118.

¹¹ Steele and Steele, *Early Dayton*, 135.

¹² Loycano, *Race Relations*, 4.

¹³ Winthrop D. Jordan, *The White Man's Burden; Historical Origins of Racism in the United States* (New York: Oxford University Press, 1974), 49.

staking claims; the need for revenue to pay the national debt; and what procedures to adopt for the survey and sale of the western lands. The Land Ordinance of 1785 was Congress' first attempt to prepare a plan for the disposal of the western land and to resolve problems by surveying and selling the land with the aim of raising needed cash.¹⁴

A group of investors, who were former Revolutionary officers and would come to be the founders of Dayton, took advantage of the cheap sale of land by Congress. They were encouraged to purchase land in the Miami Valley from Judge John Symmes of New Jersey. Symmes, who had himself been an army officer, was greatly influenced to purchase Ohio land by a New Jersey friend, Major Benjamin Sites, an enthusiast, who visited Ohio and was charmed by the country and the fertile Miami Valley.¹⁵ In 1794, Judge John Cleves Symmes obtained from Congress a grant for the purchase of one million acres for sixty-six cents per acre between the two Miamis. During the Revolutionary War Symmes had donated a lot of money to help the Continental Army and because of his donations, Symmes received the land from Congress for very little cost.¹⁶ General Jonathan Dayton, a Congressman from New Jersey, was also instrumental in the negotiations of the grant from Congress to Judge Symmes. Jonathan Dayton became a business partner with Symmes and others, and soon after became one of four proprietors who bought lands in the seventh and eighth ranges between Mad River and the Little Miami River from Symmes. With this

¹⁴ Eugene H. Roseboom and Francis P. Weisenburger, *A History of Ohio* (Columbus, Oh.: Ohio State Archaeological and Historical Society, 1953), 46-51.

¹⁵ Charlotte R. Conover, *Dayton and Montgomery County: Resources and People*, vol. 1, (New York: Lewis Historical Publishing Company, 1932), 8-9; Steele and Steele, *Early Dayton*, 21

¹⁶ Edgar, *Pioneer Life*, 16-21.

purchase, Dayton had a large influence in opening up the Miami lands for settlement.¹⁷ Judge Symmes conveyed the entire third range of townships in trust to Jonathan Dayton, because Dayton had acquired military bounty warrants from soldiers who desired to settle in the western country, but could not afford a cash payment.

The purchasing officers of the seventh and eighth ranges would become the founders of Dayton. The purchasers were General Arthur St. Clair, Governor of the Northwest Territory; General Jonathan Dayton, who served in the Continental Army, and was a Congressman and later Senator from Elizabethtown, New Jersey; General James Wilkinson, of General Wayne's army; and Colonel Israel Ludlow from Morristown, New Jersey. Records indicate that only one of the proprietors, Israel Ludlow, came to view the purchase. The proprietors did not purchase the land to live on themselves, but instead, as an enterprising venture to encourage others to buy land from them and to settle. Israel Ludlow, appointed as the surveyor, laid out the town and named it Dayton in honor of Jonathan Dayton.¹⁸ It is also reported that the proprietors selected the name of Dayton because it was the most pleasing among the names of the proprietors. Unfortunately, General Dayton's involvement in land speculation cost him his political career. He was indicted for high treason and misdemeanors in June 1807 with business associate Aaron Burr, in connection with Burr's scheme to form a western empire. While he was not prosecuted, his political career was ruined.¹⁹

¹⁷ Augustus W. Drury, *History of the City of Dayton and Montgomery County, Ohio* (Chicago: S. J. Clarke Publishing, 1909), 65.

¹⁸ Edgar, *Pioneer Life*, 20-21.

¹⁹ Drury, *History of the City*, 65.

Early Settlers of Dayton

The town of Dayton was divided into two hundred and eighty inlots, one hundred feet front by two hundred feet deep, and fifty ten-acre outlots, which lay south of Third Street and east of St. Clair Street. The purchasers of Dayton, hoping to induce settlers to the area, held a lottery in November 1795 and had individuals draw lots for themselves or others who intended to settle in the new town. The proprietors offered to each "bona-fide" settler one inlot and one outlot, provided they clear and fence the land. They also offered each new settler the opportunity to purchase one hundred and sixty acres at about one dollar and thirteen cents per acre.

Initially, forty-six men signed up and agreed to move from Cincinnati to Dayton, but when it was time to go, only nineteen men and seventeen women with their children, made up the original settlers of Dayton in 1796. The first group of settlers, arriving in April, found the Miami River wound through an almost wholly uninhabited wilderness, unlike the city of Cincinnati. The early settlers had to be tough people in a raw land.²⁰

The first settlers in Dayton had original roots from various regions. Western enthusiasts and proprietors; Benjamin Sites, Jonathan Dayton, and Israel Ludlow, were all from New Jersey. Several settlers such as Samuel Thompson, James, John, and Thomas McClure, and George and William Newcom were from Pennsylvania. Others had their roots in New Jersey, Maryland, Virginia, Kentucky, Ireland and Wales. Some of the male settlers had been soldiers in the Revolutionary War, having served in General Wayne's army in 1793. Skills and occupations the men brought

²⁰ Edgar, *Pioneer Life*, 21-24; Steele and Steele, *Early Dayton*, 21-27.

included Abraham Grassmire as a weaver, William Chenoweth a blacksmith, John Dorough a miller, Benjamin Van Cleve and Daniel C. Cooper, surveyors, William Hamer, a Methodist preacher, and others came as farmers. The settlers came for various reasons that included cheap land, mis-information (they thought it was a settled town), and the prospect of starting their own businesses and government.²¹

A noteworthy settler that contributed much to the development of Dayton and is recorded as being its truest benefactor was Daniel C. Cooper. Cooper was born in 1773 in Morris County, New Jersey, and was educated as a surveyor.²² He accompanied the surveying party led by Colonel Israel Ludlow in September 1795, and by the direction of the four proprietors, marked out and cut through the bush from Fort Hamilton to the mouth of Mad River before the arrival of the new settlers. At about twenty years of age he was given the task of looking after the land interest of Jonathan Dayton. When Judge Symmes and the proprietors failed to make their obligations to Congress, and the settlers were alarmed at the prospect of losing their land, it was Cooper that saved the town. Cooper became titular proprietor of the town by the purchase of preemption rights, agreement with the settlers, and congressional legislation. Cooper settled in the area and in 1796 built a cabin on the northwest corner of Water and Jefferson streets. He built a large cabin two years later having over one thousand acres of land south of town, in the area that came to be known as Patterson farm.²³ Mr. Cooper served in many capacities and made great contributions to the town's growth while living in Dayton from 1795 to his death in 1818. His civil

²¹ Ibid.

²² Drury, *History of the City*, 97-101.

²³ Steele and Steele, *Early Dayton*, 30; Edgar, *Pioneer Life*, 34.

duties included being a deputy agent for the proprietors, serving as the Justice of the Peace, serving on the town council as president for many years, and serving in the Ohio House of Representatives and Ohio Senate upon Ohio's achieving statehood. He generously set aside land for churches and a park for various public uses in Dayton. Cooper was a major participant in the development of commercial enterprises and built a mill. Because of his donations of land, he was able to secure the location of the seat of government for Montgomery County at Dayton in 1805. It was through his vision and his contributions to the city that he hoped to induce desirable settlers to come to Dayton.²⁴

It is also through the history of Daniel Cooper that we learn about the first black person in Dayton and gain a glimpse into the race relations in the free state of Ohio. Shortly after Cooper married widow Mrs. Sophia Greene Burnett in 1803, he brought a black girl to be a servant in his family.²⁵ Soon after coming to the new household the girl gave birth to a child she named Harry Cooper. The black girl was brought as an indentured servant, and her son took the same status until he became an adult. Later in August 1806, she also gave birth to another child named Polly. The black girl, her son, and her daughter were all indentured. While the Northwest Ordinance of 1787 and section six of the Constitution of Ohio, declared Ohio a "free state," and adopted that "There shall be no slavery in this State nor involuntary

²⁴ Drury, *History of the City*, 97-101.

²⁵ Charles Austin, *The Beginning of the Legacy: History of Black People in Dayton and Montgomery County, 1710-1810* Limited ed., vol. I (Columbus: Ohio Historical Society, 1986), 4-8. Austin, a local Dayton historian, provides the only compiled documentary history of the first black settlers in the Dayton area; Edgar, *Pioneer Life*, 37.

servitude, unless for the punishment of crime,” the law allowed that the overseers of the poor to “bind out the poor to serve a master until the age of eighteen.”²⁶

Historian Stephen Middleton notes that the threat to freedom in the Northwest did not originate with the ordinance itself; but rather came from the political leaders in the territory who emasculated America’s first anti-slavery provision.²⁷ Territorial Governor, Arthur St. Clair, illustrates the true source of restriction of freedom for blacks. St. Clair, considering aspects of article six of the Northwest Ordinance to be unjust, developed his own interpretation of article six. In St. Clair’s construction and interpretation of article six, Congress had adopted a gradual emancipation policy. He supported the view that only slaves brought in after 1787 were free and he even extended that date until the early 1800s. St. Clair, himself, had slaves and his endorsement of slavery gave tacit approval to racial discrimination in future states organized. St. Clair’s interpretation of America’s first antislavery provision proved to be devastating for blacks and produced a political climate for the development of black laws.²⁸

After the original nineteen men and their families settled, immigrants to the early Dayton community came from various locations. The make-up of the people that came to Dayton was similar to the make-up of the people who came to Ohio in general. There were two main groups of white settlers who came to Ohio with widely differing values, standards, and beliefs. One group consisted of settlers from the Eastern states, whose influence helped to make settlements along the Miami River

²⁶ Stephen Middleton, *The Black Laws in the Old Northwest: A Documentary History* (Westport, CT: Greenwood Press, 1993), 10; Austin, *Beginning of the Legacy*, 40.

²⁷ *Ibid.*, Middleton, xxvi.

²⁸ *Ibid.*

Valley very "New England" in nature. Many of these settlers were from New Jersey, who originally came to this country from England, Sweden, and Holland and were noted for their industry, frugality and inventiveness. A company, who had many New Jersey purchasers, represented by Judge John Cleve Symmes, called themselves the "New Jersey Society." Some settlers from the Eastern states had been influenced to come to the Miami Valley by former New Jersey army officers, Benjamin Sites and John Cleves Symmes who were delighted by what they saw in the Miami Valley and who had promised deeds to the settlers for 83 cents an acre.²⁹

Historical records about early Dayton revealed that a number of the early settlers came to the city of Dayton because they did not want their children brought up in a slave state. One such settler was Luther Buren, who came to Dayton in 1804, and was described as a practical abolitionist in times when advocacy of anti-slavery principles required both moral and physical courage and enlightened views. In 1839, Mr. Buren formed an anti-slavery society of which he was president. He frequently brought famous anti-slavery lecturers to speak at a church known as Union or Newlight Church, on South Main Street. The meetings with these lectures by famous anti-slavery leaders were often met by frequent interruptions and violence. Such was the case in 1836, when two famous abolitionists and promoters of the Underground Railroad, John Rankin and Dr. James Barney, were invited to address the audience at the Union church. Mr. Rankin and Dr. Barney were both greeted with mob violence and both barely escaped with their lives by hiding in the residence of another abolitionist. After threatening violence to the two lecturers, the mob destroyed houses

²⁹ Drury, *History of the City*, 97-98.

of active abolitionists and blacks, and destroyed property of the church.³⁰

Unfortunately, scenes of this nature occurred in other places in Ohio as it developed and established part of its identity by these types of actions and the passing of the infamous "Black Laws."³¹

The other groups of settlers were from Pennsylvania, Maryland, Virginia and North Carolina. Many of the settlers from this group navigated the Ohio River to the "Virginia Military Bounty Lands" that were located near central and southern Ohio. In both groups many of the settlers had been soldiers in the Revolutionary War or the Indian Wars. It is reported that the proportion of educated and cultured people in Dayton was much in excess of what would have been expected and was true of Ohio in general.

Other settlers who came under the influence of the Revolutionary War were the Dutch, German, and Scotch-Irish. These settlers often made their way to Dayton via the eastern states and Pennsylvania. The Germans were especially populous, settling many of their people in the extreme southern part of the state. Once settled in the area, the Germans continued speaking their own language and established their own schools and press. By 1860, Dayton's population was 20, 081, and three out of every five Dayton residents were immigrants.³²

³⁰ Drury, *History of City*, 97-101.

³¹ J. Rueben Sheeler, "The Struggle of the Negro in Ohio for Freedom," *Journal of Negro History* 31 (April 1946): 212-215.

³² Drury, *History of the City*, 98; Teresa Zumwald, *For the Love of Dayton: Life in the Miami Valley 1796-1996*, ed. Ron Rollins (Dayton Oh.: Dayton Daily News, 1995), 50. This book, by Dayton Daily News, gives a year by year anecdotal narrative of the history of the Dayton community and its people. Much like a daily newspaper, it is a collection of events of the last 200 years.

Population of Blacks and The Northwest Ordinance

The entrance of blacks into Ohio interjected yet another group with cultural and racial distinction. Blacks lived in Ohio even before statehood in 1802, but their numbers were very small. Blacks entered the Ohio Valley with Colonial soldiers, explorers, and Native Americans. The Virginia Assembly provided for the enlistment of free blacks, slaves, and American Indians, during the French and Indian Wars. This law, however, did not allow for fighting and stipulated that all such persons "shall appear without arms, and may be drummers, trumpeters or pioneers, or such other servile labor, as they are directed to perform." George Washington, as early as 1750, enlisted slaves and free blacks in his scouting expeditions to the Ohio River.³³

Blacks also entered the state by other means than military or through expeditions. For example, around the time the Northwest Ordinance was adopted, John Cleves Symmes of the New-Jersey based land company, spearheaded the "Euro-African settlement" of Cincinnati. The first black settlers arrived in 1788, where they founded the town of Losantiville, which would become Cincinnati. The group of twelve bachelors and eleven families erected log cabins for themselves by late 1789.³⁴

Other blacks migrated to Ohio because of planned black communities provided for them through their Southern master's will out of philanthropic motives or from a guilty conscience. These reasons, coupled with the fact some Southern states laws required that slaves freed were required to leave the state, explain why some black communities were started in the free state of Ohio. The land provided by

³³ Joe Trotter, *River Jordan: African American Urban Life in the Ohio Valley* (Lexington, Ky.: University Press of Kentucky, 1998), 3-8.

³⁴ Ibid.

Samuel Gist in Brown County and John Randolph in Mercer County, illustrate two examples of this. Both Gist and Randolph were from the state of Virginia, where law required that freed slaves leave the commonwealth within twelve months.³⁵ In 1818, the will of Samuel Gist, a former plantation owner in Henrico, Virginia, provided that his 1,000 slaves, who were manumitted, have land in Ohio. Gist was a wealthy banker, a resident of London, England, and an extensive land owner and slave owner in the United States. In 1808, Gist made provisions in his will "to provide for the future of those who had so abundantly filled his coffers by their servitude... That care be taken to make them as comfortable and happy as possible."³⁶ Land was purchased and it was established that these blacks live in Upper and Lower Camps in Brown, County, Ohio. Gist was very specific in his will by further directing that the revenues from his plantation be applied to building school houses and churches and that money be set aside for the employment of ministers and teachers. Gist's will, however, was poorly executed, as the executors of the will gave the free blacks worthless land covered with thickets of undergrowth and sloughs of stagnant water.³⁷ Nevertheless, Gist's intent was benevolent as he tried to promote self-sufficiency, religion, and education among the free blacks.

Some years later in 1846, another colony of blacks was established in Mercer County by the will of John Randolph of Roanoke, Virginia. Mr. Randolph was born in Prince Georges County, Virginia on a plantation that he later inherited. He was

³⁵ Jordan, *Black over White*, 248; James H. Rodabaugh, "The Negro in Ohio," *Journal of Negro History* 31 (Jan. 1946): 18.

³⁶ C.A. Powell, B. T. Kavanaugh and David Christy, "Transplanting Free Negroes to Ohio from 1815 to 1858," *Journal of Negro History* 1 (June 1916): 302-303.

³⁷ Ibid.

elected to the House of Representatives and was an outspoken opponent of slavery. Randolph's will directed the purchase of 3,200 acres of land in Mercer County for blacks who had formally been his slaves.³⁸ On July 7, 1846, when these Randolph freedmen were on their way to their destination in canal boats passing through Dayton, Ohio, the issue of the *Dayton Journal* reflected some of the townspeople's feelings by stating:

How unfortunate that these poor blacks had not been sent to Liberia! There they would have enjoyed those privileges of liberty and equality, which it is not their lot to meet with, in the lands of their fathers.³⁹

The comments by the *Dayton Journal* reflected support of views held by the American Colonization Society, whose purpose was to colonize the free people of color in America and place them in Liberia on the coast of Africa. The Colonization Society felt that blacks in this country would forever remain a separate and inferior caste and it would be best for them to go to their home country in which they could have a better life. This position revealed that the European heritage of class and race consciousness made it inconceivable to white leaders that the descendents of African slaves might at some time become full-fledged citizens, with all the rights and privileges of free men, including the possibilities of absorption into the social fabric of this country. Unfortunately, upon arrival in Mercer County, four hundred of Randolph's blacks that were to occupy the purchased tract, were driven out by hostile whites and they ended up settling in Shelby County.⁴⁰

³⁸ Alma May, "The Negro and Mercer County," (Master's thesis, University of Dayton, 1968), 31-41.

³⁹ *Dayton Journal*, July 7, 1845.

⁴⁰ McGinnis, *Education of Negroes*, 15, 37.

Early black settlers that came to Dayton are recorded by Montgomery County registration as early as 1804 and 1805. Records of those names included: William Patterson, Lucy Page, Sarah Bell, Benjamin Nixon, and the families of Reuben Waggoner, and David Hill. Some of the black settlers were brought here by their former slave owners who moved to Ohio from Kentucky and the Tidewater region of Virginia and Maryland. While some former slave owners brought blacks to Montgomery County because of their distaste for the institution of slavery, other white settlers such as influential, former Kentucky Colonel Robert Patterson, ignored the law, and kept blacks as slaves on his farm. However, shortly after Patterson arrived, pressure from civic-minded white citizens such as Benjamin Van Cleve and government officials led Patterson to discontinue the practice.⁴¹

The records of First Wesleyan Methodist Church also shed light on some of the early black settlers that came to Dayton in 1824 and later became members of their church in 1842. Those records included early black settlers such as: Joe and Netti Piner, who assisted in the Underground Railroad in Dayton; Madison Pinn, who first worked on a farm and married Catherine Sills and had eight sons and four daughters; and Mr. Wheeler, from Virginia, who became a prominent citizen by actively participating in organizations formed to benefit black citizens.⁴²

Although the numbers of early black settlers in Dayton were low, acts of racial prejudice, and efforts to remove blacks from Dayton occurred. It is reported that on October 21, 1824, twenty-four black people left Dayton for Haiti. This report

⁴¹ Austin, *Beginning of the Legacy*, 1-36.

⁴² Charlest R. H. Johnson, *A History of the Wesleyan Methodist Church of America: The Story of One Hundred Years, 1842-1942, of the First Wesleyan Church at Dayton, Ohio* (Dayton Oh.: First Wesleyan Methodist Church, 1942), 9-11.

did not designate where the blacks actually lived in Dayton or where they came from. The Haitian government invited black emigrants from the United States and paid for all their expenses. They sent a New York agent to take charge of all willing to go. The scene of the departure of the blacks did draw some sympathy from the town's citizens and caused the greatest excitement with "wild weeping, wailing, and shouting lamentations over the separation for life from friends and home."⁴³ However, for reasons unknown nearly all that went from Dayton soon found their way back to Dayton. Two years later in November of 1826, a colonization society was formed in Dayton with the following gentlemen being the appointed committee: Aaron Baker, Henry Stoddard, Luther Bruen, O. B. Conover, and S.S. Cleveland.⁴⁴ Although some members on the committee spoke out against slavery, such as Luther Bruen, the Haiti incident and formation of a colonization group indicated the influence of the American Colonization Society in Dayton, Ohio, and the desire of some of its white citizens to remove blacks from the city.

The abhorrence of the presence of emancipated blacks was already woven into the developing city of Dayton. Historian Jordan notes "An underlying hostility to Negroes as equals in freedom was fundamental to any program of colonization, whether pro- or anti-slavery."⁴⁵

Another early black Dayton settlement was a group of black men who lived in an area called "Africa" which was near Fifth Street and Wayne Avenue. These black men helped to build the Miami-Erie Canal. When excavation began at the basin

⁴³ Steele and Steele, *Early Dayton*, 93-94.

⁴⁴ Ibid.

⁴⁵ Jordan, *White over Black*, 565-569.

between Second and Third Streets in 1827, some Irish and German canal laborers, afraid of malaria and hoping for better wages, abandoned their jobs and left Dayton. The Irish and German workers were replaced by black workers who lived in the settlement.⁴⁶ This canal basin on Second Street began the new center of commerce in Dayton. In April of 1829, 71 boats arrived at the Dayton wharf and 77 departed, with more than \$43,000 worth of goods such as flour, whiskey, and flaxseed oil being exported. Local historian Charlotte Conover notes that with Dayton being a town of only 235 dwellings and three churches at that time, that this was indeed a "big business" and a great transportation achievement.⁴⁷

Other areas of black settlements across Ohio included counties of Erie and Sandusky, Poke Patch in Lawrence County, Africa in Delaware County, Columbus in Franklin County, Cheviot in Hamilton County, Greenville in Darke County, and Guinea in Belmont County. There were other smaller settlements of blacks in the early days about which there is no history. Oftentimes these were temporary towns of tents and shacks that were abandoned when the slave catchers got too close and the fugitives fled to Canada or other free states.⁴⁸

The number of blacks coming to Ohio during the 1800s remained low in comparison to white population growth and increased slowly for nearly a century. Many Ohio counties had no blacks at all. The U.S. Census of 1800 indicates that less than one percent of the total population or 337 out of 45,365 people in Ohio were black. Examples of the low percentage of blacks in Ohio are revealed by the

⁴⁶ Zumwald, *Love of Dayton*, 25.

⁴⁷ Ibid., 27; Conover, *Dayton and Montgomery County*, 35-36.

⁴⁸ Rubin F. Weston, ed., *Blacks in Ohio History: A Conference to Commemorate the Bicentennial of the American Revolution* (Columbus: Ohio Historical Society, 1976), 5.

following Census: .08 in 1810; .08 in 1820; 1.0 in 1830; 1.1 in 1840; 1.3 in 1850; 1.6 in 1860 and 2.7 in 1870. Similarly, this slow growth rate was reflected in Dayton's population with blacks increasing from 118 in 1830 to just 548 by 1870.⁴⁹

Because most of the blacks in the United States lived in the south and were slaves, black migration into Ohio was limited. The institution of slavery had its beginnings during the establishments of the early colonies in the 1700s, as blacks brought into this country were gradually debased from indentured servitude to slavery.⁵⁰ As the colonies developed, their labor needs, reinforced by continued slave importation from Africa, economic advantages, and racial prejudice, contributed to the acceptance and expansion of slavery, particularly in the southern agriculture based states.⁵¹ English Colonists already had preconceived notions of Africans, believing that they lacked religion, and had strange ways of wearing few clothes, eating strange food, and living close to nature. These negative views were further reinforced intellectually and spread throughout the United States by white authors such as Edward Long, who in his *History of Jamaica*, theorized that blacks were of a lower humanity than whites and Thomas Jefferson, who wrote that blacks were inferior to whites in the endowments of both body and mind. The fact that slavery became a permanent condition for persons of African descent in America only strengthened existing racial prejudices and made slavery the institution for dealing with such different creatures.⁵²

⁴⁹ *Negro Population in The United States, 1790-1915* (New York: Arno Press and New York Times, 1968), 44-45, 51, 57.; *U. S. Census Office: Enumeration of the Inhabitants of the United States, 1830* (Washington, 1832), 132.; *A Compendium of The Ninth Census* (Washington, 1872), 299.

⁵⁰ Woodson and Wesley, *Negro in Our History*, 83.

⁵¹ Jordan, *White over Black*, 315-321.

⁵² Wright, *The Early Republic*, 164-166, 175.

As the nation developed, sectional disagreements concerning slavery began occurring. The rapid movement of planters and slaves in the South had Southern states entering the Union as slave states, while Northern states were concerned about limiting the spread of slavery in the Northwest.

Once the Revolutionary War ended, many Americans raised the issue of complete emancipation and anti-slavery organizations began to sprout up in every state north of Virginia.⁵³ While there were efforts to end slavery and there were a number of convention members who had anti-slavery leanings, the founding fathers did not attempt to abolish slave trade or slavery in the Constitution. The lack of an attempt to remove slavery, by way of the Constitution, effectively kept most blacks in the South with very slow gradual movement to the North. In 1787, members of the Constitutional Convention argued over inclusion of blacks in the army and whether slaves should be counted when taxes and requisitions were apportioned among the states. When the Convention ended, it was decided to count three-fifths of a state's slaves for apportionment of representation and taxes.⁵⁴ The three-fifths rule in effect made the slave, by social definition, both property and human, simultaneously partaking of both qualities.

The expansion of slavery as a national question was decided upon by the adoption of the Ordinance of 1787, providing for the organization of the Northwest Territory. Within this document, the sixth clause provided that neither slavery nor

⁵³ Ibid., 179.

⁵⁴ Jordan, *White over Black*, 321-322.

involuntary servitude, except for punishment of crime, should be permitted in said territory.⁵⁵

The Ordinance of 1787 prompted hope of freedom and equality for blacks fleeing from slavery and motivated and attracted blacks to come to the free state of Ohio and beyond. Blacks were further encouraged by the possibility of freedom by supporters of the "Underground Railroad" which was an organization that functioned in Ohio and other states and utilized surreptitious methods in helping escaped slaves from the South to freedom in Canada and the northern states.⁵⁶ However, blacks quickly found that the hope of what Ohio had to offer was not as it appeared. Ohio's 1802 Constitutional Convention's adoption of the anti-slavery clause from the Northwest Ordinance of 1787 was cloaked in darkness from its genesis. In 1784, when Virginia empowered its delegates in Congress to cede all of its claims to lands north of the Ohio River, Congress appointed a committee to draw up acts for the government of the new territory. Thomas Jefferson was made chairman of that committee, and in making a report in February of 1784, included a section in regard to slavery that stated, "after 1800 of the Christian era there shall be neither slavery nor involuntary servitude in any of said states, otherwise than in punishment for crimes, whereof the party shall have been duly convicted to have been personally guilty."⁵⁷ When this report was presented to Congress, it was deemed unsatisfactory and was referred back to the committee for reconsideration. When the second report was brought forth it was moved that the proviso concerning slavery be dropped. The

⁵⁵ Hickok, *Negro in Ohio*, 18.

⁵⁶ Roseboom and Weisenburger, *History of Ohio*, 154.

⁵⁷ Hickok, *Negro in Ohio*, 18.

clause lost by one vote and the ordinance continued in force for three years void of the slavery provision. However, the issue of slavery did not quietly go away, as friends of freedom, such as Colonel Timothy Pickering and others, kept pressing members of the Congress to revive the anti-slavery clause, and in 1787 the clause was finally approved. It was surprising that the ordinance won unanimous approval, with the majority of the members being southern. There were several factors or motives that may have influenced the passage of the ordinance:

First: The revised slavery proviso provided for the return of fugitive slaves, unlike the 1784 ordinance slavery proviso.

Second: The economic advantages that the South believed would be derived from a monopoly of tobacco and indigo cultivation, and further the settlement of the Northwest would open the markets for southern staples.

Third: The anti-slavery feelings were not limited to the North and influential forces such as William Grayson of Virginia, and Ohio Company agent Rev. Manasseh Cutler exerted personal influence over members.⁵⁸

The anti-slavery clause of 1787 was drawn up by a committee of eight representing five southern and three northern states, guaranteed the territory against slavery, with no intention of a guarantee of black equality or rights of citizenship.⁵⁹

The sentiment toward blacks was not much better when the Ohio Constitutional Convention convened in 1802 and barely adopted the anti-slavery clause. While the Ohio black population consisted of less than one percent of the total population, their small presence was a leading time-consuming topic of the Convention. The time consuming topic again revealed implications that the general feeling of whites toward blacks were that blacks were different, inferior and in many

⁵⁸ Ibid., 11, 24.

⁵⁹ Sheeler, "The Struggle of the Negro for Integration," 141.

ways a kind of nuisance.⁶⁰ The members of the convention reflected the unsympathetic attitude of Ohio's white population toward blacks, one that came to be the dominant attitude for decades. There were those in the convention who felt the Ordinance of 1787 was binding to the territory only and that Ohio as a state had the right to determine if it wanted slavery. After much discussion and spirited debate indicating the diversity of opinion regarding the status of blacks, the committee adopted the anti-slavery clause by one vote. It is noted that twice, once in the committee and again in the convention, one vote saved Ohio from disgrace and embarrassment of allowing slavery in the state.⁶¹

There was much less ambiguity on the question of black rights. The framers of the Constitution of 1802 made it clear to readers that the government intended for blacks, along with Indians and unnaturalized foreigners, to all have the same limited status. Blacks would be permitted to live in the state, but would not be allowed to take part in any civic duties. In 1827, John Malvin, who would later be a Cleveland activist, left Virginia to come to Ohio. The young black newcomer, disgusted with the conditions of Cincinnati, wrote:

I thought upon coming to a free state like Ohio, that I would find every door thrown open to receive me, but from the treatment I received by the people generally, I found it little better than in Virginia...I found every door closed against the colored man in a free state, excepting the jails and penitentiaries, the doors of which were thrown wide open to receive him.⁶²

The treatment of blacks was further reflected by Cincinnati's race riot in the summer

⁶⁰ Wright, *Early Republic*, 132.

⁶¹ Hickok, *Negro in Ohio*, 39.

⁶² John Malvin, *North into Freedom: The Autobiography of John Malvin, Free Negro, 1795-1880* ed. Allan Peskin (Cleveland: Leader Printing Company, 1879; Cleveland: reprinted, Cleveland: Press of Western Reserve University, 1966) 39-40.

of 1829, when the city's government, seeking to reduce the number of blacks, enforced a 22-year old state black law. This law, enacted in 1807, entitled "An Act to Regulate Black and Mulatto Persons" required blacks to post a \$500 bond for good behavior or to leave the city. When blacks did not leave in the designated time period given by the city, they were mobbed by groups of angry whites. For four days in mid-August, hundreds of whites assailed Cincinnati's blacks who lived in the west end by throwing stones, demolishing houses, and other acts of violence.⁶³

The assurance of blacks' minimal status was solidified by the passage of a series of "Black Laws" by the Ohio Legislators from 1804 to 1831 that abridged the legal rights of black people in Ohio. The black laws, which will be discussed indepth in chapter three, were state statutes, dedicated to a policy of racial discrimination. The laws also prohibited them from voting, joining the military service, attending public schools, serving on juries, or receiving help from institutions.⁶⁴

In spite of prevailing attitudes by many whites and the black laws, some black communities gradually grew. As discussed earlier, blacks initially came to ready made rural settlements in Ohio when plantation owners freed many slaves at one time. But, as time went on, blacks gradually began to settle in cities. Blacks settled in greater numbers in cities such as Cincinnati, Cleveland, Columbus, Springfield, Ripley, and Oberlin. By 1835, Cincinnati had a black population of 2,500, which was about one-fourth of the total black population in the state. Out of this total number of Cincinnati blacks, 1,195 had once been slaves, and had gained their freedom by

⁶³ Wright, *Early Republic*, 136; Middleton, *Black Laws in the Old Northwest*, 17.

⁶⁴ Ibid., Middleton, xvi.

purchase, manumission or escape.⁶⁵ However, as Cincinnati increased in black population, so too did the hostile attitudes of whites. Race relations became strained in Cincinnati because of the close social and commercial relations between that city and slave states. Cincinnati became a manufacturing center early in the nineteenth century and the South came to depend on it for supplies such as machinery, furniture, and food. A number of prosperous Cincinnati businessmen started assuming the attitudes of their Southern customers in wanting to drive blacks from those parts. Thus, Cincinnati's city policies were often more restrictive and discriminatory toward blacks than other areas of Ohio.⁶⁶

Attitudes Toward Slavery and Human Rights

The adoption of the anti-slavery clause in the Ohio Constitution provided the legal groundwork for fanning the flames of freedom for blacks and provided needed ammunition for their supporters. The seeds of freedom and anti-slavery idealism had already been planted during and after the American Revolution and would again arise with the emergence of militant abolitionists. And just as blacks were attracted to Ohio as a state free from slavery, other groups found the state to be as attractive. The years following Ohio's prohibition of slavery attracted thousands of people who were not only opposed to the institution of slavery, but also were moved by humanitarian sentiments to fight slavery wherever it was located and to work for the rights of

⁶⁵ Weston, *Blacks in Ohio History*, 6-7.

⁶⁶ Carter G. Woodson, "The Negroes of Cincinnati Prior to the Civil War," *Journal of Negro History* 1 (Jan., 1916): 4-5; David A. Gerber, *Black Ohio and the Color Line, 1860-1915* (Chicago: University of Illinois Press, 1976), 57.

blacks.⁶⁷ Soon after 1815, Ohio became a great battleground for abolitionists and conservatives. The split in racial attitudes and sentiments in Ohio may be best understood by the people who came to Ohio and where they settled. The whites that settled in the southern counties and in the river valleys of the Scioto and Miami had maintained close economic and social ties with southern states and held similar pro-slavery sentiments. These ties were especially strong with the slave states of Virginia and Kentucky, whose slave masters had often allowed Ohio growers to use their slaves in the tobacco fields during the early decades of the nineteenth century. In the easterly counties and in some southwestern ones, the settlers residing there were New Englanders and Pennsylvanians along with some renegade Southerners, Quakers, and blacks. They held more tolerant racial views and were participants of the antislavery and abolitionist movements. They braved harassment for their views and served as conductors for the Ohio Underground Railroad, aiding fugitives to safety and freedom.⁶⁸ Generally the settlers of the eastern and northern counties of the state were anti-slavery in sentiment, and the settlers of the southern counties were generally pro-slavery. However, those sentiments were far from clear-cut. The attitudes and feelings toward the question of slavery that were representative of Ohio, were ones that closely reflected the views of the nation, and may be best understood by Charles Hickok's classification of five distinct groups found in Ohio from 1802 to 1865:

1. There was the small but determined pro-slavery men, mostly from the South. These men deemed slave labor as indispensable, and were disheartened when their efforts to transplant their "peculiar institution" to Ohio failed. They were often leaders in the disgraceful and inhuman attacks on free blacks and their white sympathizers.

⁶⁷ James H. Rodabaugh, "The Negro in Ohio," *Journal of Negro History* 31 (Jan. 1946): 16-18.

⁶⁸ Gerber, *The Color Line*, 10.

2. The second group included those who had no moral scruples against slavery, and did not object to its indefinite extension, as long as it did not reach over into their own state. This group felt that slavery was a blessing to the North, inasmuch as the more desirable immigrant would settle in those states where work was honorable. Prosperity for the North would be secured at the expense of the South.
3. The third group looked upon slavery as an evil, but necessary one, and did not believe that its extermination was possible. To them slavery was only a system of labor, an expensive one for the employer, and unjust to the laborer. They had no sympathy for the slave and regarded him simply as a representative of an unfortunate race. This was probably the largest and most influential class in the State. They dominated politics, made the laws, filled the offices, and were mainly responsible for the infamous "Black Laws."
4. This group believed that slavery was morally and economically wrong. They would not only prohibit its extension, but also lessen the evils where it existed. This group felt this was the Nation's skeleton in the closet and believed that it was best to avoid discussion about this for fear of hurting someone's feelings. They were willing to wait for the right time when it was expedient and safe to agitate the question. To this group belonged the large body of Colonizationists, who believed the solution to the problem was to ship blacks back to Africa.
5. This fifth class constituted those who were called "pronounced anti-slavery people" or "abolitionists." They believed in, and worked for the immediate abolishment of slavery in all States of the Union. To them it was never a question of expediency or forbearance, it was simply a principle of right and wrong; they admitted no Constitutional right to human property. While this class believed in abolition, they disagreed in their ideas on the best means of obtaining an end.⁶⁹

The differing views on slavery often clashed as each distinct classification approached the issue of slavery from its vantage point. Many churches, such as the Methodists, during the first forty-four years of anti-slavery struggle in the state, were more in sympathy with the aims and methods of the Colonization Society than with the Abolitionists. In fact the Methodist Church, at a spring Conference in Springfield,

⁶⁹ Hickok, *Negro in Ohio*, 125-129.

Ohio, in 1835, passed resolutions commending the objectives of the Colonization Society, and declared itself in full accord with its aims and methods. It is also noted that in 1837, in Cincinnati, not a single white church would open its doors for a discussion of the principles of the Abolitionists. Abolitionists, such as William Lloyd Garrison and Alias Hicks who organized subordinate Anti-Slavery Societies, were seen as too extreme in their views and solution.⁷⁰

The Quakers, who settled in central and southeastern Ohio, began agitation on the slavery issue and the treatment of blacks and were supported by New Englanders, especially in the Western Reserve section of Ohio. As early as the mid 1700s the position and writings of Quakers John Woolman and Anthony Benezet, on the evils of slavery and prejudice toward blacks, became powerful influences on other Quaker members in this country who championed the rights of blacks. Further, in New England, there had been much activity in educating blacks as evidenced by Quakers who were teaching blacks in Newport in 1773, and in Boston in 1789, when Quakers provided a school for blacks in Boston. The Quakers brought the same beliefs, zeal, and passion when they moved to Ohio.⁷¹

While anti-slavery sentiment and activities took place in Ohio as early as the 1700s; it was in 1815 when a Quaker named Benjamin Lundy organized Ohio's first Anti-Slavery Association in St. Clairsville. Lundy enlisted the help of William Lloyd Garrison, a widely known radical reformist, in the Ohio abolition crusade in order that Garrison might use his political influence in state politics. Another Quaker,

⁷⁰ Ibid., McGinnis, *Education of Negroes*, 23.

⁷¹ Jordan, *White Over Black*, 274-276; McGinnis, *History and Interpretation of Wilberforce*, 20.

Charles Osborn, began the publication of the anti-slavery paper, the *Philanthropist*, in Mt. Pleasant in Jefferson County in 1817. This small Quaker settlement soon became the vortex of the abolitionist storm that would spread over Ohio. However, this vortex along with other abolitionist activities often met with strong resistance.⁷²

As blacks moved into small settlements they quickly found they did not know what to expect from the whites in various parts of Ohio. Sometimes they were not bothered and were embraced by abolitionists and religious groups such as the Quakers, and yet at other times they were run out of the area by hostile and violent white mobs. This ambiguity is also reflected in Dayton's history toward blacks.

What did quickly become consistent and non-ambiguous to blacks was the series of "Black Laws" passed through the Ohio Legislature designed to degrade blacks and keep them in a subordinate status in the state. These laws began as early as 1804 and continued to 1887. How these laws drastically affected the lives of blacks throughout Ohio and Dayton and how they coped with these laws will be presented in Chapter Three.

⁷² James H. Rodabaugh, "The Negro in Ohio," *Journal of Negro History* 31, 1 (Jan., 1946): 16-17.

CHAPTER III

BLACK LAWS

The Nature of Black Laws in Ohio

The journey Dayton blacks took in their struggle to achieve equal educational opportunities was simultaneously tied to the journey they endured with other aspects of their civil status. By the early 1800s, restrictions placed on African Americans mounted increasingly. The enactment of the Northwest Ordinance in 1787, which forbade slavery, did not reverse that trend. The Old Northwest territory, which lay north and west of the Ohio River, included the states of Ohio, Indiana, Illinois, and parts of Wisconsin. When these states formed in the 1800s they adopted "Black Laws" that were state statutes dedicated to a policy of racial discrimination.¹ This trend coupled with the federal government's ambivalent response, made the situation for blacks very difficult.

In 1802, when the first Ohio Constitutional Convention met in Chillicothe, Ohio, delegates clashed over the issue of race and slavery. There were six different motions relating to the status of blacks that was voted upon and each motion resulted in a close vote.² There were thirty-five delegates at the convention consisting of New Englanders, coming from the northeastern and southeastern parts of the State and from the Western Reserve and Marietta. But the largest group were members representing the Southern States of Virginia and Kentucky.

However, even though the Southerners held the greatest numbers, evidence of

¹ Middleton, *Black Laws in Old Northwest*, xvi.

² Frank U. Quillin, *The Color Line in Ohio* (Ann Arbor, MI.: University of Michigan, 1913; rep. New York: Negro Universities Press, 1969), 13-20.

their voting pattern during the convention revealed that they did not vote solidly against the rights of blacks, nor did New Englanders vote solidly for the rights of blacks. The balance of power depended on the issue rather than the geographical background of the delegate. With motions dealing with blacks on issues of slavery, suffrage, the right to hold public office or to join the military, the votes were always close. The following two examples illustrate the close voting. In proposing a motion to declare blacks forever ineligible to hold any office, civil or military, and to bar blacks from giving testimony against a white person, the motion carried by one vote, with 17 for and 16 against. In another example, a motion was made to grant suffrage to those blacks who were then residents in the state, if within a specified period of time, they made record of their citizenship. This motion carried 19 for and 15 against. But when a zealous motion was put forth to push even further for the descendents of black males and mulattos to be entitled to the same voting privilege, the motion lost by one vote, 17 against and 16 in favor.³ Thus, blacks were not enfranchised.

This trend was repeated throughout the convention with members at one time voting one way and another time voting another way. Records indicate that 13 of the 35 members were against blacks on every measure, and 12 members were for black rights with equal consistency. The discussions regarding the status of blacks were so intense and the two sides were so evenly balanced that this frightened many convention delegates and they often abandoned many propositions they had made.⁴ Delegates, concerned with delay in constitution making and possibility of fracture in the Convention, tabled all discussions on civil rights, but voted to enfranchise white

³ Ibid.

⁴ Ibid.

males and to prohibit slavery.⁵ Thus, the status of blacks, except on the issue of suffrage, remained somewhat of an open question until after 1802.

In 1803, Ohioans elected a conservative group of politicians to the State's General Assembly and this new legislature began producing the black laws. These black laws made the status of blacks in Ohio crystal clear. Between 1803 and 1853, Ohio enacted a series of black laws designed to humiliate and discourage black immigration into Ohio. These laws served to incite anti-black activities in the state.

The black laws that were enacted revealed the complexity of white response to slavery. The enslavement of blacks in other areas of the country served to reinforce color prejudice and set the American legal culture to not recognize blacks as Americans who had a natural right to life, liberty, and property. Whites had many fears about the presence of blacks in Ohio that included the possible precipitation of the region being thrust into armed struggles over runaway slaves, and having large numbers of destitute, aged, and ill blacks in the region. Black laws, defining blacks, "outside the community" ensured that blacks were excluded from full participation within the society. Blacks could not gain employment, acquire education, testify in courts, join the military, vote, or take up residency in some areas. These restrictions were demonstrated in various ways. In 1831, in the case of *Gray v. Ohio*, a jury convicted Polly Gray of murder on the testimony of a mulatto witness. On appeal, the State Supreme Court reversed the conviction, concluding that the witness was improperly admitted.⁶ In Dayton, black bricklayers had been excluded from craft

⁵Middleton, *Black Laws in the Old Northwest*, 5.

⁶Ibid., 5, 147.

unions before 1886. However, in 1886, the Dayton bricklayers union brought large numbers of black bricklayers in when it was feared that blacks might be used to help break a strike. After the strike was won, the blacks were forced out of the union.⁷ In 1842, in the case of *Chalmers v. Stewart*, a public school teacher admitted black students in a school with white children. The parents complained and a lower court ruled in favor of allowing black children to attend. However, on appeal, the Supreme Court reversed the judgement, explaining that the Ohio law banned blacks from attending schools with whites. As a result, teachers admitting black children were found to be in violation of the law.⁸

The following series are excerpts from the black laws that were enacted from 1803 until 1853, which demonstrate that the legislature removed all doubts about the status of blacks in Ohio:

An act to organize and discipline the militia. Approved 1803, *Laws of Ohio*.

Section 1. This law allowed "that each and every free able-bodied, white male citizen of the state of the age of eighteen...shall be enrolled in the militia ... "

An act to regulate black and mulatto persons. Approved January 5, 1804, *Laws of Ohio*.

Section 1. "no black or mulatto person, shall be permitted to settle or reside in the state, unless he or she shall first produce a fair certificate from some court with the United States of his actual freedom ..."

Section 2. "That every black or mulatto person residing within this state... shall pay to the clerk twelve and an half cents ..."

Section 3. "That no such person or persons' residents of this state, shall be permitted to hire, or in any way employ any black or mulatto person, unless such black or mulatto person shall have one of the certificates as aforesaid."

⁷ Gerber, *Black Ohio and the Color Line*, 76.

⁸ Middleton, *Black Laws in the Old Northwest*, 149.

An act to amend the last named act "An Act to Regulate Black and Mulatto Persons" Approved January 25, 1807, *Laws of Ohio*.

Section 1. "that no negro or mulatto person shall be permitted to emigrate into, and settle within this state.. unless they enter into bond with two or more freehold sureties, in the penal sum of five hundred dollars ..."

Section 4. That no black or mulatto person or persons shall hereafter be permitted to be sworn or give evidence in any court, or elsewhere, in this state, in any cause depending, or matter of controversy, where either party to the same is white.

Resolution on colonization. Approved January 29, 1818, *Laws of Ohio*.

"resolved that our senators be instructed, and our representatives be requested, to use their best endeavors to procure the passage of a law... for the emancipation and colonization of the people of color of the United States ..."

An act to provide for the support and better regulation of common schools. Approved February 10, 1829, *Laws of Ohio*.

Section 1. "that a fund shall hereafter be raised in the several counties in this manner pointed out by this act for the use of common schools... Provided, that nothing in this act contained shall be so construed as to permit black or mulatto persons to attend the schools ..."

An act to provide for the establishment of Common Schools for the education of children of black and mulatto persons, and to amend the act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March 7, 1838, and the acts mandatory thereto. Approved February 24, 1848, *Laws of Ohio*.

Section 2. "That every city, town or village containing twenty black or colored children, of any age and desirous of attending the common school, shall constitute a school district for such children; ..."

An act to authorize the establishment of separate schools for the education of colored children, and for other purposes. Approved February 10, 1849, *Laws of Ohio*.

Section 1. "in case trustees shall not deem it expedient to admit the colored children resident into regular common schools...to create one or more school districts for colored persons ..."

An act to provide for the reorganization, supervision and maintenance of common schools. Approved March 14, 1853, *Laws of Ohio*.

Section 31. "The township boards of education are authorized and required to establish within their respective jurisdiction, one or more separate schools for colored children, when the whole number exceeds thirty ..." ⁹

There were many reasons why specific black laws were enacted. Discussion of blacks in the militia was brought up in the Ohio Convention in 1802 and in 1850. In both cases blacks were exempt from military duty by the conventions. Whites feared that the consequences of training a "non-privileged class" of people in the military might invite the possibility of a black uprising. They also felt that blacks' presence in the military would destroy the companionship among the whites serving. The subject never came up again until the Civil War, when blacks themselves petitioned for the privilege of defending themselves, their families, and their country from the invasion of southern neighbors.¹⁰

The residency law of 1804, which forbade blacks from entering the state without documents of freedom, failed in its intended purpose of limiting blacks from entering the state. As a result of the continued black population growth, legislatures amended the act in 1807 to make the requirements for blacks even stricter for entering the state, by requiring them to post a five-hundred-dollar bond as a guarantee of good behavior. While the residency laws were often not enforced, they served as a means to discourage some blacks from migrating to Ohio and served as a weapon in the periodic harassment of black residents.¹¹ An example being in January 21, 1830, when all eighty of the black people of Portsmouth were forcibly deported from the

⁹ Middleton, *Black Laws in the Old Northwest*, 13, 15-17, 20-21, 33-34.

¹⁰ Hickok, *Negro in Ohio*, 59-60.

¹¹ Gerber, *Black Ohio and the Color Line*, 4.

town by order of the town authorities.¹² As similar acts took place throughout Ohio, the state slowly began its journey toward public education.

The Ordinance of 1787 stated that "Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."¹³ While Ohio gets credit for encouraging the maintenance of free schools as a fundamental principle, this virtue was slow to catch on. Early on, the population in the territory was so scattered and the resources so limited, that no provisions were made for public schools at all. This coupled with a prevailing attitude that "every man should educate his own children" and that free schools were "charity schools for the poor" made public education a slow endeavor.¹⁴ It was eighteen years after statehood before Ohio authorized a bill for the levying of taxes for the support of Ohio schools in 1821.¹⁵ This bill laid the foundation for public education in Ohio. In 1825, an amended version of the 1821 law was passed establishing a uniform system of taxation, as the former law allowed each district to determine its own taxation. In both laws, there was no mention of black children, although both stated that the schools should be "open to youths of every class and grade without distinction."¹⁶ Because there was no mention of black children, these laws were open to interpretation. In communities with only a few black children their attendance might not be objectionable. But in most places racial prejudice would be strong enough to shut them out, if even by law, they were entitled to be admitted.¹⁷

¹² Quillin, *Color Line in Ohio*, 32.

¹³ Hickok, *Negro in Ohio*, 78.

¹⁴ Ibid.

¹⁵ McGinnis, *Education of Negroes in Ohio*, 11.

¹⁶ Sherard, "Negro Education in Dayton," 7.

¹⁷ Hickok, *Negro in Ohio*, 81.

Any confusion as to whether black children were entitled to attend public schools was effectively cleared up by the Act of 1829, which forbade all admissions of blacks and mulattos into the public schools. The 1829 law went into effect because white people regarded such "mingling of the races as abhorrence, as giving social recognition to the negroes and contaminating white children."¹⁸ An opinion with similar sentiments of racial prejudice is revealed in a Columbus newspaper in 1827, which stated "If we enlighten their minds by education... They would be rendered uneasy with their condition, and seeing no hopes of improvement, would harbor designs unfriendly to peace ..."¹⁹ Whites were not compelled to have their children interact with black children, nor did they feel it was wise to educate a group of people who they were going to forever condemn to a "non-privilege status."

However, as the black population continued to grow, the citizens of Ohio began to realize that the continuance of an ignorant, unprivileged class of people in the state was not only a disgrace, but also might become a menace to the commonwealth. This public sentiment, along with the strong desire on the part of blacks for an effective system for educating their children, constantly kept the subject before the legislatures by means of petitions and other means.²⁰ As pressure mounted from a few relentless supporters in the assembly, from black and white petitioners, abolitionists, anti-slavery societies, and political negotiating, legislators finally passed a law in 1848 for the public education of black children. This law was amended several times, due to its ineffectiveness in providing adequate funds and the

¹⁸ Quillin, *Color Line in Ohio*, 33.

¹⁹ *Columbus Ohio State Journal*, Dec. 22, 1827.

²⁰ Hickok, *Negro in Ohio*, 90.

lawmakers' desire to keep black children in separate schools. The law of 1848 provided that when there were twenty children desirous of attending school, that this would constitute a school district and only the property of the black residents could be taxed for the support of it. The law also stipulated that in any district where there was less than twenty children and black parents were taxed, the children could attend white schools, provided there were no objections from whites. In many areas the number of black residents was so small and the people so poor that they could not generate enough funds to support their own school. In addition, in nearly all cases, except some anti-slavery communities, black children were denied the privilege of attending white schools.²¹ These two situations often left black children at a loss in securing an education, despite the passage of the law.

While the law of 1848 provided a beginning in the "ways and means" for providing education for black children, it fell woefully short of what was needed. A similar law was passed in 1849, with the burden of the property taxes for black schools still on the backs of black residents, but it now made mandatory that the trustees in each city or township provide separate facilities for black children. Because of the continued inadequate funding, petitions poured in to the General Assembly of the 1850-51 Ohio Convention. The petitions asked "that better provisions be made for the education of this class of people."²² The main discussion on education in the convention centered on whether to allow black children to enter the schools of white children. Many who opposed admitting black children to white schools felt it would encourage greater black immigration to the state that would

²¹ Hickok, *Negro in Ohio*, 91.

²² Quillin, *Color Line in Ohio*, 83.

further burden the state with "impoverished, if not vicious negroes." Others from the area of the Western Reserve felt that laws should give everyone moral and intellectual training or they would become pests to society. In the end, the delegates' vote on this issue denied black children the privilege of entering white schools 61 to 26.²³ Again intense racial prejudice ran throughout the whole debate and ultimately decided the unfortunate fate of blacks.

A comprehensive education bill was passed in 1853, as an overhaul to other educational bills. The purpose of this bill was to provide for the reorganization, supervision, and maintenance of common school.²⁴ This law did away with district boards and gave power to township boards. It also provided for a state supervisory officer, the Commissioner of Common Schools. Section 31 of this bill pertained to black schools. This bill was a financial improvement for blacks over the previous bills in that their tax money went into the general fund with all the other tax money and they were apportioned a share from all school funds on the basis of enumeration. Under this law they were just another sub-district receiving their financial share. On the negative side, however, blacks no longer had a right to select their own school directors to manage black schools. Cincinnati was the exception to this rule, with blacks protesting so strongly, that special legislation was passed in 1854, to allow black directors to manage black schools.²⁵

For the other few black schools, this meant blacks lost some decision-making power about their children. Also, the 1853 law was not as clear-cut as the 1849 law of

²³ Quillin, *Color Line in Ohio*, 83, 86.

²⁴ Middleton, *Black Laws in the Old Northwest*, 41.

²⁵ Hickok, *Negro in Ohio*, 101.

admitting blacks to the regular schools or creating separate schools for them. The new law called for the board to establish one or more schools for black children if the number exceeded thirty. In addition, if the number was less than fifteen in any one month, the directors could discontinue school, not exceeding six months. There was confusion and uncertainty as to what to do with black children in districts with less than fifteen and no mention was made of those living in districts with less than thirty-one students.²⁶ To clear up this confusion, the law of 1853 was amended in 1854 as "to provide for joint districts where there were fewer than twenty black students in adjoining districts."²⁷

A final version of the school law was passed in 1878, as it pertained to separate black schools. It provided that several boards of education, if it seemed to the advantage of the district, could organize separate schools for black children, or combine with adjoining districts to form districts.²⁸ The significant point of this law was that it did not require a minimum number of children for a district, and from this point on, some provisions had to be made for black children whether there were two or one hundred in the district, if they requested it. Of significance, however, is that schools organized under the separate school plan invariably offered inferior opportunities to black children for instruction in their schools.²⁹

The enactment of the black laws had disastrous consequences for blacks. Blacks were periodically terrorized and efforts were put in place to uproot them from

²⁶ Erickson, "Color Line in Ohio Public Schools," 200.

²⁷ McGinnis, *Education of the Negroes*, 33.

²⁸ Middleton, *Black Laws in the Old Northwest*, 44.

²⁹ McGinnis, *Education of Negroes*, 34.

the state. Some Ohioans joined the colonization movements with hopes of sending blacks to Africa.

Thoughts and proposals for removing blacks from this country and colonizing them in Africa began as early as 1713 by Quakers.³⁰ However, there was not widespread discussion on the issue until after 1781, when Thomas Jefferson wrote about it in his *Notes on the State of Virginia*. While Jefferson's writings were strongly against slavery, he wrote of the necessity for colonizing blacks once they had been freed. He felt that the prejudices by whites were so deeply rooted along with the physical and moral differences between the races, that the two could not possibly live in the same society. Jefferson also felt that the injuries blacks had sustained, once freed, might invite new provocation. These writings along with others by Jefferson stimulated debate around the country and heightened the urgency to answer questions of how or whether blacks were to be a part of American society.³¹

The early discussions in the 1790s and 1800s of removing blacks from this country were mostly developed and campaigned for in the State of Virginia, where forty percent of the blacks in the country lived. The driving force of the political leaders in Virginia and others in campaigning for colonization was the belief that emancipation from slavery would lead to increased racial intermixture. Virginians believed that slavery would eventually have to be ended, but felt that wholesale emancipation would lead to wholesale intermixture of the races. Jefferson disclosed that "When freed, the Negro was to be removed beyond the reach of mixture so he

³⁰ Woodson and Wesley, *Negro in Our History*, 280.

³¹ Jordan, *White over Black*, 441, 456-457.

would not stain his master's hand.”³² In 1790, Congressman William Loughton Smith of South Carolina voiced a similar sentiment by stating “if they intermarry with the whites, then the white race would be extinct, and the American people would all be of mulatto breed.”³³ Comments by Jefferson, Smith and others, clearly expressed their desire not to have blacks closely aligned with whites and pushed for them to be out of the country. As McGinnis notes,

The European heritage of class consciousness made it inconceivable to white leaders that the descendents of African slaves might at some time become full-fledged citizens of the Republic with all the rights, privileges and prerogatives of free men, including the possibility of absorption into the social fabric of the Nation through miscegenation.³⁴

Hence for blacks, these political leaders investigated experimental colonial locations in Sierra Leone and the West Indies and a portion of the Louisiana Territory. Essentially whites promoted colonization as an emancipation scheme that would benefit by getting rid of two problems, slavery and blacks.³⁵

Interestingly, at that time, even the friends of blacks in the North who were part of abolition societies, while not advocating removal, rarely spoke out against such proposals. They did not denounce such proposals as a pro-slavery instrument as the next generation would do. A typical prevailing abolitionist view might best be understood by the statements of a Maryland Quaker named John Parrish who proposed a plan of removal, (without a reason why) in which blacks would gradually buy their own freedom.³⁶

³² Ibid., 552, 546.

³³ Ibid., 545.

³⁴ McGinnis, *Education of Negroes in Ohio*, 15.

³⁵ Jordan, *White Over Black*, 545.

³⁶ Ibid., 549.

When pressed about intermixture, Parrish simply declared that whites and blacks have a natural aversion to each other, and therefore they would want to be away from each other. This type of vague feeling that blacks and whites were incompatible may be one reason why supporters of blacks did not speak out early on.

Fortunately, the early campaign for colonization by the Virginians, did not materialize and efforts subsided until 1816 because of several reasons: 1) many felt that the proposals were too costly, complicated, and too enormous of a task; 2) there was no general agreement as to how to best get this done; 3) other parts of the country did not feel such an urgency because they had a low number of blacks; and 4) after 1806, the nation was involved in international conflict, and the removal of blacks overseas became less likely.³⁷ But, the campaign for colonization would rear its head again.

A movement in 1816 to educate blacks in preparation for colonization resulted from a number of anxieties by many whites. The growth of the free black population in the United States, laws forcing free blacks to leave the South, the rising abolitionist sentiment, and the heightened fears of slave revolts fueled the fears of many who could not envision whites and blacks as equal citizens in this country.³⁸ These fears, now on a much greater level, and with a greater sense of urgency, gave colonization for blacks a new impetus on a national level. The newly formed group in 1816, called the American Colonization Society, advocated the same fundamental beliefs

³⁷ Ibid., 551-565.

³⁸ Wayne Urban and Jennings Wagoner, *American Education, A History* (New York: McGraw-Hill Companies, 1996), 130.

as Jefferson when he recommended the elimination of slavery through a process of education that would culminate in the emigration of blacks to Africa.

Under the guidance of the society, several religious denominations established schools for the education of blacks who were willing to emigrate to Africa. The society established the country of Liberia to be the home for educated blacks to govern.³⁹

Those advocating for the colonization movement often had a common theme in their reasoning. Members of the society speaking at different state colonization society conventions, repeated the same position of, no matter what skills or accomplishments blacks achieved, they would “never be raised to an equal footing with whites” so it would be best for blacks to leave the country.⁴⁰ They felt that because blacks were going to be deprived in this country, it would be best for them to gain educational skills that would prepare them for governing Liberia. Of course, this logic posed a dilemma for them in explaining to those against the movement why such educational preparation would not prepare for blacks to become citizens in this country.

Of those opposing the movement, none spoke against it stronger than the blacks themselves. Blacks from all over the country protested the movement. In 1830, Peter Williams, the black pastor of St. Phillips Episcopal Church in New York, delivered an impassioned speech on the Fourth of July, against colonization.⁴¹ Williams pointed out the inconsistencies of the society who said that Africa would

³⁹ Ibid., 131.

⁴⁰ McGinnis, *Education of Negroes in Ohio*, 16

⁴¹ Fishel and Quarles, *Negro American: A Documentary History*, 145-147.

benefit from the free blacks going there, while at the same time saying that free blacks are the most vile and degraded people in the world. Williams stated that if the society wished for Africans to be virtuous and enlightened, they should not think of sending the blacks that they thought so negatively about. Williams went on to say what many blacks would repeatedly stress in their opposition to the movement:

We are natives of the country, we ask only to be treated as well as foreigners. Not a few of our fathers suffered and bled to purchase independence; we ask only to be treated as well as those who fought against it. We have toiled to cultivate it, and to raise it to its present prosperous condition; we ask only to share equal privileges...Let these moderate requests be granted, not to go to Africa nor anywhere else to be improved or happy.⁴²

Williams' speech, which reflected the sentiments of most blacks, revealed that blacks did not plan on leaving America and felt that this country was just as much theirs as anyone else's. What is striking is that Williams asked that they be treated like foreigners, who at that time received more respect and privileges than blacks.

Other blacks protested as well. As soon as the colonization society formed, free blacks in Richmond, Virginia, denounced the movement and said that if they had to be colonized they preferred to be settled "in the remotest corner of land of their nativity."⁴³ At the same time, three thousand blacks in Philadelphia went even further in claiming America as their native land because their ancestors were the first successful cultivators of the land. Many free blacks denouncing the movement stated that they would not abandon their brethren in slavery.

Radical abolitionist, William Lloyd Garrison, wrote about the inconsistencies in the logic of the Society. Garrison pointed out that it made no more sense to think of

⁴² Ibid.

⁴³ Woodson and Wesley, *Negro in Our History*, 290-293.

blacks as natives of Africa and therefore deserving deportation, than of thinking of whites being native to Britain and being deported. He felt that there was no need for prosecuting blacks to the point it would make it so intolerable that they would have to leave. He strongly argued that the colonization movement did nothing to attack the problem of slavery or improve the conditions of the blacks who wanted to stay.⁴⁴

In spite of the debates, both pro and con, the movement gained momentum. The society was organized into five promotional agencies, which established state, city, regional, local, church Sunday school, and auxiliary societies according to the sentiments of the community.⁴⁵ It had its influence in Ohio, with legislators passing six resolutions from 1818 to 1850, encouraging their representatives to use their influence to induce the federal government to aid the American Colonization Society efforts.⁴⁶ With the backing of powerful leaders, it is stated that the hand of the Colonization Society directed the writing of the infamous black laws that gradually stripped blacks of practically all their rights.⁴⁷

The resolutions to colonize free blacks in Africa did not become law, and the efforts of the colonization society failed to carry the desired object of sending blacks back to Africa. Many reasons contributed to this, including the fact that few black participants were willing to go and they protested against it. Equally, there were whites that feared that in educating blacks they might decide to stay in this country and create tensions. And further, the transportation scheme proved economically

⁴⁴ Ibid.

⁴⁵ McGinnis, *Education of Negroes in Ohio*, 19.

⁴⁶ Middleton, *Black Laws in the Old Northwest*, 20-24.

⁴⁷ Bella Gross, "The First National Negro Convention," *Journal of Negro History* 31, 4 (Oct. 1946): 440-442.

unlivable, just as the early colonization proposals had proven. In the final analysis, from 1820 to 1833, only about 1,400 blacks migrated to Liberia, when the colonization movement was at its peak. And during the entire ante-bellum period less than 15,000 emigrated from this country as a result of this scheme.⁴⁸

The passage of the Ohio black laws generated much public discussion, and debate. There were those who firmly believed in their value to the state and held steadfastly to that opinion. However, they were met with relentless challengers who felt that the laws were unjust, backward, and an embarrassment to the State of Ohio. These two factions would clash until the repeal of the black laws became a reality.

Discussion, Debate and Calls for Repeal

The enactment of the black laws did not solve Ohio's "color problem" and in fact it did the reverse. Early on, antagonists and politicians alike called for the repeal of those laws. However, individuals, such as Judge Burnett of Cincinnati, who had previously served on the Territorial Legislature, defended the laws as "justifiable and commendable." Judge Burnett, argued that the black laws "were necessary for the preservation of the prosperity of the State..."⁴⁹ Burnett felt that Ohio would become a dumping ground for poor, uneducated blacks. While this was a fundamentally racist argument, this line of logic was constantly reinforced and confirmed by actions such as in 1832, when the Legislature commissioned a committee to report on the "colored population." Not surprisingly, the committee commissioned by the legislature to study and make recommendations on Ohio's colored population wrote:

We must exclude a people whose residence among us is degrading to themselves, and fraught with so much evil to the community. The Negroes

⁴⁸ Urban and Wagoner, *American Education*, 131.

⁴⁹ Quillin, *Color Line in Ohio*, 30.

form a distinct and degraded caste and are forever excluded by the fiat of society and the laws of the land from all hopes of equality in social intercourse and political privileges.⁵⁰

The commission's report was consistent with other American racial policies that justified keeping blacks from participating in society and having privileges afforded to whites.

But Ohio lawmakers did not have the final word. Blacks' protest to these laws followed. Ohio blacks had similar unfavorable circumstances as blacks all over the country in the ante-bellum period, and these circumstances compelled them to band together. Free northern blacks faced a plethora of challenges in trying to live in this section of America. The poor northern economic conditions for them were high on the list. New industrial jobs were opening, but were reserved for whites. Hopes of seamen work were crushed due to the sea-borne commerce collapse in 1807 that caused seamen's wages to drop drastically. This was a vital blow to blacks that had migrated because of the promise of maritime work. And because white northern households did not need as many servants, black males were often relegated to doing the lowest jobs such as digging, carrying, or tending. Those who were fortunate enough had land which they could farm in the rural areas.

Many blacks that migrated to northern cities suffered from physical ailments due to a colder climate and because of poor living conditions. Those living in dark cellars that collected water or refuse often had serious health problems or died.⁵¹ If the economic and physical conditions were not enough to dampen the spirits, the tyrant of custom, and white racism would almost certainly help finish the job. Blacks

⁵⁰ *Columbus Ohio State Journal*, Feb.1, 1832.

⁵¹ Wright, *Early Republic*, 130-131.

found that just because white northerners condemned slavery it did not mean that they cared for them. Blacks found that no law could erase from the public mind North or South, the long held conviction that blacks were inferior and incapable of being assimilated socially, politically, or physically with the dominant white society.⁵² In the north, blacks were met with laws that discouraged their entrance and put severe limits on their ability to function in society. Philadelphia's white leadership continually petitioned the state to close the Pennsylvania borders to blacks. New states entering the union quickly made arrangements for dealing with the "free-black problem." The Old Northwest Territory, which became the states of Indiana, Illinois, Ohio, and Michigan, adopted a series of laws dedicated to a policy of racial discrimination.⁵³ It was this type of treatment and these types of laws that compelled the black people to address the issue and fight for a change of their status.

Even with small numbers, Ohio blacks early on began to address their situation by developing a variety of cross-class institutions and social movements. The church emerged at the forefront of black institution-building and political activities. The role of the church became the vehicle by which the community set its goals, organized for self-improvement and protested against racial practices. An example of this is evident in Dayton's Wayman Chapel African Methodist Episcopal Church. Formed in 1833, its records state:

The African Methodist Episcopal Church is the first Christian denomination to become organized as a protest against discrimination of persons of African descent...As an outgrowth of this organization the Free African Society and

⁵² Ibid.

⁵³ Middleton, *Black Laws in the Old Northwest*, xvi.

the Mutual Aid Society were formed with the objectives being: freedom of worship, self help, respect, and religious education for members.⁵⁴

Societies such as The Free African Society and the Mutual Aid Society, which were common in early black churches, played an important and significant role in the church by guiding blacks, not long out of bondage, toward an organized social life.⁵⁵ These societies performed a number of functions to address the needs of poor blacks. They were strong in promoting education for blacks, realizing they could only rise out of their situation as an educated people. Providing education was often done with the help of white philanthropists and abolitionists. But the societies also provided services that blacks were too poor to pay for themselves or forbidden to receive by law. Those vital functions included burial of the dead, care for the sick, and the support of widows and orphans. As some societies in the churches became very well established, they lent money to worthy members, or invested in businesses.⁵⁶ Also, as churches became more established, they became organized forces that protested against all forms of discrimination. With the heart of the mutual societies being a moralistic mission, toward self-determination, it provided blacks with the confidence, role models, camaraderie, some formal education, and a place to develop self-esteem.

Dayton's first black church patterned itself after the AME church of Bishop Richard Allen of Philadelphia.⁵⁷ Allen was one of the well-known pioneers in the

⁵⁴ Madeline Norris, "History of Wayman Church Chapel African Methodist Episcopal Church," (February, 1994) A paper submitted to the Dayton and Montgomery County Public Library Archives by Wayman Church historian Madeline Norris.

⁵⁵ Wright, *Early Republic*, 156.

⁵⁶ *Ibid.*, 152.

⁵⁷ Norris, "History of Wayman Chapel African Methodist Episcopal Church," 1.

movement toward fully independent black churches. Allen, a former slave in Dover, Delaware, bought his freedom in 1780. He was a young minister at the time he bought his freedom and he spent several years preaching in different areas before he settled in Philadelphia. He became active in the racially mixed St George's Methodist Church in Philadelphia and often preached sermons to the congregation. But a culmination of events in the church propelled Allen to encourage the black members of the church to leave and form an independent church on their own. In 1787, blacks were told to take seats around the wall and soon after in the gallery of the church.⁵⁸ While blacks did comply, it was the act of church trustees trying to move black church member Absalom Jones to his feet, during prayer, that was the final straw. It was this act that convinced Allen of the immediacy of blacks establishing their own place. After blacks had contributed money and labor to the expansion of St. George, whites decided they no longer wanted to worship alongside them. All black members left.⁵⁹ Richard Allen's, along with fellow member Reverend Absalom Jones', first attempt at organizing members began with the independent Free African Society. The organization of this Society was not so much a church at first, as it was a social uplift organization. But as plans soon materialized for a church, both men had different ideas about the religious focus of the new church. As a result of those differences, some members went with Reverend Absalom Jones who wanted the Church to be African Episcopal Church, while others went with Richard Allen who felt strongly that the church had to be Methodist. Allen's Church was formed in

⁵⁸ Jordan, *White Over Black*, 422.

⁵⁹ Wright, *Early Republic*, 157.

1805 and called Bethel Church and it was the "Mother Bethel" of the African Methodist Episcopal Church. Within the Bethel Church, Allen organized a Sunday school, a day school and night school and many Methodist ministers from all over, were sent to the school. Allen rose in status and blacks followed his example all over the country.⁶⁰ With so many AME churches forming all over the country in such places as Baltimore, Pennsylvania, and New Jersey, a conference was held in 1816 for the purpose of establishing a national church.⁶¹ This proved to be the final act of emancipation of black Methodists from the jurisdiction of whites, becoming the first all black, independent church body, "not only in the history of the United States but in the history of Christendom."⁶² Richard Allen was elected Bishop and would head the national church. Allen would become a national advocate for blacks in promoting self-improvement, and protesting against slavery and colonization.

Experiences that occurred with Allen and the other blacks in Philadelphia at St. George were far from unique. There were similar ill feelings between black and white worshippers happening all over the country, from Baltimore northward that led blacks to form independent churches, just as Philadelphia blacks did. Many of today's best known churches such as Bethel A.M.E. (1797), AME Zion (1800), Abyssinian Baptist (1804), the African Baptist (1805), St. Philip's Episcopal (1820), and others have their roots in the separatist movement during the early republic period.⁶³ These separatist movements became models for blacks to proclaim how they chose to worship, where they chose to worship, and under the direction of whom they chose.

⁶⁰ Ibid., 156.

⁶¹ Woodson and Wesley, *Negro in Our History*, 149.

⁶² Wright, *Early Republic*, 157.

⁶³ Ibid., 156.

The churches helped foster independence and helped blacks to define themselves. As the black churches developed their role in deciding how to best address the needs of blacks, other efforts all over the country were occurring in addressing slavery and freedom for blacks.

While there were many black leaders who were abolitionists, no one probably pleaded the case for the rights of blacks or had more influence than Frederick Douglass, the doyen of the abolitionist movement. Born into slavery in 1817 in Maryland, Douglass escaped to Massachusetts in 1838. There he began a long career as a leading abolitionist writer and lecturer in the United States and Europe.⁶⁴ Douglass was relentless in speaking out against slavery.

In the spring of 1852, Douglass visited Cincinnati to attend an anti-slavery convention. After speaking there, he took the occasion to carry his message to the nearby town of Harveysburg, in Warren County, Ohio, where he addressed a church congregation. In his speech, Douglass predicted an end to slavery by stating:

...Something more must be done for the abolition of slavery. There must be a struggle to unmask the hypocrisy of those who profess to love God, and yet hate man. The war must be carried into the church. The church is the light of the world.... The slave can never be redeemed until the organized religion of this land pronounces its fiat against slavery...⁶⁵

Earlier, in 1846, at a lecture in England, Douglass appealed to the British public on the horrors of slavery by stating:

Slavery is a system of wrong, so blinding to all around, so hardening to the heart, so corrupting to the morals, so deleterious to religion, so sapping to all

⁶⁴ Frederick Douglass, "Lecture in England on the Horrors of Slavery, 1846," in *Afro-American Voices, 1770's-1970's* ed. Ralph Kendricks and Claudette Levitt (New York: Oxford Book Company, 1970), 62.

⁶⁵ Larry Gara, ed., "Brilliant Thoughts and Important Truths: A Speech of Frederick Douglass," *Ohio History* 47 (Winter 1966): 5.

principles of justice in its immediate vicinity, that the community surrounding it lacks the moral stamina necessary to its removal.⁶⁶

Free blacks continued to increase their activities toward ending slavery and gaining freedom and civil rights. These activities occurred on a national level from which the state and local organizations took their cues. Beginning in the 1830s until the Civil War, blacks began to hold national conventions to address slavery and civil rights issues. The first national convention was held in Philadelphia in 1830, in reply to the proposal of the America Colonization Societies advocating that blacks emigrate from this country.⁶⁷ Black leaders of Philadelphia and New York, such as Bishop Richard Allen, Rev. Peter Williams, and others, proposed a convention of black leaders in the United States. Forty delegates from seven states attended, representing various black groups, particularly from churches.

During the first National Negro Convention, Rev. Richard Allen, Senior Bishop of the African Methodist Episcopal Churches was elected president and he challenged the delegates to work vigorously for the uplift of black people. In his speech, Allen asserts "that the Declaration of Independence is clear that all men are born free and equal, and given these facts, and the deplorable conditions of blacks, it is incumbent of us to devise and pursue all legal means for the swift uplift of our people."⁶⁸

⁶⁶ Douglass, *Afro- American Voices*, 70-71.

⁶⁷ Woodson and Wesley, *Negro in our History*, 272.

⁶⁸ Richard Allen, "Address to the Free People of Colour of these United States," speech given at the first National Negro Convention held in Philadelphia, September 20-24, 1830. A Historical Document from the African American Resource Bank <http://www.pbs.org/wgbh/aia/part3/3h512.html> (accessed September 10, 2003).

In addition, Convention delegates reaffirmed their opposition to the American Colonization Society. Speaking out against the Colonization Society was particularly significant and risky because a number of friends of the blacks and white abolitionists were supporters of the Society, believing that it was in the best interest of blacks to return to Africa. Black leaders held dozens of public meetings and rallies against the back-to-Africa movement. The leaders insisted that the idea was designed to safeguard the institution of slavery.⁶⁹

The First National Negro Convention, which named itself the American Society of Free Persons of Colour, became a political lightning rod in urging blacks all over America to work toward changing their status as well as enlightening compassionate whites. The Convention organized auxiliaries all over the country, sending delegates to annual meetings. Black leaders in their respective communities were urged to call local, state, and regional conventions, and establish a mandate for blacks to be united on their rights and protection.

This convention acted as a catalyst for future institution building and political activities by Ohio blacks and blacks nationwide that were working toward their equality. A number of subordinate conventions were held in Ohio, under the influence of the National Convention.⁷⁰ The group's initial concern was promoting education in local meetings, but later became more involved in political activities.

As early as 1829, Cleveland black activist, John Malvin, called a meeting with the black men of Cincinnati for the purpose of petitioning the legislature for the

⁶⁹ Gross, "National Negro Convention," 436-439.

⁷⁰ McGinnis, *Education of Negroes in Ohio*, 41.

repeal of the black laws.⁷¹ Later, in 1835, Malvin helped to organized two State Conventions of Colored Men. Each State Convention he organized had a specific purpose. One State Convention was held in Columbus, and organized itself into what was called "the School Fund Society." The object of this society was to establish schools in different parts of the state for black children. This group initially established schools in Cincinnati, Columbus, Springfield, and Cleveland. The second State Convention Malvin organized was with the people of Cleveland. In articulating the purpose of this State Convention, Malvin "suggested the propriety of circulating a petition to be sent to the Legislature for the repeal of those odious laws."⁷² The convention delegates agreed to employ lecturers to speak around the state to raise sentiment in favor of the repeal of the laws and obtain permission to lecture in the State House in Columbus. The lecturers they employed included such figures as John L. Weston of Cleveland, William H. Day of Oberlin, and R.R. Chancellor of Chillicothe and were all notable black leaders.⁷³

During the 1840s and the 1850s, black Ohioans held seven state political conventions to address the social, political, and legal inequities which they were subjected to in the state. Six of these conventions were held in Columbus. Among the several newspapers advancing the call of the protest was a Cleveland paper called the *Aliened American*. This newspaper was started by William H. Day, a graduate of Oberlin College and a lecturer and solicitor for the State Convention of Colored Men.⁷⁴ This paper became the organ of the convention, informing the public and

⁷¹ Malvin, *Autobiography of John Malvin*.

⁷² *Ibid.*, 42.

⁷³ *Ibid.*, 65-67.

⁷⁴ Sheeler, "Struggle of the Negro in Ohio," 223.

advocating the cause. The *Palladium of Liberty* newspaper of Columbus also advanced the protest through calls for petitions. Petitions to repeal the black laws were sent by groups of citizens from their respective counties and individuals were encouraged to sign the following form petitions:

To the Honorable, the General Assembly of the State of Ohio---
 We, the undersigned colored citizens of _____, do memorial
 Your Honorable body to repeal all laws and parts, that make distinction on
 account of color.⁷⁵

The State Convention of Colored Citizens of Ohio held in Columbus in 1851 and 1856, reveal the large number of counties represented to advance the cause. At the 1851 Convention, 19 Ohio county delegates attended, including James Dunlap from Dayton in Montgomery County. Many of the counties had several delegates, such as Franklin County, with nine members. Many delegates, such as J. Mercer Langston, W. Howard Day, John Melvin, and L. T. Taylor were prominent leaders in their communities, and were names that showed up often as activists.⁷⁶ The Minutes of the 1851 Convention highlighted the fact that all meetings were well attended and enthusiastic and that in the evenings the hall was filled to capacity with anxious listeners, both black and white. Records reveal that the speeches made by Mercer Langston, Solomon Gains, Peter Clark, and others were "logical, pointed, and eloquent, and were delivered with earnestness and great power."⁷⁷ In the 1856 State Convention of Colored Men, twenty-three resolutions were adopted, covering a

⁷⁵ *Columbus Palladium of Liberty*, October 23, 1844. This was an early short-lived civil rights newspaper in Columbus, Ohio, that was devoted to the interest of black people. The paper took a strong anti-slavery position and lent editorial support to the education of black children. It ran from 1843 to 1844.

⁷⁶ Minutes of the State Convention of the Colored Citizens of Ohio, Convened at Columbus Jan. 15-18, 1851, 1-4. (Ohio Historical Society Archives/Library Pamphlet Collection).

⁷⁷ Ibid.

variety of topics including anti-slavery, the American Colonization Society, and the different political parties. Resolution number 17 illustrates blacks' persistence and determination to change their second class status;

17. Resolved, That we recommend to the Convention the appointment of Committee of three, to prepare a petition to be presented to the Legislature, asking that the honorable body to take the necessary steps to secure the alteration of the first section of the ninth Article of the State Constitution, by striking out the word "white" from said section, and to repeal all laws and parts of laws making complexion discriminations; and we would also recommend that the members of this Convention be requested to circulate this petition for signatures, in their several districts, as soon as may be, and forward the same to the Legislature.⁷⁸

Blacks were not the only ones to champion their cause. Anti-slavery agitation began early in the 1800s. The Anti-Slavery Society formally organized in 1835, and the Society had as its goals "to accomplish the abolition of slavery and secure the advantages of education for all freedmen so that they might learn to participate fully in American life."⁷⁹ Historian Carter G. Woodson states in his *Education of the Negro Prior to 1861*, that the Anti-Slavery Society realized the deplorable ignorance of slaves was a potent argument against immediate emancipation. As a result, the abolitionists and other friends of blacks in the northern communities tried to meet the situation with the establishment of schools. The Anti-Slavery movement, along with free blacks, aided in laying out routes known as the Underground Railroad by which many slaves escaped to safety in northern states and Canada. They also developed several centers of education such as the Western Reserve around Oberlin College and

⁷⁸ Proceedings of the State Convention of Colored Men, Held in the City of Columbus, Jan. 16-18, 1856 (Ohio Historical Society Archives/Library Pamphlet Collection).

⁷⁹ McGinnis, *Education of Negroes in Ohio*, 23.

in Cincinnati around Lane Seminary.⁸⁰ These centers also served to agitate and promote the cause of blacks.

While there were petitions to repeal Ohio's black laws sent by the friends of blacks before 1835, a larger more organized effort for promoting petitions was orchestrated by the friends after the formation of the State Abolition Society. Such petitions, encouraged by anti-slavery forces, were circulated at meetings by agents of county societies and were supported in the abolitionist press.⁸¹

Some Anti-Slavery Societies came into being as the result of the citizens witnessing violence in their own cities. Such was the case as reported by the *Dayton Journal* in Ohio in 1832. Thomas Mitchell, a fugitive slave, and well-respected, industrious black man, had been living in Dayton for some time, when federal officers caught up with him. The night before he was to be returned to his owner, he leaped from a building to his death, rather than return as a slave. Mitchell's suicide symbolized the wrongs of slavery. Townsfolk, aghast at the tragedy, gathered to hear preachers and orators speak about slavery's injustice. After the *Dayton Journal* announced the first meeting of the Abolition Society, the town became a heated place for the anti-slavery movement.⁸²

Other histories of Dayton reveal the conflicting nature of the Abolition Society. An anti-slavery society was formed in Dayton in 1839. Luther Bruen, who was an advocate against slavery, was elected president. While the society sponsored lectures on the evils of slavery, they did not focus nor believe in the equal rights for

⁸⁰ Ibid., 24.

⁸¹ Erickson, "Color Line in Ohio Public Schools," 117.

⁸² Zumwald, *For the Love of Dayton*, 29.

blacks in the city. Even before Bruen helped form the anti-slavery society, he and other white Dayton citizens formed a colonization society in November 1826.⁸³ The abhorrence of the presence of free blacks in society was woven into the psyche of the men and woven into the fabric of the colonization movement.⁸⁴ There was an underlying hostility to blacks being as equals in freedom. White abolitionists in Dayton, like those in many northern cities, believed that colonization was the solution to slavery.

Quaker Benjamin Lundy, who is credited with organizing the Anti-Slavery Association in Ohio in 1835, favored colonization as a means of gradual emancipation. At one time he wrote, "I would not have it thought that I am opposed to the ostensible views of the American Colonization Society."⁸⁵ He then went on to say that he approved the motives that its founders professed and had thought that much good would come of it. Members of the American Colonization Society professed publicly that they had humanitarian motives for promoting colonization.⁸⁶ They claimed that their major interest was to improve the lives of persons of African descent who existed in a degraded position in the United States and would continue to live in that status as long as they lived here. However, these humanitarian proclamations could not hide what was at the very heart of the society's existence. The fact was that blacks were at the bottom of America's social structure because of

⁸³ Steele and Steele, *Early Dayton*, 94.

⁸⁴ Jordan, *Black Over White*, 566.

⁸⁵ Annetta C. Walsh, "Three Anti-Slavery Newspapers: Published in Ohio Prior to 1823," *Ohio Archaeological and Historical Quarterly* 31 (April 1922): 206.

⁸⁶ Wright, *Early Republic*, 176.

racist attitudes and because of actions taken by whites relegating them to that position. Instead of the society working to end the racism of whites, they preferred to remove the object of racism.⁸⁷ Lundy also published letters from the agent of the American Colonization Society stating:

I am of the opinion that unless a large part of our colored population can be removed from the districts where they are most numerous, it will be impossible to do away with the system (otherwise than by violence) in anything like a reasonable time.⁸⁸

It is no wonder that the men at the State Convention of Colored Men in 1856 felt it necessary to include in their proceedings:

4. Resolved, That we are compelled to believe, in view of its own pro-slavery and uncharitable action, in view of the inconsistent and unmanly conduct of its agents and leading members, that the professions made by the American Colonization Society, of promoting the abolition of slavery, are altogether delusive, and their pretensions of interest in behalf of the nominally free colored people of the country, hollow-hearted and contemptible.⁸⁹

While the majority of blacks were against the idea of colonization, some black abolitionists, such as New Englander Paul Cuffe supported it. Cuffe, an offspring of a freed slave and Native American woman, was from Massachusetts. Although lacking formal education, he and his brother ran a successful maritime commerce business in the early 1800s. Cuffe felt strongly against slave trade and believed that it degraded indigenous Africans and stripped them of their moral foundations. Cuffe sought to transport African Americans to Africa to bring Christianity and legitimate trade to the peoples of Africa to uplift their life.

⁸⁷ Ibid.

⁸⁸ Walsh, "Three Anti-Slavery Newspapers," 207.

⁸⁹ Proceedings of the 1856 State Convention of Colored Men, 2.

The Quakers, the Friendly Society of Sierra Leone, a black trading organization, English philanthropists, and the British government, were all supporters of Cuffe's "civilizing mission."⁹⁰ In 1810, the British government encouraged Cuffe to inspect its existing experimental colony in Sierra Leone for the prospect of settlement and trade. Cuffe liked what he saw, and after waiting out the War of 1812, organized a voyage of thirty-eight African American adults to settle in Sierra Leone in 1816. His efforts were a partial success in that while he did not make money on the commercial venture in Sierra Leone, he was able to secure land for African Americans. This was the first effort of colonization by a black American, with Cuffe's original focus on religious conversion and trade.⁹¹

However later, as Cuffe read about slave risings in the South and racial tensions in the North, his beliefs came to parallel those of the American Colonization Society. Believing that only on African soil, away from white Americans' animosity, could blacks rise up as a people, Cuffe advocated for large-scale colonization.⁹²

Petitions to appeal the black laws were numerous and varied. Some petitions were broad and argued for repeal of all laws making "distinctions on account of color." Others called for some specific action, such as the repeal of the testimony clause, or for the admission of black children to schools.⁹³ The constant flow of petitions by social reformers, coupled with the supporters in the general assembly, kept the issue current among their colleagues. The House and Senate Journals of the legislature reveal the uncompromising effort of a few lawmakers to get the assembly

⁹⁰ Wright, *Early Republic*, 173-175.

⁹¹ Woodson and Wesley, *Negro in Our History*, 284.

⁹² Wright, *Early Republic*, 173-175.

⁹³ Erickson, "Color Line in Ohio Public Schools, 119.

to nullify the black laws. The legislature studied the issue carefully and in 1837 produced its first report on the black laws.⁹⁴ There were two reports on December 4, 1837, and on February 7, 1837, to repeal the black laws in the *Senate Journal*. While each report was voluminous, two quotes from the reports illustrate powerful themes that were often presented:

But these laws are not only repugnant to the Constitution of the State, and to the principles of our free institutions; they are also in direct contravention of the Constitution of the United States. That document declares that "citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." What is the plain and obvious import of this provision? What was the manifest design of its insertion? Can there be any doubt as to its construction or intention?...⁹⁵

Another petitioner making reference to the future of a continuance of this system remarks:

Deep-rooted prejudices, entertained by the whites; ten thousand recollections by the blacks, of the injuries they have sustained; new provocations; the real distinctions which nature made, and many other circumstances, will divide us into parties, and provide convulsions which will probably never end but in the extermination of the one race or the other. And can the liberties of a nation be secure when we have removed their only firm basis...⁹⁶

Repeatedly, these petitions were interpreted as antagonistic to a majority of the legislators and they grew more and more hostile toward abolitionists, both black and white. To white abolitionists, the assemblymen responded directly, by claiming that blacks in Ohio were not terribly abused, because they could own property and could go to private schools.⁹⁷ To the black petitioners, they moved to reject their petitions. In 1839, a petition for relief from certain legal disabilities was presented to the legislature from black residents of the State. It was moved to reject the reception

⁹⁴ Middleton, *Black Laws in the Old Northwest*, 49.

⁹⁵ *Ibid.*, 61.

⁹⁶ *Ibid.*, 52, 61.

⁹⁷ Erickson, "Color Line in Ohio Public Schools," 122.

of the petition calling it "an intruder of the House."⁹⁸ The motion lost by four votes, but the following day the House by a large majority decided:

That the blacks and mulattoes, who may be residents within this State, have no constitutional right to present their petitions to the General Assembly for any purpose whatsoever, and that any reception of such petitions on the part of the General Assembly is a mere act of privilege or policy and not imposed by any expressed power of the constitution.⁹⁹

A majority of the legislators made it clear, that blacks have no constitutional rights to plead their cause, let alone look for remedy of their status. These examples of the deep-seated prejudice that many legislators and Ohio residents felt for blacks only served to strengthen the resolve of social reformers. Blacks were undeterred by the opposition. Repeatedly, the petitions continued. Blacks were committed to a river of no return.

The Politics of The Repeal of The Black Laws

Even though the road to repeal the black laws proved to be long and difficult, the struggle to abolish black laws was relentless. Agitation that swept the North became strongest in the 1830s and 40s being led by blacks themselves, abolitionists, anti-slavery societies, a few determined legislators, and other political figures. On occasion, there seemed to be movement toward consideration of repeal. For instance, in January 1845, in answer to numerous petitions, the Ohio House of Representatives appointed a committee of five to discuss the feasibility of repealing the black laws. Referring to the ideals expressed in the Declaration of Independence, the United States Constitution, and the Ordinance of 1787, the committee reported in favor of the repeal. It made the case that justice, a belief in the worth and virtue of the individual

⁹⁸ Quillin, *Color Line in Ohio*, 52.

⁹⁹ Ibid.

and in his personal intelligence, and a faith in the natural and political equality of all human beings demanded this decision. Use of color as a criterion of intelligence was inconsistent with the ideas of the founding fathers. Black people were entitled to every guarantee by the constitution, they agreed. The report was read and discussed. However, the majority committee was not in favor of repeal as had been the case in several past sessions. The dominant attitude remained that it would not be politically expedient to repeal or modify the existing laws.¹⁰⁰

No other laws were so bitterly fought than the laws of 1804 and 1807, restricting black immigration, and restricting blacks from making testimony against whites. Anti-slavery members in the Ohio legislature, such as Senator Leicester King, President of the Ohio Anti-Slavery Society, spoke out for the repeal of black laws emphasizing constitutional and natural rights. Members proclaimed that the immigration law was rarely enforced and the testimony clause encouraged lawlessness, which is contrary to the public good. These members also attacked the exclusion of black children from school, claiming that it violated the spirit of the Ordinance of 1787 that called for the encouragement of schools and the terms of the federal land grant for education in Section Sixteen of the Ordinance of 1785, which made no color distinction.¹⁰¹ More importantly, they pointed out that it violated the Bill of Rights of the Ohio Constitution that reads:

That no law shall be passed to prevent the poor...from an equal participation in the schools endowed by donations from the federal government and the doors of said schools shall be open for the reception of scholars, and teachers

¹⁰⁰ Betty Culpepper, "The Negro and the Black Laws of Ohio, 1803-1860" (master's thesis, Kent State University, 1965), 57; Quillin, *Color Line in Ohio*, 36.

¹⁰¹ Erickson, "Color Line in Ohio Public Schools," 124, 126.

of every grade without any distinction or preference contrary to the intent for which said donations were made.¹⁰²

Anti-slavery members felt that such exclusion was not a good public policy and violated basic principles of human rights.

The abolitionist's ability to affect significant change with regard to black civil rights was limited, due in part to internal conflict. During the 1830s and 40s abolitionists were far apart in their approach as to how to bring about change.¹⁰³ Radical statements denouncing the Ohio Constitution as a pro-slavery document by some, while others argued that it was anti-slavery, did not help their cause. For example, Senator Salmon P. Chase proclaimed that the "Constitution is an anti-slavery document and made the institution a black forgery," while milder abolitionists such as William Jay of New York disavowed extreme theory.¹⁰⁴ The abolitionists not only failed to get the attention of the apathetic northern people, but some of their radical views furnished pro-slavery spokesmen with ammunition to stir the country up with threats of disunion. Other dissension occurred as a result of their personal feelings toward blacks. Often the white abolitionists had a tendency, on the one hand, to support freedom and civil rights, while at the same time being paternalistic, condescending, and outwardly prejudiced to blacks.¹⁰⁵

These internal conflicts and feelings toward blacks manifested themselves in party divisions as a series of bills dealing with the repeal of black laws emerged during the late 1830s and 1840s. Before 1844, there was no serious activity by

¹⁰² Ibid.

¹⁰³ Woodson and Wesley, *Negro in Our History*, 331-332.

¹⁰⁴ Ibid.

¹⁰⁵ Wright, *Early Republic*, 205.

either the Whigs or Democrats for the repeal. But beginning in 1845, the repeal activity hastened in the wake of abolitionists pressuring and questioning candidates during campaigns about their stand on repeal and on other abolitionist matters. It became politically expedient to try to gain abolitionists' votes and the Whigs went after their vote. While the Whigs were sometimes perceived as abolitionists and were more favorable toward repealing the black laws, some of their representatives were not friendly toward blacks. This was demonstrated in the 1837-38 Assembly and the 1843-44 Assembly when the Whigs made up a majority. In the 1837-38 session they failed to repeal the testimony clause, and the portion of the school law that excluded blacks and mulattos. Similarly, in the 1843-44 Assembly, the repeal for the testimony clause was proposed again and only two members voted for it. This inaction, coupled with joining with the Democrats in other sessions, prevented the black laws from being repealed until 1848.¹⁰⁶

A study by Leonard Erickson published in the *Ohio History* examined the repeal attempts and analyzed the voting patterns during the late 1830s and 1840s and found:

That the geography and density of Negroes in the representative's constituency (electoral district) could be factors for accounting for Whigs votes, but not for those of Democrats, on repeal attempts. The Democrats were anti-repeal whether from north or south of the National Road; whether they came from constituencies with just a few or hundreds of Negroes.¹⁰⁷

While it is not the intent of this study to discuss all the details of Erickson's study, some aspects are useful to highlight. Of particular importance is examining the House

¹⁰⁶ Leonard Erickson, "Politics and the Repeal of Ohio's Black Laws, 1837-1849," *Ohio History* 82, nos.3 and 4 (Summer-Autumn 1973): 154-156.

¹⁰⁷ *Ibid.*, 155.

votes of Whigs, Democrats, and Independents on eight measures to repeal the black laws from 1837 to 1849:

- A. 1837-38 vote to postpone a bill to repeal the Testimony Clause; passed, 16 (W) to 44 (W15, D29)
- B. 1838-39 vote on a resolution that repeal of Black Laws is inexpedient; passed 16 (W) to 47 (W12, D35)
- C. 1842-43 vote to postpone a bill to repeal the Black Laws and allow Negroes access to public school funds; passed 11 (W10, D1) to 52 (W20, D32)
- D. 1844-45 vote for a third reading on a senate bill to repeal the Testimony Clause; failed 23 (W) to 30 (W12, D18)
- E. 1845-46 vote on an amendment to kill a bill to repeal the Testimony Clause; passed 18 (W) to 33 (W14, D19)
- F. 1846-47 vote on a bill to submit repeal of Black Laws to a referendum of the voters of Ohio; passed 30 (D29, W11) to 34 (W32, D2)
- G. 1847-48 vote to engross a bill to repeal the Testimony Clause; failed, 25 (W21, D4) to 41 (W15, D26)
- H. 1848-49 vote that repealed Black Laws and provided public education for Negroes; passed 12 (W7, D5) to 52 (W24, D26, I 2)¹⁰⁸

These data, along with maps that show the geography and the number of blacks in their legislative districts (not included), reveal that Democrats, with few exceptions, tended to vote against the repeal, regardless of the racial makeup of their district. On the other hand, Whigs were generally pro-repeal in counties low in black population. Similar results were also found in the Senate. Erickson's results also showed that northeastern counties (the Western Reserve) were overwhelmingly for repeal, while those in south-central counties (Ross, Pike, Scioto), the Mad River counties (Champaign and Clark) to the east were strongly against the repeal of black laws. And outside of a non-committal referendum, there was not a single favorable Whig vote from such strongholds as Montgomery, Muskingum, Athens, and Lawrence

¹⁰⁸ Ibid., 169.

counties. Dayton represented Montgomery County in the Senate and the House during this time period. House records indicate that Montgomery County had Whig representatives every year, except for a Democrat in 1838-39. All Montgomery County representatives consistently voted against repealing the black laws. The anti-repeal sentiment was also boldly stated in the *Dayton Daily Empire* newspaper in 1845, when the Senate, by a margin of one, passed a bill which would have amended the Testimony Clause allowing blacks to testify. The newspaper reported:

Are you ready for this state of things? We appeal to the laboring portion of our fellow countrymen. Are you ready to be placed with the "niggers" in the political rights for which your fathers contended? Are you ready to share with them your hearth and your house? Are you ready to compete with them in your daily vocations?¹⁰⁹

While the bill passed the Senate by one vote, the bill failed in the House, where 12 Whigs joined 18 Democrats to defeat it 23 to 30.

For over a decade, repeal efforts were stalled by a hostile combination of Democrats throughout the state and Whigs from areas with relatively large black populations. Then in 1848, dramatic political developments took place. The Whigs, having failed to deliver a major part of their 1846 platform on the promise to repeal the black laws, were under considerable pressure in the 1848 General Assembly election to deliver. Whig Governor Seabury Ford devoted much of his 1848 inaugural message urging the repeal of the black laws. It is with this backdrop that the Whigs enter into the 1848 elections.

As it turned out, the close General Assembly election in 1848 had left the Ohio House deadlocked, with neither Whig nor Democrats able to organize the House

¹⁰⁹ *Dayton Daily Empire*, February 17, 1845.

or elect a United States Senator without the support of the Free Soil party. And even though the Free Soil party itself was divided, it engaged in complicated party maneuvering and managed to have two key Free Soilers throw their support to the Democrats, enabling them to control the lower house. The two key Free Soilers were John Morse and Norton Townsend. In return for the Free Soilers' support, the Democrats supported the anti-slavery spokesman, Salmon P. Chase, for Senator and also voted to repeal the black laws.¹¹⁰ In the final analysis, what years of agitation and moral exhortation had failed to accomplish was settled by old-fashioned political horse-trading. A bill was at once drawn up by Chase to repeal the black laws and to provide for the education of black children.

Although this was progress, the act of repealing the black laws was, in essence, an act of modifying them. The new law stipulated that blacks were no longer forbidden from entering the state without posting bond, could testify in court against white people, and were entitled to school privileges, though in separate school houses. Yet fundamental portions of the Law remained unchanged. Blacks could not: sit on juries; receive relief for the poor; join the militia; go to schools for whites; nor exercise voting privileges.¹¹¹ The modifications left the continued absence of political and judicial rights for blacks that prevented them from exercising the fundamental rights of democracy. The lack of privileges and forced separation of blacks from whites served as a public expression of the social inferiority of African Americans. Much work was still to be done in the repeal of the black laws.

¹¹⁰ Malvin, *Autobiography of John Malvin*, 67-68.

¹¹¹ Quillin, *Color Line in Ohio*, 39.

As expected, modified black laws drew mixed reactions from all over the state and were reflected in various opinions such as the following:

Ohio State Journal, February 24, 1849: ...our sense of gratification at the repeal of the Black Laws does not result from any conviction that some great end in either ethics or politics has been attained;...it was doubtless thought by many that the repeal of these laws would greatly ameliorate the condition of the colored race in Ohio. We think differently and are of the opinion that it would puzzle the most ardent of their champions to point out the practical advantages which are to result to them from the repeal of these laws.¹¹²

Cleveland Herald, Feb. 13, 1849: Some of these laws repealed have been on the statute book for more than forty years, and we rejoice that even at this date the cause of Humanity and Right have triumphed over oppression and injustice.¹¹³

Motivated by contradictory and contending emotions and attitudes, Ohio blacks had begun to meet the challenges of a new period in the race's history. Poised between fear and hope, between charity and misanthropy, between longing after a once-promised past and a willingness to face a distressing present, they had begun to reach out . . .¹¹⁴

The repeal of the black laws in 1849 was a first step toward moving the status of blacks from total exclusion to partial inclusion. Movement toward total inclusion would be a long hard battle impacted by events happening in the landscape of America. Yet the continued struggle by blacks and friends of blacks remained strong to repeal the remaining black laws. Ohio Black leaders, such as William H. Day, John Langston and others of The State Convention of Colored Men continued to petition with memorials and for the privilege to speak before the legislature through the 1850s. The number of black schools in Ohio continued to increase from 22 in 1853 to

¹¹² *Columbus Ohio State Journal*, February 24, 1849.

¹¹³ *Cleveland Herald*, February 13, 1849; Otto Arnold Lovett, "Black Laws of Ohio," (master's thesis, Ohio State University, 1929), 26-31.

¹¹⁴ Gerber, *Black Ohio and the Color Line*, 469.

204 by 1869, in spite of hostilities that sometimes included burning down the building.¹¹⁵

While there were continued efforts to repeal the rest of the black laws, the reality of the everyday consequences of the remaining black laws still existed. Dayton blacks as well as blacks in other northern cities had to navigate themselves in their communities socially, politically, economically, and educationally as best as they could in this hostile environment. The next chapter discusses the environment Dayton blacks found themselves in, how they functioned, and how this ultimately impacted the education of their children.

¹¹⁵ Hancock, *Negro in Ohio*, vi.

CHAPTER IV

EARLY PRIVATE EFFORTS TO EDUCATE DAYTON'S BLACK CHILDREN

Early Environment in the Shaping of Black Education

Black laws and conflicts among the whites over the issue of slavery did not stop blacks from coming into Ohio. Blacks immigrating into Ohio were required by law to register with the county clerk and pay a \$500 bond. The \$500 bond, however, was rarely paid. Instead, the word of a respected white resident or respected black minister would be taken as a guarantee of good behavior. This unmanageable legal machinery, intended to impede black settlement, could only be effective if county officials stalked the countryside and city streets to search out unregistered blacks, and few officials appeared to have taken the trouble.¹

As with whites, expanding job opportunities attracted blacks to Ohio. By 1850, Ohio ranked sixth in the nation in total population with 25,279 blacks, and just prior to the Civil War, the black population increased by 75 percent, to 36,673 according to the 1860 census.² Ohio's black population continued to increase through the end of the 19th century. However, even with these increases, as late as 1910, the black population of 111,452 only accounted for 2.3 percent of the total population in Ohio.³ As blacks slowly moved from the South into Ohio in the 1800s, the transition in population was twofold: blacks moving from rural to urban areas and urban growth shifting from small towns and villages to major metropolitan centers.⁴

¹ Gerber, *Black Ohio and the Color Line*, 14.

² *Compendium of The Eleventh Census: 1890* (Washington: Government Printing Office, 1892), 473.

³ *Fourteenth Census of The United States Taken in The Year 1920* (Washington: Government Printing Office, 1922), 768.

⁴ Gerber, *Black Ohio and the Color Line*, 271-276.

The 1840 census provided details that were presented by southern politicians and other pro-slavery advocates as proof of the advantages of slavery over freedom for blacks in the North.⁵ In 1841, the sixth census of the United States released for the first time the enumeration of the “mentally diseased and defective or insane and idiots” of the white and black population as they were officially described.⁶ The statistics reported that the prevalence of this condition among free blacks was eleven times higher than among slaves. For example, in Maine one in fourteen blacks was listed as either a lunatic or an idiot, whereas in South Carolina the ratio was one in 4,310. For advocates of slavery, the statistics gave official credence to the popular “scientific” ideas about the peculiar suitability of blacks for slavery.

Southern congressmen contrasted the “happy, well-fed, healthy, and moral condition” of the southern blacks in slavery, to the condition of the miserable free blacks in the North.⁷

Further in 1844, John C. Calhoun, Secretary of State for Texas, using this census data, took the opportunity to lecture the British government on their desire to see slavery abolished in Texas and throughout the world. Mr. Calhoun was as ardent defender of slavery and believed that Congress should pass affirmative laws for the protection of slaveholders against abolition and that northern states should be prohibited from engaging in agitation.⁸ Responding to Britain’s desire to end slavery, he stated:

⁵ Leon F. Litwack, *North of Slavery: The Negro in the Free States, 1790-1860* (Chicago: University of Chicago Press, 1961), 40-46.

⁶ Carroll D. Wright, *The History and Growth of the United States Census, Prepared for the Senate Committee on the Census* (Washington: Government Printing Office, 1900), 33.

⁷ Litwack, *North of Slavery*, 40-46.

⁸ Woodson and Wesley, *Negro in Our History*, 336.

...on the basis of unquestionable resources, that in all instances in which States have changed the former relation between the two races, the condition of the African, instead of being improved, has worsened. They have invariably sunk into vice and pauperism, accompanied by mental infliction's incident thereto--deafness, blindness, insanity and idiocy.⁹

Calhoun's assertions of "unquestionable sources" were promptly challenged and refuted by Dr. Edward Jarvis, a Massachusetts-born physician and mental disorder specialist and one of the founders of the American Statistical Association. Dr. Jarvis, and other members of the association found, upon careful investigation, errors that revealed "in many northern towns all the colored population stated to be insane; in many others, two thirds, one third, or one fourth...to be afflicted."¹⁰ After completing his investigation, he concluded that the census contributed nothing to the statistical classification among blacks, but instead constituted "a bearer of falsehood to confuse and mislead." A Unitarian clergyman may have summed it up best by writing, "It was the census that was insane, and not the colored people."¹¹

So passionate about the number and kinds of errors made in the 1840 census, Jarvis and the American Statistical Association submitted a memorial to Congress to take action to correct the census data. The memorialists stressed to Congress that in view of the facts, "that such documents ought not have the sanction of Congress," and should be corrected or disregarded as "the good of the country shall require and as justice and humanity shall demand."¹² While Congress acknowledged the errors in the 1840 census, no steps were taken toward their correction. A Georgia Congressman, admitting that the census contained a number of errors, stated that "it is too good of a

⁹ Litwack, *North of Slavery*, 43.

¹⁰ Wright, *History and Growth of the United States Census*, 38.

¹¹ Litwack, *North of Slavery*, 46.

¹² Wright, *History and Growth of United States Census*, 38.

thing for our politicians to give up.”¹³ Although the erroneous information continued to be used by southerners, the statistics on black insanity were not used in the North, once it had been refuted. Also, as a result of the discussion concerning the inaccuracies of the Report of the Sixth Census, it was realized that more adequate provisions should be made for the seventh census to be taken in 1850. To address these concerns an act was passed in 1849, in which Congress established a Census Board, composed of the Secretary of State, the Attorney General, and the Postmaster General.¹⁴

In 1820, the U. S. Census reported that 141 blacks were living in Dayton and by 1840 there were 326. They were described as “free persons of colour [sic].” It was not until the 1850 census that, instead of showing only the names of the heads of households, the census required the names of every person in the household to be listed for enumeration.¹⁵

Moving from the rural South to a northern city was not an easy proposition for blacks. Following the lead of the American Colonization Society in its efforts to rid Ohio of blacks, Dayton had white citizens who promoted blacks being colonized. Even before there was an identified black settlement in Dayton, some prominent Dayton whites were busy encouraging the few blacks in the town to leave. In 1824, an article titled “Colored People Emigrated to Hayti” from the Dayton newspaper, the *Watchman*, the writer states that it was gratifying to see twenty-four colored citizens leave for Hayti [sic]. In encouraging other blacks of Dayton to leave the writer stated:

¹³ Litwack, *North of Slavery*, 46.

¹⁴ Wright, *History and Growth of United States Census*, 39.

¹⁵ W. Stull Holt, *The Bureau of the Census: Its History, Activities and Organization* (Washington: Brookings Institute, 1929), 15.

...Ye unfortunate, degraded Africans, why linger with us, and hug your chains of degradation. In Africa, and in Hayti, you may be enlightened, honorable and free. Your situation in Ohio is far worse than slavery—you are here slaves, and must provide for yourselves. By the laws of Ohio it is not a crime to murder you, if a host of you even see the foul deed—like cattle, you cannot be a witness. Make every effort then to emigrate to Africa or Hayti, where a day of liberty with your own people is of more value than an eternity of bondage with us.¹⁶

In addition to this attitude by some residents, Dayton's economy was weak and was making slow economic progress, along with many other newly formed cities in Ohio. Before the building of the canal system, Ohio had no way to distribute farm products profitably and as a result Ohio's tax revenue was very low because of poor revenues generated from the farm products. However, in 1825 the Miami Canal Bill was passed by Ohio legislators and this started the process of canal building in Dayton which was completed in 1829.¹⁷ The completed canal enabled goods to be transported directly to eastern markets and helped bring prosperity to Dayton as well as the state of Ohio.

The workforce for the construction of the canal consisted of local contractors, small operators, farmers, Irish and German laborers, and blacks that migrated from Cincinnati. It was through the building of the canal, that the first black settlement was reported in Dayton. The blacks that came to work on the canal settled in an area that became known as "Africa." Blacks began arriving as early as 1827 to replace Irish and German workers, who found the conditions along Seely's Ditch to be too overwhelming. In 1827, Irish and German workers working on a canal project fell victim to malaria, which was prevalent in the area of Seely's Ditch. They abandoned

¹⁶ *Dayton Watchman*, October 26, 1824.

¹⁷ Zumwald, *For the Love of Dayton*, 24

their canal jobs and left Dayton.¹⁸ Blacks, then, moved into that area. In a section titled, "Blacks Congregated in Africa," in *The History of Montgomery County, Ohio*, it describes the living conditions of many blacks living in Dayton in the 1830s and 1840s. The area, called "Africa," was situated along Seely's Ditch at Wayne and Fifth Street. The ditch carried human and other wastes and emitted a stench, yet the water from this ditch was consumed by the residents in the area.¹⁹

The survival rate in these conditions and the environment of the city initially contributed to little or no natural population growth by blacks in Dayton and other urban areas.²⁰ Poor sanitary facilities and crowded conditions often made the dwellings available to blacks a breeding ground for disease. Just as with other northern communities, the rate of disease and mortality among blacks was often higher than with whites. However, finding suitable housing during the initial building of the canal was difficult not only for blacks, but for whites as well. In 1828, the *Dayton Journal and Advertiser*, reported, "In Dayton, 35 brick and 35 frame houses erected. New arrivals to town had problems finding dwellings or single rooms to rent."²¹ Shortly afterwards, in 1829, as the economy boomed, prices rose and buildings went up all over Dayton. Brick and frame houses began to appear in the area in place of cabins. It was reported that by January 1, 1829, the town contained 125 brick buildings, six stone buildings, 239 wooden buildings, and residential

¹⁸ Ibid., 25.

¹⁹ *The History of Montgomery County, Ohio* (Chicago: W.H. Beers & Co., 1882; rep. Indiana: Unigraphic, 1971), 586. While there is no author or editor listed in this book, the publishing company acknowledges local citizens who contributed to this book. The Dayton and Montgomery archival librarian notes that Beers publishing company compiled a number of histories in different counties throughout the Midwest. Further reference to this book will be noted as Beers, *History of Montgomery County*.

²⁰ Gerber, *Black Ohio and the Color Line*, 273.

²¹ *Dayton Journal and Advertiser*, January 3, 1830.

buildings numbered 235. However, most blacks continued to live in shacks during that time and for a while thereafter.²²

The 1820s, 1830s, and 1840s were years filled with discussion and reactions all over Ohio and Dayton on issues of slavery, free blacks coming to Ohio, and the Fugitive Slave Act. These discussions and reactions manifested themselves in many ways that were both helpful and harmful for blacks.

There was also an element of people who were more sympathetic to blacks and were helpful in assisting runaway slaves to freedom. The *Dayton Journal* newspaper, in 1830, reported that by giving food and shelter to runaway slaves, many people in and around Dayton broke the federal Fugitive Slave Law and refused to turn in known fugitives, even to gain a fifty dollar reward.²³ One of the many local stations on the Underground Railroad was the home of Dayton abolitionist, Dr. Adam Jewett, who housed and fed escaped slaves in his cellar and barn.²⁴ While many of the escaped slaves moved on from Dayton to their destination in Canada, a few remained and joined the small black labor force in Dayton and worked in various menial jobs.

From 1820 to 1875 most of Dayton blacks were generally limited to labor and service jobs. During that period it is revealed that the top five jobs for blacks were private servants, laborers, public servants, washerwomen, and hostlers.²⁵ These data

²² Zumwald, *For the Love of Dayton*, 27.

²³ Ibid.

²⁴ Charles Austin, *The Underground Railroad with a Local Meaning* (Dayton, OH., 1998) A historical pamphlet by local Dayton historian Charles Austin, housed in the Dayton and Montgomery County Library.

²⁵ Margaret Peters, *Dayton's African American Heritage: A Pictorial History* (Virginia Beach, VA.: Donning Company, 1995), 22. This book was a project of the National Afro-American Museum and Cultural Center. This museum was chartered by the State of Ohio in 1972 and by the United States Congress in 1980 to educate the public on the history of African Americans. Author and local historian, Margaret Peters, with the help of others, addressed the mission of the project by providing a survey of Dayton's African American community from 1798 to 1990.

were reflective of blacks' condition throughout the state. In a report "On the Condition of the Colored People in Ohio" in 1840, the Central Committee of the Ohio Anti-Slavery Society commented:

Thus our laws have given virulence to a public sentiment that has driven our colored brethren from almost all honorable employment. They have been expelled from our steam boat cabins, stages, stores and offices, and consigned to the wash tub, the shoe brush, and curry comb. What could we expect but degradation under such influences and treatment?²⁶

In addition to the lowly jobs blacks were generally limited to, the committee reported several examples of settlements they visited in which whites took advantage of working relations with blacks. In one case, a Cincinnati black man, named Mr. Nickens was hired to do a job of whitewashing for a certain sum. When he completed the job, the white man refused to pay. Mr. Nickens acknowledged to the white man that he was aware that the law was in his favor and if he chose to cheat him out of his pay that he could do so. In a similar case a black lady by the name of Mrs. Bird was offered a sum of money for scrubbing some rooms for a man known as Mr. T.J. After her work was complete, the man said that he would not pay her unless she would scrub the stairs. She scrubbed the stairs and again he did not pay her, but requested her to do something else. At that request, Mrs. Bird refused to do anything else, and she never got paid.²⁷ The whites in both of these examples illustrate the reality that Ohio legislation, which allowed no testimony of blacks against a white person, could render blacks uncompensated for work and powerless.

The report further mentioned that white thieves frequently settled near black people for the very purpose of stealing and cited several occasions when that had

²⁶ *Cincinnati Philanthropists*, July 14, 1840.

²⁷ *Ibid.*

happened. The report stated "Our legislators have made colored people prey of the thief, adulterer and murderer, by denying them legal protection."²⁸

However, despite the legal conditions of the time and the limited jobs held by Dayton blacks, some owned property and their own businesses. The businesses that were owned included barbershops, dry cleaners, and boarding houses. Several blacks were also engaged as individual craftsmen such as carpenters, shoemakers, stone masons, painters, whitewashers, and plasterers. Some exceptional black businessmen during that period were John Crowder and Jacob Musgrove, who in 1820, started a stage coach line in Dayton taking passengers to and from Cincinnati and Charles Russell, an architect who designed the First Wesleyan Methodist Church building in 1854.²⁹ Some early black citizens who owned property included; Benjamin Butler, John Dunlap, Thomas and Eliza Jefferson, Joseph Crowder, and Jacob Musgrave.³⁰

Even with their limited resources and restricted job opportunities, Dayton blacks rallied together to help each other through tough conditions. Blacks were denied the benefits that derived from the money collected from taxes for welfare programs. In 1829, an act was passed entitled "An Act for the Relief of the Poor," which authorized State officials responsible for the poor to request that indigent blacks leave the state voluntarily. If the blacks did not leave the state voluntarily, they

²⁸ Ibid.

²⁹ Edgar, *Pioneer Life in Dayton*, 192; Margaret Peters, "Black Businesses in Dayton, 1820-1920," (Dayton, OH. 1988), 9-11. Montgomery County Historical Society. A paper by local historian and president of the local Association of African American Life and History, Margaret Peters.

³⁰ Charles Austin, *Historical Record of African Americans in Dayton and Montgomery County, Ohio Beginning in 1802* (Dayton, Ohio, 1997) 8:239. Dayton and Montgomery County Library Genealogy. Dayton historian, Austin did a compilation of eight volumes of all known historical data and information pertaining to the vital statistics of African Americans who resided within Dayton and Montgomery County, Ohio from 1802-1910. The work also contains the recordings of the known black organizations, institutions and groups in the area from 1836 through 1920.

could be escorted out by local authorities.³¹ As a result of this law, a mutual aid society was formed by Dayton blacks in 1849, called the American Sons of Protection. This society prospered and helped many in the black community.³²

White citizens' early response to the presence of blacks in Dayton helped to shape blacks' self-reliance upon one another. The white townspeople were divided over the issue of slavery and these feelings mirrored the divided sentiment occurring all over the state of Ohio. Unfortunately, for Dayton blacks, it was the pro-slavery advocates that often exerted the strongest will and actions against the white abolitionists and black residents. Feelings on the issue of slavery turned into action in Dayton on several different occasions. But the bleakest incident in Dayton's early history that revealed the volatile political landscape that blacks found themselves in was the riot of 1841. It was during this event that the hatred of the pro-slavery advocates caused the greatest discord in the community, and caused significant consequences for blacks.

On January 23, 1841, some of Dayton's prominent white citizens, many of whom were part of the anti-slavery society, invited former U. S. Senator Thomas Morris to speak on the subject of abolition at the courthouse.³³ A native of Lebanon, Ohio, Morris had taken a decided stand in opposition to slavery and had addressed the controversy in Congress, declaring it to be his constant belief that it was

...wrong, in principle, in practice, in every country and under every condition.
...that slavery was so radically wrong that no time, place or circumstance
could palliate it, or give it even the appearance of being right, and that

³¹ Middleton, *Black Laws in the Old Northwest*, 131.

³² Peters, *Dayton's African American Heritage*, 18.

³³ *Dayton Transcript*, January 27, 1841. This paper was established in January of 1841, came under a title change in 1844 to the *Dayton Transcript and Ashland Whig*, and was dissolved in 1850.

American slavery was the most obnoxious of its kind, a libel upon our republican institutions.³⁴

While admired and respected by members of his Democratic party, his expressed opinions on slavery cost him the re-election of his senate seat in the 1838 Ohio legislature.³⁵ When Mr. Morris arrived at the courthouse to speak on Saturday, there was a large crowd already assembled determined to stop the lecture. Apprising the situation, Mr. Morris felt it was not safe to speak and did not go into the courthouse. Following that aborted meeting, it was announced on Sunday, January 24, in several churches, that an abolition meeting would be held on Monday at the home of Dr. Hibbard Jewett. On Monday, again, there were indications that hostilities would result from the meeting. But, because of the presence of the Mayor and other local officials, the meeting went on without any disturbance. However, immediately after the meeting was disbanded and police officers were no longer around, Dr. Jewett's windows were smashed and the house was broken into and vandalized. When the mob finished they went to the outskirts of the city, in the area where blacks lived. They had heard that a white woman was residing with blacks. However, the woman they were inquiring about was in fact a light-skinned black woman who people perceived to be white. When they inquired about the whereabouts of the woman the blacks told them she was not there. The whites then inquired about whether abolitionists were among them. During this inquiry a fight broke out and four or five whites were stabbed and injured and a white man by the name of Nathaniel McCreary was killed. The next day on Tuesday, January 26, after McCreary's death, a white

³⁴ Roseboom and Weisenburger, *A History of Ohio*, 155.

³⁵ *Dayton Transcript*, January 27, 1841.

mob returned and burned down the houses of blacks.³⁶ On Wednesday, January 27, the *Dayton Transcript*, which had reported a chronology of all the events, stated "We are in the midst of commotion. While we write, our streets are promenaded by men, in whose countenance are depicted, sorrow, consternation, horror and vengeance."³⁷ After this discussion, the newspaper went on to repeat a familiar theme of the past and one it would continue with in the future, pleading with abolitionists not to speak in their town. The newspaper article pointed out that there was a settled determination that existed among some citizens to prevent the discussion of slavery in Dayton. And while the writer admitted that this feeling was not universal, he felt in light of the recent events that there were sufficient numbers of citizens to prohibit the discussion entirely. The newspaper pleaded with the abolitionists, "You can do us no good—we wish none of your instructions—we own no slaves....See the bloodshed, the murder, the violence your mad schemes are inducing! Above all, see the sufferings of the Negroes, themselves, resulting from your visit."³⁸

Ex-senator Morris, upon hearing about the violence, lambasted the mob, reminding them about the constitution and the laws and declaring that they have no right to destroy the freedom of the press, and the liberty of speech. In posing the question of "Why should such an occurrence happen in Dayton?" he reasoned "I can assign no other reason than there must be large slave holders who reside in town and more whiskey is made in its vicinity than any other portion of the State."³⁹

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

³⁹ *Dayton Transcript*, February 10, 1841.

The events occurring in 1841 proved to be disastrous for Dayton blacks. The mob that formed drove the blacks out of their homes, pulling down and burning their homes when the temperature was below zero.⁴⁰ The destruction of their personal property and homes caused a large number of the black citizens to move northward to Detroit and Canada.⁴¹

These events, coupled with a cholera epidemic that started in the 1830s and peaked in 1849, caused Dayton's black population to decrease after the riot and many years thereafter.⁴² Unlike neighboring urban cities where black populations grew slightly between 1840 and 1850, the U. S. Census reported Dayton's black population at 326 in 1840, but only 280 by 1850. Even by 1860, the black population of 305 was still lower than in 1840.⁴³ The climate no doubt seemed too hostile. Many blacks that were not directly affected by the mob left anyway. One such person was John Broady, who left for Canada and stated "that he would not stay in a place that would use his people in that way."⁴⁴ However, his wife Charity Broady chose to stay and refused to leave the only home and friends she had ever known. She continued to work for her white family, and assisted abolitionists by helping guide fleeing slaves along dangerous paths and giving them food.⁴⁵ It should be noted that even though Dayton was not a major route of the Ohio Underground Railroad network, the city

⁴⁰ Edgar, *Pioneer Life*, 235.

⁴¹ Johnson, *History of Wesleyan Church*, 11.

⁴² Edgar, *Pioneer Life*, 233.

⁴³ *Sixth Census 1840*, 320; Charles Austin, *Facts of Record, Dayton and Montgomery County, 1802-1887* (Dayton, OH., 1987) Austin notes that differences in reported numbers from source to source in Dayton can be attributed to change in definition of "free colored"/"Negro"/"non-white" and the change in boundaries of Dayton Township/Dayton City; *Population of the United States in 1860; Compiled from the Original Returns of Eighth Census* (Washington: Government Printing Office, 1864), 388.

⁴⁴ Johnson, *History of Wesleyan Methodist Church*, 12.

⁴⁵ *Ibid.*

had four railroad stations of record, to aid runaway slaves from the South in their escape to freedom. Those stations included: Dr. Adam Jewett's house on 24 North Jefferson; a German Brethren meeting house at 3525 Dandridge Avenue; First Wesleyan Methodist Church on Wilkerson Street at the corner of Zeigler Street; and the residence of a wealthy black property owner, Mrs. Eliza Jefferson, who kept slaves in her home and claimed they were relatives from Pennsylvania, or stowed away slaves for transportation out of the area.⁴⁶

The blacks that did remain in Dayton after the riot in 1841 were more determined than ever and began to organize their efforts in order to survive in their surroundings. The first thing they did immediately after the riot was to organize the Fire Watchers. In describing the purpose of the Fire Watchers, Charity Broady pointed out that "instead of going to bed at night, we gather and sit outside all night with our families to watch our roofs lest some of the belligerent whites of the mob element set fire to our homes."⁴⁷ The other thing a number of blacks did was to organize a church, with members proclaiming "out of smoke and ashes of the mob, the First Wesleyan Methodist was born."⁴⁸ Under the leadership of Shadrach Green from Kentucky, the church organized in 1842 and aligned itself with the abolitionists in opposing slavery. White abolitionists of different congregations in the city joined the church and the church grew in strength and membership. The pro-slavery advocates were amazed at such a church and called this mixed congregation the Almagamated Abolitionist Church.⁴⁹ An attitude of self-reliance by blacks along with

⁴⁶ Austin, *Underground Railroad*, 2-3.

⁴⁷ Johnson, *History of Wesleyan Methodist Church*, 12.

⁴⁸ Ibid.

⁴⁹ Ibid.

the alliance with white abolitionists manifested itself in another way, the quest for education.

Efforts by Blacks to Organize Schools

While there had been various ongoing private school efforts for the education of whites in Dayton as early as 1799, free public education for "whites only" was established in 1831, but not opened to blacks until 1849. Forbidden by an 1829 law from attending public school, black citizens of Ohio and friends of black citizens began taking initiatives of their own to provide for their education beginning in the 1830s. Against a prevailing white sentiment that education would render blacks restless and inclined to violence, blacks took up their own cause to educate and elevate their people for full citizenship in America.⁵⁰

The African Methodist Episcopal Church (A.M.E.) was especially forceful and prophetic in the movement for education.⁵¹ As early as 1833, the Ohio Conference of the A.M.E. Church began discussions in favor of the "sacred and ennobling cause of education."⁵² During that conference their sentiments were recorded in the following resolutions:

Resolved, As the sense of this house, that the common schools, Sunday-schools and temperance societies are of the highest importance to all people, but more especially to our people.

Resolved, That it shall be the duty of every member of this Conference to do all in his power to promote and establish these useful institutions among our people.⁵³

⁵⁰ McGinnis, *Education of Negroes in Ohio*, 36.

⁵¹ McGinnis, *History and Interpretation of Wilberforce University*, 22-23.

⁵² Benjamin W. Arnett, *The Wilberforce Alumna. A Comprehensive Review of the Origin, Development and Present Status of Wilberforce University* (Xenia, OH., Gazette Office, 1885), 3.

⁵³ Ibid.

Even more directly, the 1838 Ohio A.M.E. Conference urged ministers to preach sermons to all their congregations on education, temperance, and moral reform, and in 1840 required discourses annually on education and Sunday school work. This same requirement was made of local ministers in 1843.⁵⁴

Although short lived, the first and oldest black church in Dayton was an African Methodist Episcopal Church. As early as 1833, a small group of members of the Wayman Chapel African Episcopal Church began meeting in homes and adopted the doctrine of the A.M.E. Church. An actual church was not built until 1840 in East Dayton near the intersection of Bainbridge Avenue and Dayton Towers Drive. However, following the riot in 1841, and the aftermath of vandalizing and mobbing, blacks fled the city and the congregation ceased to exist until a second congregation was formed in 1867.⁵⁵

Records of other early black churches in Dayton reveal that they promoted education in church. Such was the example of the Wesleyan Methodist Church of Dayton, that organized their first Sunday school in 1843. The school was divided into two departments of primary and adult classes and reported having many students in fourteen different classes.⁵⁶

Independent efforts by blacks to educate themselves began all over Ohio in the 1800s. In 1835, in a small settlement in Gallia County, a school of twenty-five students was maintained by the black people, who paid the teacher \$50.00 per quarter.⁵⁷ Black activist, John Malvin and other blacks in Cleveland opened a school

⁵⁴ Ibid.

⁵⁵ Norris, "History of Wayman Chapel African Methodist Episcopal Church," 1.

⁵⁶ Johnson, *History of Wesleyan Methodist Church*, 46.

⁵⁷ Hickok, *Negro in Ohio*, 89.

in a room of a mill in 1832, paying the teacher \$20.00 per month. In Cleveland, blacks also established The Young Men's Union Society in 1839, designed to promote reading and debating, "in order that we may become virtuous citizens and not be a disgrace to our country by our ignorance."⁵⁸ In 1835, \$1,000 was raised in Cincinnati to sustain black schools, with \$150.00 coming from blacks and the rest coming from their friends.⁵⁹

Shortly afterward, Cincinnati blacks, encouraged by a white teacher named Amzi Barber, formed a committee to study the need to promote education. As a result of the study, they organized an Education Society in 1836, to provide for "the support of schools and the education of destitute children." However, it was through the efforts of the State Convention of Colored Men, which repeatedly petitioned the legislature for the repeal of the black laws that the creation of an organized vehicle to promote and support black education throughout the state of Ohio came about. During a convention held in 1837 in Columbus, black leaders met to discuss measures to improve their status. Out of this discussion came the organization of the "School Fund Institution of the Colored People of the State of Ohio," later called the School Fund Society. The constitution called for officers, membership dues, and suggestions for possible sources of funds. One source mentioned was "annual appropriations from the State government, if it could be obtained."⁶⁰ The purpose of the School Fund Society was to promote the moral and religious elevation of the colored people of the state. The members of the convention appointed Cleveland school teacher and

⁵⁸ Malvin, *Autobiography of John Malvin*, 66-67, 17.

⁵⁹ Hickok, *Negro in Ohio*, 88.

⁶⁰ Erickson, "Color Line in Ohio Public Schools," 63.

secretary of the Convention, Mr. Molliston M. Clark, to be the agent to start the program by generating enthusiasm and raising funds. How the funds would be distributed was not clearly articulated.⁶¹

Dayton's involvement in this educational endeavor was recorded in the *Ohio State Journal* newspaper in 1839 and 1840. The newspaper printed the report titled, "Education Convention of The Colored People of Ohio."⁶² This report was presented at the Convention marking the second anniversary of The School Fund Institution of The Colored People in Ohio, held in Columbus during the first week of September in 1839. Ten counties were represented by twenty delegates. Rev. Claiborne Yancey of Chillicothe was president, and A. Barrett of Franklin County, Scippio Smith of Fairfield County, and John Malvin of Cuyahoga County, were all vice-presidents. James Davis, from Dayton, was the delegate representing Montgomery County. Mr. Davis was also the representative for the State Convention of Colored Men, which consistently petitioned for the repeal of the black laws.⁶³

At the Education Convention specific reports were given from nine areas that included: Cleveland, Chillicothe, Springfield, Zanesville, Circleville, Columbus, Dayton, Piketon, and Lancaster. Fourteen other school societies were patrons of the institution but did not make a report for this meeting. Some examples of the individual reports are as follows:

45 scholars have been taught five months in the school in Dayton. \$160.00 has been raised, a part of which has been applied to the aid of the school there. A lot of ground has been donated to the school society in Dayton, and a house has been built on it.

⁶¹ Ibid., 65.

⁶² *Columbus Ohio State Journal*, September 16, 1839.

⁶³ Ibid.

64 scholars have been taught in the school in Columbus six weeks this year, and 35 scholars taught one quarter. \$49.00 has been appropriated by the State Society to the school in Columbus. \$419 has been applied to the aid of the school in Columbus by the school society there.

In the school in Cleveland, 14 scholars have been taught seven months this present year. The school society there has raised and applied to the aid of the school, \$10.00--\$7.00 appropriated to that school by the State Society—the balance of the expenses was raised from the subscribers, or scholars.⁶⁴

The reports revealed that the individual cities did the best they could, with no uniform number of months of school attendance, and no uniform funding. The reports also did not reveal the content of what was taught in these schools. Dayton's school was one of only two schools listed in the reports that mentioned that they owned a lot for a school and that a house had been built to house a school. Chillicothe was the other location where a lot was purchased by the school society in order to build an academy.

After reports were made, delegates passed resolutions that encouraged the black citizens of Ohio to abstain from intoxicating drinks, to purchase land and engage in agricultural pursuits, to promote the cause of education where it does not exist, and to encourage their children to learn useful mechanical trades. They also gave thanks to the white ladies of the state who were promoting the cause of education, morality, and religion. In making their financial report, which included the expenditures and receipts, they presented an impressive list of fifty-three cities in the state of Ohio that contributed to the School Fund Society.⁶⁵

The *Colored American*, a black newspaper in New York, also published a copy of the 1839 School Society report. The editor of the newspaper, Charles B. Ray,

⁶⁴ Ibid.

⁶⁵ Ibid.

made comments about the efforts of Ohio blacks, which he compared to the disgraceful situation in New York. In a tone, that appeared to be chastising New York blacks for not having any schools for its black inhabitants, the editor stated that they would do well to emulate those in Ohio.

He pointed out that in a state with oppressive laws, contiguity to the land of whips and chains and with people who were mostly agriculturists or boatmen scattered throughout the state, the blacks still managed to have a "State Society of African-Americans who raised money for the education of their children."⁶⁶

As noted in earlier chapters, black Daytonians also began early in demonstrating that the role and importance of education in self-development was crucial. Beginning in 1833, the first black church and first African Methodist Episcopal Church (A.M.E.) in Dayton adopted the national A.M.E. objective of "religious education for its members" along with several other objectives.⁶⁷ Along the same lines, the Wesleyan Methodist Church, in 1843, organized the Sunday School for the education of the children and adults.⁶⁸

The next Education Convention was held in September, 1840 in Columbus, Ohio. The third annual School Fund Institution of the Colored People of the State of Ohio received and printed reports from the following areas: Circleville, Lancaster, Champaign County, Xenia, Dayton, Springfield, Chillicothe, and Zanesville.⁶⁹

Dayton made a short report that stated:

⁶⁶ Nancy E. Aiken and Michel S. Perdreau, "The Situation of African-Americans in Ohio 1839-1863: Abstracts from Newspapers and Meeting Minutes with Special Emphasis on Education," *The Report* 35 (Fall 1995): 139. A publication of The Ohio Genealogical Society.

⁶⁷ Norris, "History of Wayman Chapel African Methodist Episcopal Church," 1.

⁶⁸ Johnson, *History of Wesleyan Methodist Church*, 46.

⁶⁹ *Columbus Ohio State Journal*, September 16, 1840.

In Dayton 30 scholars have been taught 12 months, at a cost of \$240. Had from the agent \$29.50; had from the State Society \$5.00; total, \$274.50.⁷⁰

While the number of Dayton students dropped from the previous year, the amount of time students spent in school was much longer, going from five months to twelve months.

In addition to presenting the specific reports of schools and the receipts and expenditures of the School Fund, the delegates again proposed some resolutions. The delegates encouraged the colored citizens of Ohio to patronize *The Colored American* newspaper in New York because of the great accomplishments it was making in the eastern part of the country. They also encouraged citizens of free states to attend the National Convention to be held in Pittsburgh on the first of August in 1841. The purpose of their attendance was to celebrate the emancipation of slaves in the West Indies and to "fulfill the duty of every free black to exercise their rightful powers to elevate the condition of their people in every way that can be done."⁷¹ The educational and political responsibilities of blacks were intricately bound.

The efforts of the School Fund Society lasted for about three years before disbanding in 1841. There was some internal strife on its first anniversary in 1838 that impacted its effectiveness in future years and no doubt resulted in its short life.⁷²

While the minutes of the explosive 1838 meeting were not recorded in the proceedings of a February 14, 1839, meeting held in Cincinnati, the proceedings of the meeting did, however, reveal the story that the organization's largest star,

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Erickson, "Color Line in Ohio Public Schools," 66.

Cincinnati, disassociated itself from the School Fund Society.⁷³ A large meeting of Cincinnati black citizens convened in February 1839 for the purpose of adopting a report that was partially written by vice president of the School Fund Society A. M. Sumner and local secretary, George Cary. The report of the officers criticized the way the School Fund Society was being managed and argued that the Society "promises little, if any, benefit to the community." The report accused the society's officers of usurping power and blocking auxiliaries that were considered to be unfriendly to the plans of the group. They charged the "northern party" with attempts to stall the reports until the end of the convention so that there would be no time for discussion. Of particular focus was agent Mr. Clark who was singled out for wasting funds and making comments in a Columbus newspaper denying any connection by the Society with abolitionism.⁷⁴

The other officers of the Society addressed the charges by pointing out the successes of the Society while ignoring the charges of usurpation of power. They showed that money had been collected, lots donated, and publicity generated as a result of the debates on the petition to the General Assembly. Agent Clark also responded with a clarifying statement, which denied any intention to condemn abolitionists, but pointed out that his statement was made to clear abolitionists of charges in the Assembly of being connected with the Society. These explanations did not go over well with the Cincinnati group and they were not impressed. The Cincinnati delegates' names did not appear on the next two annual meeting reports,

⁷³ Ibid., 66-72.

⁷⁴ Ibid.

nor did they submit any reports in the future to indicate any activity of the School Fund Society in Cincinnati.⁷⁵

While this event was a blow to the School Fund Society organization as a whole, some good did come of it. Amzi Barber, a white abolitionist teacher, who was highly respected and trusted among Cincinnati blacks, was invited in to audit the books. There were also changes and more accountability put into effect in the by-laws. The new by-laws addressed many of the complaints filed by adopting that:

1. No monies shall be paid out of this Society, except to the Societies of this institution.
2. It shall be the duty of the Treasurer, to make a dividend quarterly, of all the monies in the Treasury, and pay equal sum to each of the School Societies.
3. The Executive Committee shall have the power to appoint their own Chairman.
4. The President shall have power to convene the Executive Committee, when in his opinion the necessities of the Institution require it, at such time and place, as shall, from time to time, be determined upon.
5. It shall be the duty of the Agent to visit, as speedily as possible, the several Counties where school societies exist, and confer with the Trustees of said Societies, as to the best and most speedy way of raising means in each individual County, for purchasing lots and building school houses where needed.
6. All the money that Agents collect in each individual County in which a Society exists, shall be deposited in the Treasury of that County; and he shall take a certificate of deposit, and make a faithful report to the President of the State Society, quarterly.
7. All the money which the Agent shall collect in Counties where no school Societies exist, shall be paid into the Treasury of the State Society, as often as once a quarter.
8. Each School Society shall expend the money deposited in its Treasury, in sustaining Schools under its care, and make an annual report to the Chairman of the Executive Committee of the State Society, at least six weeks before the annual meeting, of the number of pupils taught, and all monies received and disbursed.
9. It shall be the duty of the Agents to make a monthly report for publication in the *Philanthropist* and *Ohio State Journal*, of the monies received and paid over, during the month.

⁷⁵ Ibid.

10. These By-Laws may be altered or amended at the annual meeting of the State Society, by the rule for altering the Constitution, No. 2nd.⁷⁶

These by-laws reveal the new procedures for handling, collecting, distributing, and the reporting of monies of the State Society. The newspapers are the only record of the by-laws of the State Society, and are therefore recorded above in their entirety and in their original state.

Although these improvements were made, there was only one more recorded meeting of the State School Fund Society in 1840. Blacks, however, continued to hold local society meetings throughout the state from time to time and continued working with abolitionists by merging their activity into political agitation to push for full rights.

Ohio Ladies Society for Education

At the same time blacks were organizing their efforts to better themselves through education, white abolitionists continued to advocate on the behalf of blacks for education and the repeal of the black laws. The abolitionists, recognizing the need to prepare blacks for citizenship, "proclaimed as a common purpose of their organization, the education of blacks with a focus to develop in them self-respect, self support, and usefulness in the community."⁷⁷ A major part of private efforts for black education in Ohio was by white anti-slavery women in the late 1830s and early 1840s.

Encouraged by leaders of the Ohio Anti-Slavery Organization, white women of anti-slavery sentiments were urged to help in the propaganda campaign. In the area

⁷⁶ *Columbus Ohio State Journal*, September 11, 1839.

⁷⁷ Carter G. Woodson, *The Education of the Negro Prior to 1861* (New York: Arno Press and *The New York Times*, 1968), 70.

of education, they were asked to help furnish funds to those women already working in black schools.⁷⁸ During 1837 and 1838, a central committee evolved and individuals from all over the state participated and sent monies and shared information. Because money became so tight in 1840, changes were made to the system in order to make it more efficient and to better underscore the purpose of the organization. Part of the change was to separate from the regular anti-slavery societies, and be called the "Ohio Ladies Society for the Education of Free People of Color," thereafter called the "Ladies Society."⁷⁹

While the efforts of the Ladies Society were felt all over Ohio, they did not teach black children directly or attempt to own property or administer the schools themselves, as was the case with the black citizens of the School Fund Society. Their efforts were centered on finding teachers for certain areas, finding lodging for the teachers, and providing funds to help supplement the teachers' salary. Additionally, their efforts were centered in the rural areas rather than the urban areas. The attention to rural areas may have reflected the abolitionists' emphasis on farming and the trades as virtuous enterprises.⁸⁰

It is through the Ladies Societies' reports to the central committee published in the *Philanthropist* newspaper that we know which counties or cities had schools supported by their efforts. From 1839 to 1846 the Ladies Society helped support about 23 schools in Ohio.⁸¹ The Ladies Society operated a school in Dayton in 1839 and 1840. In an 1839 Ladies Society report printed in the *Philanthropist*, titled

⁷⁸ Erickson, "Color Line in Ohio Public Schools," 72-76.

⁷⁹ Ibid.

⁸⁰ Ibid., 82.

⁸¹ Ibid., 83.

"Education Among Colored People," teachers shared their experiences throughout Ohio. A number of reports were very encouraging to the public, including one from a Dayton teacher who wrote:

I commenced school here a little more than a year ago. They have never had any school here before. The scholars have improved as fast as any I have ever taught. Some that commenced in their letters can now read quite intelligibly and write a fair hand, and have commenced studying Arithmetic.⁸²

Other similar comments were made by teachers in other areas. A Springfield teacher reported " ... I think they have made progress better than any other I have ever taught;" the teacher at Wayne in Jefferson County wrote "... They improve as fast as I have ever known white children to do;" the Milton Township teacher wrote, "They seem to have a thirst for knowledge."⁸³

However, challenges and obstacles in instruction were reported as well. In writing about some of these frustrations, a Dayton teacher wrote:

There are several persons who have sent their children to school ever since it commenced, (nearly a year) who have not paid a cent, and will not even get their children books or furnish me money to do it.... I have asked for it repeatedly, as they have often promised.⁸⁴

Other frustrations noted by teachers were finding suitable schoolrooms, difficulties getting to and from school, and the lack of discipline from parents that brought students to school. The teachers also met their own personal struggles outside the classroom. The Ladies Society reported that the general public appeared to think that these teachers had not only disgraced themselves by engaging in such an employment, but, disgraced to some degree anyone who boarded them. Still, they

⁸² *Cincinnati Philanthropist*, November 25, 1839.

⁸³ Ibid.

⁸⁴ Ibid.

persevered, guided by what they believed were the principles and responsibilities of Christians in regard to education.⁸⁵

In 1842, a report on Dayton black education was again mentioned in the *Philanthropist*, in an article about the second annual report of the Ladies Society. Again, teachers from all over the state of Ohio commented on the educational status of their area. The brief Dayton report was as follows:

No firm number of black inhabitants was available but the estimate was several hundreds. Mrs. Lane of Cincinnati taught a good school in the Dayton settlement. However, African-Americans in Dayton were assaulted by mobs. After the last mob drove many from their houses, many died from exposure. They slept in the woods on the ground in the winter. Quite a few left to find homes in Detroit but few reached there due to fatigue and sickness.⁸⁶

The Dayton education report centered more on the tragedy of the 1841 riot and confirmed earlier reports of the devastation of the riots to the black citizens. Still, even under these conditions, the report indicates there were continued efforts toward black education in Dayton.

While reports from the Ladies Society and the School Fund Society were incomplete, providing no more information than from the local auxiliaries, they did tell us that private education for blacks did in fact exist in some geographical locations in Ohio before the beginning of public education for blacks in 1849. The activity of the Ladies Society lasted from 1839 to 1846, with reports about their schools being published through 1843. Reasons for the Ladies Society not being able to maintain the black schools included teacher shortages and the availability of training.⁸⁷

⁸⁵ Ibid.

⁸⁶ Aiken and Perdreau, "The Situation of African-Americans in Ohio," 142.

⁸⁷ Erickson, "Color Line in Ohio Public Schools," 88.

The School Fund Society, the Ladies Society, the black churches, and efforts from other friends of blacks, all contributed significantly to the movement toward education for blacks. In spite of the difficult conditions, these private educational activities and efforts continued in Dayton in various forms until the law of 1849 allowed black children to attend public schools.

CHAPTER V

THE DEVELOPMENT OF FREE PUBLIC SCHOOLS

School Laws and the Development of Dayton Public Schools

While Dayton's history reveals that white settlers began as early as 1799 in initiating a number of private schools and progressive teaching methods, public schools did not come into existence in Dayton until 1831.¹ As mentioned in an earlier chapter, progress for the development of public schools took place slowly in Ohio, taking place eighteen years after statehood. In the early years of statehood, Ohio was a frontier community, settled by people who, by the nature of their situation, were compelled largely to be self-reliant, and to solve their own problems, including those of education. In addition to the settlers being very self-reliant, there were varying opinions as to the proper agency to support and control schools. Some thought schools should be controlled by the church, some thought this was the responsibility of the parents in the home, and others were accustomed to thinking of public education as charity for the poor.² As the will of the people of Ohio began to form, a number of legislative acts paved the way to making public schools a reality in Dayton.

The first legislation addressing education in any manner was the Act of 1806, which gave town trustees authority to divide the township into districts for the purpose of establishing schools, but were not mandated to do so.³

¹ H. W. Crew, *History of Dayton, Ohio with Portraits and Biological Sketches* (Dayton, OH.: United Brethren Publishing House, 1889), 277.

² McGinnis, *Education of Negroes in Ohio*, 10.

³ Edward A Miller, "History of the Educational Legislation in Ohio From 1830 to 1850," *Ohio Archaeological and Historical Quarterly* 27 (January-April, 1918): 26. Miller summarizes all nineteenth century Ohio public school laws including those relevant to the study of race and education.

However, the trustees were directed to divide the profits arising from the sale or lease of school lands among the districts that were established in proportion to the inhabitants. Those townships that did not divide into districts did not receive money. The primary interest of this legislation was in the management of section 16, which provided land grants of one section to each township. The land grants helped put forth the idea of statewide education.⁴

However, Ohio's first school law did not come until 1821. Its purpose was to provide for the regulation and support of common schools. This law authorized the levying of a tax for the support of Ohio's schools and laid the foundation for the public school system in Ohio.⁵ While this law permitted the trustees of townships to levy a tax for the establishment of schools, it was not compulsory. The specific features of this statute permitted a township to divide itself into school districts, to elect school committees, to tax itself, to buy land, and to help pay the tuition of poor children unable to pay.⁶ McGinnis notes that the charity clause in this law did much to defeat the purpose of an otherwise liberal piece of legislation.

A second law was passed in 1825 that compelled the trustees of the townships to organize school districts and established a uniform system of taxation. While the former law left it up to each district to determine its own taxation, the new law required the levying of a one-half mill tax, "to be appropriated for the use of common schools ... and these schools be opened to youth of every class and grade without

⁴ Ibid.

⁵ Hickok, *Negro in Ohio*, 80.

⁶ McGinnis, *Education of Negroes in Ohio*, 11.

distinction.”⁷ Judge George B. Holt, a Dayton citizen, was a member of the legislature in that year and was an active advocate of that measure. This legislation was the first attempt to protect children of the state from incompetent teachers by providing for the appointment of school examiners to supervise and to certify teacher qualifications. The law secured the “instruction of youth in reading, writing, and arithmetic” and applicants for certificates were examined in these areas in what was called the “Single Rule of Three.” Interestingly, the teachers and patrons of education viewed the actions of school examiners in fixing the standard of qualifications as “needlessly severe.”⁸

However, because the tax levied was only one-half mill on the dollar and was inadequate, it was said to have done little immediate good in providing for public education. Revenue derived from the county tax and the receipts from school lands all over Ohio was too insufficient to maintain free schools for more than a few weeks in the year. An example of how insufficient the funds were was noted in the books of the auditor of Montgomery County, which revealed in 1829 that the total amount for school purposes apportioned to Dayton was one hundred and thirty-three dollars.⁹ Despite the weakness of this law, it is usually regarded as the beginning toward a sound public school organization for the state because it established the principle of direct taxation for the support of schools.¹⁰ A number of school laws were passed in 1829, 1831, 1834, and 1836, all of which were modifications of the 1821 law.

⁷ Hickok, *Negro in Ohio*, 80.

⁸ *A History of Education in the State of Ohio: A Centennial Volume* (Columbus: Gazette Printing House, 1876), 95-96. Prepared by the Centennial Committee of the Ohio Teachers Association and published under the authority of the Ohio General Assembly.

⁹ Crew, *History of Dayton, Ohio with Portraits*, 217.

¹⁰ McGinnis, *Education of Negroes in Ohio*, 12.

As discussed earlier, the laws of 1821 and 1825 did not mention the black child, but did state that there should be "no distinction." However, the amended law of 1829, made it clear "that nothing in this act shall be so construed as to permit black or mulatto persons to attend said schools...."¹¹ This exclusion was in effect until 1849.

The law of 1831 was an act "to provide for the support and better regulation of common schools." It allowed for more taxes, three-fourths of a mill on taxable property, for the use of common schools "for the instruction of white youth of every class and grade...."¹² Although the law had provided partial support by taxation before 1831, the school district of Dayton was not formally organized until 1831. Reasons for this delay included inadequate funding, and the existence of private schools such as the Dayton Academy and independent schools run by prominent citizens.¹³

In May 1831, a meeting was held in the Montgomery County courthouse and the appointment of the school directors, clerk, and treasurer was made. Shortly afterwards, a board was regularly elected, and the schools were organized by the following notice:

First District will be opened Monday, December 5, 1831, by Sylvanus Hall, approved teacher, in the schoolroom on Jefferson Street, between Water and First streets. Public money appropriated to support it.¹⁴

Three additional rooms were soon opened in different locations in the city for the convenience of students after opening the first one on Jefferson Street. The Dayton Public School had a very modest beginning because tax earnings were still so

¹¹ Middleton, *Black Laws in the Old Northwest*, 34.

¹² Ibid.

¹³ Crew, *History of Dayton, Ohio with Portraits*, 219-227.

¹⁴ Beers, *History of Montgomery County, Ohio*, 686.

inadequate that the school only operated a few months a year and had to charge tuition of one dollar per quarter to those students who could afford to pay.¹⁵ From 1831 to 1838, the students were taught for only a few months each year in rented rooms. During that time, no public school buildings had been erected and the majority of citizens still sent their children to private schools.¹⁶

It should be noted that in the first thirty years of Ohio statehood, that the legislation recognized only the district school in the general school laws. This was due to the rural nature of the state in the early years and partly as a result of the attitudes of the decentralizing tendency in school affairs by settlers. It was not until the law of 1838 was passed that any recognition was given to the fact the educational needs of cities and towns were different from those of the rural areas.¹⁷

Certain courses of events soon elevated the importance and distinction of needs in public education in Ohio and the city of Dayton. The legislature, eventually realizing the loose organization of state school affairs in regard to gathering district statistics, the need to get legal information out to districts, and the need to better understand the needs of districts, created the Office of Superintendent of Common Schools to address these issues. Samuel Lewis, from Cincinnati, was elected to be the State Superintendent of Schools in 1837.¹⁸ He was born of poor parents in Massachusetts in 1799. In 1813, Lewis' entire family, consisting of nine children and mother and father, moved west to Cincinnati to seek a better fortune. He had a limited

¹⁵ Virginia Ronald and Bruce Ronald, *School Days: An Informal History of Education in Montgomery County, Ohio from 1926 to 1990* (Dayton, OH: Landfall Press, 1991), 18.

¹⁶ Beers, *History of Montgomery County, Ohio*, 686.

¹⁷ Miller, "History of the Educational Legislation," 59.

¹⁸ Crew, *History of Dayton, Ohio with Portraits*, 228.

school education, ending by age ten, with most of his instruction being given to him by his grandparents at home. After securing a position in Cincinnati's office of the Clerk of Courts at age twenty-one, he began to study law, passed the bar, and began his law practice.¹⁹ Lewis also became a licensed local preacher in the Methodist Church in 1824. As an active member of the community, he exhibited his powers as an orator in behalf of temperance and popular education. He served as a trustee for two high schools in Cincinnati, and was highly thought of by "active intelligent teachers of the state" who felt he could best lay the deep and broad foundation needed for state education.²⁰

Upon being elected State Superintendent, Lewis approached his new position enthusiastically, and visited every part of the state, giving speeches to citizens on the importance of education and the laws pertaining to education. After many observations and visitations throughout the state, Lewis submitted a report in which he made recommendations to the legislature that resulted in the Act of 1838. This act provided better support and better regulation of Common Schools and created permanently the Office of Superintendent of Common Schools. The recommendations Lewis made to the legislature included: school libraries, a state school fund of two hundred thousand dollars, township high schools, township Board of Education, evening schools in towns and cities, county superintendents, a school journal to be distributed to school officers gratuitously, encouragement of Teachers' Institutes, authority for districts to borrow money to erect school houses, the

¹⁹ James J. Burns, *Educational History of Ohio* (Columbus, OH: Historical Publishing Company, 1905), 420-421.

²⁰ *A History of Education in the State of Ohio*, 421-423.

employment of women as teachers, and full reports from teachers and school officers. In addition, cities and towns were declared separate school districts and were given the power to establish schools of different grades. The act of 1838 resulted in the organization of the state school system and was the most important and complete act bearing upon public education passed in Ohio from 1803 to 1850.²¹

It was because of one of Lewis' speeches that led to a public meeting in Dayton in 1838 in the courthouse that resulted in the construction of two school buildings.²² The law of 1838 provided that a special meeting could be called after twenty days' notice, "stating an intention to propose a schoolhouse tax, at which a majority of the voters present who are householders, were authorized to determine by vote on the erection of a schoolhouse and how much money should be raised for that purpose."²³ Legal notice was given and the meeting was held with much discussion and strenuous opposition to the levy of the tax by a few wealthy citizens. Part of the reason for the opposition was that the country was coming out of a depression and money was scarce. There were broken banks, unpaid taxes, and depreciated currency. However, the majority vote carried in favor of the tax with the help of such citizens as General R. C. Schenck, a young lawyer, who spoke eloquently at the meeting, advocating schools and libraries to promote intellectual and moral culture. The majority decided that the amount to be raised would be fixed at six thousand dollars to build two schools on the eastern and western parts of the city.²⁴

²¹ Miller, "History of the Educational Legislation," 33.

²² Crew, *History of Dayton, Ohio with Portraits*, 228.

²³ Beers, *History of Montgomery County, Ohio*, 687.

²⁴ Crew, *History of Dayton, Ohio with Portraits*, 228.

By September of 1839, Dayton had two schoolhouses. One school was located West Side of Perry Street, and the other on Brown Street. The three-member board of directors enthusiastically opened the new schools with a male principal and assistant and three female teachers in each building.²⁵ This was the beginning of a more organized school system in Dayton, with each school lengthening the school term to three-quarters of twelve weeks each.²⁶

Even with the zeal of the newly elected directors in opening the two new schools, financial obstacles would continue to plague the development of the Dayton school system for years to come. Maintaining a consistent length of time that schools would be open each year was greatly affected by the funds collected. Lewis, speaking to the legislature during this period, noted that common schools in towns and villages were poorer than those in the country. He stated that country neighborhoods depended on the public schools more and "took a deeper interest in the common school because the means and opportunities for establishing and supporting private schools were not so abundant in the country as in the cities and towns."²⁷

However, there were a few towns and cities that felt the inadequacy of the general laws in providing for any suitable system of schools and asked and received special charters from the state. Special charters were requested by cities because all of the Ohio school legislation prior to 1850 lacked any form of compulsion. The general applications of the laws for municipalities were totally permissive in character. The laws simply pointed out ways in which schools could be legally established and

²⁵ Ibid., 231.

²⁶ Beers, *History of Montgomery County, Ohio*, 687.

²⁷ *A History of Education in the State of Ohio*, 97.

organized. No matter how excellent the ways of doing things were laid out or how great the need in the community might be, the municipality was under no compulsion to follow and implement them. In light of this lack of compulsion some of the more progressive cities sought efforts for better educational conditions. Dayton was one of those progressive cities in Ohio.

In 1841, Dayton followed the lead of Cincinnati and requested and was granted a special charter for the governance of their schools. Securing the school charter gave the city an organized, tax supported, free system of common schools. The control of the common school was turned over to the City Council and remained under the control of the city until 1855 when the office of the Board of Education was created.²⁸ A transition Committee of the City Council was appointed to take charge of the schools from the elected directors. The committee, in making a report on the condition of the schools, found it necessary to suspend schools from April 1841, to January 1842 in order to discharge the indebtedness incurred by the former directors. But even the former directors had to shorten the length of schools to six months in 1840 and then suspend school completely until January 1841, in order to try to close the year without debt. But debt was still incurred because the poll-tax of fifty cents could not be collected from the students and the anticipated \$800.00 could not be attained.²⁹

To help deal with some of the financial burdens that the schools would continuously encounter, the City Charter incorporated the Law of 1838, which allowed the city to fix the levy for school purposes in Dayton at two mills. The

²⁸ Beers, *History of Montgomery County, Ohio*, 687-693.

²⁹ *Ibid.*

charter further directed that the "school tax so levied, and all other funds that may be collected or accrue for the support of common schools, shall be exclusively appropriated to defray the expenses of instructors and fuel and for no other purposes."³⁰ The charter did not make any provisions for contingent expenses, so it was still necessary to charge a tuition fee of fifty cents to the students who could pay it. All parents who could not pay were not required to, and the school system still struggled financially.

The length of time the Dayton schools stayed open in the 1840s varied in time from a few months, to being periodically closed, to being opened for six months. Time in school was lengthened, as the funds would justify it, until 1849, when finally the full school year of nine months was reached.³¹ As difficult a period of time period that this was for Dayton, financially, records reveal that Dayton schools were more organized than many areas of Ohio.

When Samuel Lewis retired from his position as State Superintendent in 1839, due to failing health, there was evidence of decline in the interest of schools throughout the State from 1840 to 1845. The state school statistical records revealed that from 1840 to 1853 there was a severe drop in the number of school houses built and a significant drop in the average number of weeks schools were in session. For example in 1839, 735 schoolhouses were built, while in 1841 and 1842, 123 and 153 were built, respectively. The average number of weeks schools were in session in 1838 was 16.64, compared to 13.32 in 1841.³² There was one significant factor that

³⁰ Crew, *History of Dayton, Ohio with Portraits*, 231.

³¹ Beers, *History of Montgomery County, Ohio*, 691.

³² *A History of Education in the State of Ohio*, 99, 336, 447.

led to this decline. After Lewis's retirement, there was much wrangling in the Senate and House over continuing the State Superintendent office, which ended in the merging of the duties of the State Superintendent with those of the Secretary of State. The State Superintendent position was abolished in 1840. The newly merged office was structured to be more clerical in nature and centered on tabulating and transmitting school statistics, rather than speaking around the State on the value of education, meeting with educational professionals, advocating a State Normal School, and promoting a more centralized interest of schooling in one office.³³ This lack of emphasis left a huge void and the effectiveness of the school organization created by the legislation of 1838 was destroyed when the office of State Superintendent was abolished. Edward Miller, who did a study on educational legislation in Ohio, commenting on the abolition of the State Superintendent stated "the result was to leave Ohio educationally a generation behind the position she might have occupied had she lived up to the full promise of the law of 1838."³⁴

In 1844, Samuel Galloway was elected to the office of Secretary of State. He was said to have realized the need of an educational revival and was determined to employ all the agencies of his office to accomplish this. Looking at his workload ahead of him, Galloway complained that there was lack of cohesion, responsibility, supervision, and vigilance in local schools. His report made further complaints about every section of the state, pointing out the inefficiency of the township and district superintendents, the lack of uniformity in length of school terms, incompetent teachers, the lack of interest and action on the part of parents and students, and the

³³ Miller, "History of Educational Legislation," 140.

³⁴ Ibid.

dereliction of duty by county auditors and township clerks for not visiting schools and making reports.³⁵ Speaking on the condition of the common schools in his first annual report, January 15, 1845, he stated:

No other interest of the State has been so shamefully neglected: and no other visited with the same chilling indifference would have hopelessly perished. The common school system was started under favorable auspices ... but for a few years past, it has been doomed to an orphanage—gradually deepening in bitterness of its destitution. Condemned by many, neglected by all, and actively patronized by but few, it must sink into insignificance unless it is quickened by the impulse of a new life, and be enabled to manifest its proper value and power in the utility and splendor of its achievements.³⁶

While a number of schools were organized during the 1840s under the various laws, it took some time for the proper implementation of these laws to occur throughout the State. Part of the problem were the laws themselves. In a report to the State Commissioner of Schools in 1853, the Secretary of State and County Auditors on the condition of the school laws prior to the act of 1853 stated:

Our present school laws are contained in so many different acts and volumes, and they are so amendatory, repealing, and modifying—not to say conflicting—acts and clauses, that they are almost perfectly unintelligible to men of ordinary capacity and research. In reading any school law, other than that of last winter, the reader knows that he is reading what once was law; but he is still left in doubt whether or not it is now law.³⁷

During this time in history common schooling was in its infancy and was more ideological than pedagogical in nature. Its early purpose was seen as offering free universal education, giving everyone an equal chance, regardless of status. Advocates of the common school during that time were more concerned about

³⁵ McGinnis, *Education of Negroes in Ohio*, 13.

³⁶ *A History of Education in Ohio*, 337.

³⁷ Burns, *Educational History of Ohio*, 74.

effective moral and civic training, rather than the support of a particular institutional structure for schools.³⁸ It was well into the middle of the nineteenth century before there were efforts to establish a well-coordinated and well-supervised system of public schools in Ohio.³⁹

Establishment of Separate Public Schools for Black Children in Dayton

In following the educational development of public education in the state and in Dayton, it becomes evident that in 1848, when the law allowed for public schools for black children to attend, the state's educational system was struggling. Among the problems that impacted the education of black and white children were the lack of organization, the lack of a compulsory component to school laws, and the lack of adequate finances to support the local schools.⁴⁰

The first general law providing for the education of black children occurred in 1848, when a department of common schools for black children was created. This law authorized the trustees of each township to appoint directors of their own numbers, to establish one or more school districts for black children, to use the taxes of black taxpayers, to erect or repair school houses of their own, to procure suitable teachers, and to manage the schools according to the same standards that existed in white schools.⁴¹ Prior to this time the property of blacks had been exempted from property taxes. This law allowed for the money collected from property taxes of black people to be used to support black schools wherever they were established, but added the

³⁸ David Tyack and Elisabeth Hansot, *Managers of Virtue: Public School Leadership in America, 1820-1980* (New York: Basic Books Publishers, 1982), 30.

³⁹ McGinnis, *Education of Negroes in Ohio*, 14.

⁴⁰ Miller, "History of the Educational Legislation," 142.

⁴¹ McGinnis, *Education of Negroes in Ohio*, 32; Middleton, *Black Laws in the Old Northwest*, 38.

money to the common school funds in those districts in which black children were allowed to attend. If there were fewer than twenty black students in the district, they were to be admitted to white schools if there was no written objection filed with the directors. If there were fifty black students living in a single district, such districts were encouraged to divide into two or more districts.⁴²

During the next legislative session, the law of 1849 was passed and it was similar to the law of 1848. However, in the 1849 law, due to racial prejudice on the part of legislators, it became mandatory upon the trustees of the township or incorporated town or city to provide separate facilities for black children unless the people were willing for such children to attend with the whites.⁴³

In accordance with the 1849 law, every district that had black residents within its territorial limits was required to establish a separate black school district, and upon the establishment of such districts it became mandatory for black children to attend the black schools.⁴⁴ On October 26, 1849, the Dayton City Council passed an ordinance to create a separate school district within the corporate limits of the city, to establish that district "in which schools for colored children may be opened."⁴⁵ The *Dayton Journal and Advertiser* printed this action by the council as follows:

An Ordinance

To create a separate School District in the city of Dayton.

Sec. 1. Be it ordained by the City Council of Dayton. That the territory included within the corporate limits of said city is hereby established a separate school district in which schools for colored children may be opened, in accordance with the provisions of an act entitled to authorize the establishment of separate districts for the education of colored children, and

⁴² Miller, "History of the Educational Legislation," 58.

⁴³ McGinnis, *Education of Negroes in Ohio*, 32.

⁴⁴ McGinnis, *Education of Negroes in Ohio*, 32-33.

⁴⁵ *Dayton Journal and Advertiser*, November 13, 1849.

for other purposes, passed by the General Assembly of the State of Ohio, Feb. 10, 1849.... Passed October 26, 1849.⁴⁶

Although the ordinance was passed to create a separate school in 1849, a school for black children was not opened until 1850. In 1850, there were 280 blacks in Dayton, with 71 children recorded to be of school age.⁴⁷ Originally under the law of 1849 the management of the education of black children was the responsibility of black citizens. From 1849 to 1853 the education of black children was under the supervision of the black trustees.⁴⁸ An amendment passed in 1853 placed the separate black schools under the management of local white officials, with section 31 stating "... all such schools so established for colored children shall be under the control and management of the board of education, and other officers who have in charge the educational interest of the other schools..."⁴⁹ This amendment came about because the black trustees were not allowed to handle public tax monies because they could not qualify as office holders by law under the Ohio Constitution. White local officials also took over management because funds collected on black property were not sufficient to pay the teachers' salaries or construct schoolhouses. While the names of the black trustees did not appear on record, it should be noted that in the 1850s the black trustees of the Wesleyan Methodist Church, where the first public school was held were William Madison Penn, Martin Clinton, and Henry Lee.⁵⁰

⁴⁶ Ibid.

⁴⁷ Charles Austin, *Black People in Dayton and Montgomery County, Ohio from November 1802-July 1887* (Dayton, Oh: 1987), 75. (Section titled "Facts of Record") Published by Charles Austin and housed in Dayton and Montgomery Library Genealogy Records.

⁴⁸ Middleton, *Black Laws in the Old Northwest*, 39.

⁴⁹ Ibid., 41.

⁵⁰ Johnson, *History of the Wesleyan Methodist Church*, 15.

Conditions of Black School

The beginning of public schooling for black children in Dayton started under somewhat poor conditions. From the 1850s to the 1860s local school officials held classes for black children in the basement of Wesleyan Methodist Church, located at the extreme southern section of Dayton on Zeigler Street, near South "short" Wilkerson Street.⁵¹ The church was surrounded by shacks, dirt lots and spill off from the Mad River which carried a strong stench. The church itself was a small wood frame building, with missing wood slats and an outhouse in back of the building. This small church was built in 1842, but later, in 1854, a larger church was built on the same lot because the first church "was too small to hold the growing congregation."⁵² In both the old and new structures, classes were held in the rented church basement. This school was informally called "The Colored School District," but formally called the "Colored-Tenth School District" beginning in 1874 by the school district. The physical structure was described as having creaky steps that led down to the basement which was dimly lit, cold, damp, and musty, with a small wood burning stove in the center of the room. The room had only the bare essentials for educational needs. The cluttered basement consisted of a cracked black board that was not replaced until 1864, along with long wooden benches and used desks.⁵³

As disheartening as the physical classroom and poor educational essentials were, it is reported that the method of instruction in the ungraded school was even

⁵¹ Austin, *Black People in Dayton and Montgomery County*, 83.

⁵² Johnson, *History of First Wesleyan Methodist Church*, 12.

⁵³ Charles Austin, "Colored School Houses 1849-1887," (Dayton, OH) Unpublished manuscript, Montgomery County Historical Society.

more dismal. Black children stayed in an ungraded structure until 1870. The ungraded school was unlike the graded schools that provided a building for a large number of pupils to be classified, "by which the work of instruction might be facilitated and rendered more effective." The blacks were all in one room, and were unclassified. The law required the teachers of ungraded schools to offer "no higher scholarship than would show them a moderate acquaintance with the rudimentary subjects of spelling, writing, arithmetic, English and grammar."⁵⁴ The instruction in the ungraded school tended to make students "memorizers" rather than awaken and stimulate their intellectual abilities. In describing the instruction for the various subjects in the ungraded school, the *History of Education in the State of Ohio* states:

Reading lessons: An indifferent drill in vocal culture.

Spelling: Whole columns of words are committed to memory and afterwards spelled in class, without the student having any idea of the word's meaning or usage.

Reading and Spelling: Students are pushed through rapidly and don't read well because the teacher does not understand what is good reading or good spellers.

Math and Geography: Students were given the easiest combination of numbers and the simplest notion of geography until they reach the age of ten or eleven.

Language lessons, compositions, object lessons, music, and drawing, generally taught in the primary classes of graded do not receive the attention their importance warrants in ungraded schools.⁵⁵

It is, unsurprisingly, noted that many teachers in the ungraded schools were charged with being incompetent or lacking professional zeal.

⁵⁴ *History of Education in the State*, 103.

⁵⁵ *Ibid.*, 102-105.

The white counterpart of Dayton public education, while struggling financially, as were many districts in the state, did enjoy better physical surroundings and instruction. By 1849, public education had been opened and offered to white students for eighteen years, since 1831. The first attempts at systematic grading and classification in Ohio were made in schools from 1836 to 1840.⁵⁶ As stated earlier, there were two new public school house buildings built by 1839 to serve the white students. Later, two other additional locations were rented, and a recommendation was in the works for a high school, which was opened in 1850.⁵⁷

Dayton was the third city in Ohio, following Cincinnati and Cleveland respectively, in taking steps toward a system of graded schools or classification of instruction for white students. In 1841, under management of the board of managers of the Dayton public schools, the schools were divided into four grades, and designated as primary, secondary, junior and senior. This plan was adopted in accordance with the number of rooms then at the disposal of the board of managers. An outline of the studies was developed, and students were transferred from a lower grade to a higher grade based on an examination. Dayton was one of the few cities under special enactment for the regulation of schools prior to the passage of the Akron Law in 1847. The Akron Law was much more expansive, giving Akron schools an organizational structure for grading, classification, course of study, regulations for use of money and school buildings, and regulations for teachers and pupils. The provisions of that law were extended to Dayton schools at the time of its

⁵⁶ Ibid., 106.

⁵⁷ Beers, *History of Montgomery County, Ohio*, 691-692.

passage and later in 1848 extended to all cities and towns.⁵⁸ The schools in each city and town were generally divided into five grades, designated as primary, secondary, intermediate, grammar, and high school for a more efficient way of teaching. While there was no well-defined course of study prescribed for each separate grade in Dayton until 1858, it should be noted that when the new schools were built in 1839, Dayton hired an experienced and talented educational leader by the name of E.E. Barney. He was an educator who originally came from New York, and had been the principal and a teacher at the private Dayton Academy for years, prior to the public schools being built. He was very instrumental in the improvement of the educational programs in the public school. He was said to have brought with him the most advanced methods of teaching in natural science, botany, and geology among other subjects. In addition to advocating for the building of the public school, he lent his experience and advice and furnished a group of teachers who at once carried out the newest methods of instruction.⁵⁹

Dayton teachers were involved in the State Teachers Association as early as 1848. The purpose of the Teachers Association was to elevate the teachers professionally, by providing lectures on courses, reviewing best teaching methods, and providing "a more conscientious adherence to the law relating to the qualifications of teachers on the part of the examiner."⁶⁰ Also, in recognition of the need for a more organized school system, Dayton created an office of Superintendent of Instruction, hiring Principal James Campbell. Mr. Campbell produced the first

⁵⁸ *History of Education in the State of Ohio*, 109-111.

⁵⁹ Beers, *History of Montgomery County, Ohio*, 686.

⁶⁰ Burns, *Educational History of Ohio*, 94-94.

"Report on the Condition of Schools" in the 1856-57 Annual Report.⁶¹ It is in this report that we get some indication on the methods of instruction in the graded white schools. The following are excerpts from that report:

The methods of instruction in Primary and Intermediate Departments are generally good, the success in teaching of course varies with the ability and tact of the teachers....

Spelling: Great improvement has been made in spelling and defining words, in clear and distinct enunciation, in correct and natural reading, and in giving sense of the reading lesson.

Geography: The methods of teaching geography are good, and much use is made of globes and outline maps.

Arithmetic: This is taught mostly on the analytic system, the pupil being obliged to give reason every step of the way....The students are generally expert in the solution of the problems found in the textbooks, and in original ones, given to test their proficiency.

English Grammar: In addition to parsing the words of a sentence, students are required to show the relation between its component parts, as words, phrases, clauses, state whether they are simple, complex phrases....Students are not expected to be critical grammarians until they have been through a course in critical analysis in High School.⁶²

The ungraded black school in Dayton began in the school year of 1849-50, taught by the first black teacher named Mrs. Clemens, who was a minister's wife and was from Darke County. Mrs. Clemens served as the principal, teacher, and janitor and was paid about thirty-two dollars for the one quarter the school was opened.⁶³

In 1850, according to the U.S. Census, there were 71 black children in

⁶¹ Beers, *History of Montgomery County, Ohio*, 693.

⁶² *Report of the Board of Education of the City of Dayton, 1856-1857*, 36-37.

⁶³ Marguerite Augh, "Louise M. Troy," in *Stories About Pioneer Women Teachers in Montgomery County, Ohio* (Dayton, OH., 1950) The Delta Kappa Society produced this book housed in the Dayton and Montgomery County Public Library. Louise Troy is one of Dayton's earliest black teachers, spending 42 years in the school system from 1878 to 1920. When the Dayton Public School system finally integrated the schools in 1887, Louise Troy was the only black teacher retained; Austin, *Black People in Dayton and Montgomery County*, 777.

Dayton of school age between four and twenty years old and of that number thirty-four students attended. It is unknown why the numbers of black students attending school are not recorded in the Annual Reports of the Board of Managers from 1851 to 1857.⁶⁴ School attendance for black children was not recorded again until 1857, when out of one hundred students of school age, seventy-two were reported in attendance for a period of time. School was held for one quarter for black students from 1850 to 1864 and for an entire year thereafter.⁶⁵ While black pupil numbers were not always recorded in the early years, records that were noted in the Board of Managers Minutes were comments such as:

1850---Schools closed for Christmas vacation. School closed for year for colored pupils. Fall Term started—September 30, 1850. (Annual Report, Dec. 9, 1850, p.196)

1852---Colored school opened for one quarter on September 5th.

1854---Colored school opened for one quarter.

1855---Colored school began operating on a forty-week school schedule, the same as whites.

1857--- The Colored school ordered closed by the superintendent of schools because of low attendance.⁶⁶

In the *Report of the Board of Education of the City of Dayton* in 1856, board members reporting on the "Condition of the Schools" stated:

In compliance with the provisions of the law, a Colored school was opened at the commencement of the School year and taught for nine months, but the number of scholars decreased until it was thought inexpedient to continue it. The Board regrets to report few satisfactory results from this school. It has been found impossible to procure a competent teacher and the progress of the scholars has been small, and the order wretched. It is hoped that next year may witness a different result....⁶⁷

⁶⁴ Austin, *Black People in Dayton and Montgomery County*, 73.

⁶⁵ Ibid.

⁶⁶ Dayton Board of Education, *Minutes*, v.I, 1842-1858, (Dec. 9, 1850), 196; (Sept. 2; April 21, 1857) 404.9, 1855), 301; (April 21, 1857), 404.

⁶⁷ Dayton Board of Education, *Annual Report*, 1856-1870, 6.

Included in that same Board's annual report were data from a June 1857 report on the "The Colored School's Educational Progress." In this report a member of the visiting committee for the colored school disagreed with the data reporting that the average daily attendance was 24 students in the third quarter by stating:

I am satisfied there is a mistake as to the average attendance reported during the third quarter, as I visited the school several times, at different periods a day, and never found above twelve or fifteen students, and at one time found only eight.

The pupils of this school do not lack capacity ... but they were not properly controlled during the year, and were very irregular and often tardy in their attendance. Much of the irregularity is no doubt attributed to the parents, who do not exercise a sufficiently strict supervision over their children....⁶⁸

While this board member appeared to be keenly aware that there was an attendance problem in the black school, he appeared to be less vigilant about understanding or finding out why the children did not attend school on a regular basis.

Reasons for Poor Attendance

There, no doubt, were many reasons why black children did not attend school consistently during those early years. Those reasons may have included the traveling distance to and from school, physical setting of the school, the education provided, and the hardships and the status black parents endured which in turn impacted their children. Black children of school age, who were located all over the city of Dayton, were expected to attend the school located in one section of the city, in a small room in the basement of a church. Thirty-three children were reported to have attended school in 1850, in the small, cold, ill-equipped room. The physical setting probably

⁶⁸ Dayton Board of Education, *Annual Report*, 1856-1857, 30-31.

was not encouraging for students to attend. In fact, after being there for a few years, the teacher of the school, Mr. Charles Russell, who also built the church the school was housed in, went to the Dayton Board in August of 1854 to request better facilities. The *Dayton Journal* reported:

A teacher, Charles Russell, in the colored school told the Dayton School Board that ten colored citizens of Dayton proposed to build a school house for the accommodation of colored children; the following resolution was unanimously adopted by the board: resolved, that this board from their knowledge of the necessity of a more comfortable school house for the colored children and from the fact—no money can be appropriated from the tuition fund, for that purpose do commend this object to the citizens of Dayton as worthy of liberality.⁶⁹

While the board did approve this request, and a new church was built, with a room rented out to the school, the facility was only slightly better than the previous one, and the minimal school equipment remained the same.

The concerns of safety and traveling long distances for young children were probably concerns for parents then and would surface again in later years when parents would become more vocal in addressing their concerns to the Board. Coupled with the long distance was the issue of inclement weather, especially in the bitter cold and snow often occurring in the winter months in Ohio.

If getting to the school and sitting in the physical environment did not deter students, the education itself may have. As stated earlier, the black school was an ungraded school. The teaching requirement for the ungraded school in Ohio was minimal. The teaching applicant had to pass an examination in spelling, writing, arithmetic, geography, and English grammar. The law required that these teachers

⁶⁹ *Dayton Journal*, August 25, 1854.

show no more than a rudimentary knowledge of these subjects.⁷⁰ The unfairness of the ungraded colored school and other limitations in comparison to the graded white school were noted by a white citizen in a newspaper in 1860, ten years after public school had been opened to blacks. In the *Daily Empire*, a white man sent a letter to the newspaper, recognizing the inequities of the situation, and encouraged his fellow white citizens to attend the colored school's annual exhibition under the care of the school principal, Mr. Henson. In addition to the white man's request for all citizens to attend the exhibition, he stated:

Everyone, of whatever politics, creed or religious faith, must be interested in the progress of the colored youth. The colored school in this city occupies an isolated position. It is not graded as the other schools are. Its teacher is kept at a starving salary, and to the high school no door is open. Their schoolroom is in a dark basement at the extreme end of the city.

Notwithstanding these disadvantages, if the friends of education will come out tonight they will see gratifying evidence of progress, and I think they will be entertained.⁷¹

These comments reveal that the educational needs of black children were not on par with their white counterparts and were not being addressed by the board of education or the community at large. Gerber notes that during the 1860s and even later in the 1870s, throughout Ohio where black schools existed, they were of poor quality. He further pointed out that in addition to children having to walk great distances to reach inconveniently located schools:

Exacerbating the inadequate physical plant was a weak curriculum, a lack to the educational needs of various age groups, a briefer school year, and a shortage of faculty. Black schools were generally ungraded facilities in which one or two teachers taught a relatively large number of pupils of all ages and

⁷⁰ *History of Education in the State of Ohio*, 96.

⁷¹ *Dayton Daily Empire*, July 1860.

degrees of progress; students received on the average, one month per year less instruction than their white peers.⁷²

It is worth noting that ten years after the 1849 law allowed for black public education, that of the 517 Ohio school districts containing black children in 1859, 416 of them had no schools for blacks at all.⁷³ As time passed, progress still remained slow. The picture in Ohio revealed that location factors, when combined with chronic poverty and lack of motivation also kept black children out of school, and helped to account for the fact that in 1870 only 52 percent of black children were attending school in comparison to 77 percent of white children.⁷⁴ The school attendance of Dayton's black children appeared to parallel the statewide trend. While the Dayton board's minutes and annual reports gave the yearly enrollment and average daily attendance number of white students since the beginning of their reporting in 1842, the reports often gave minimal information on the attendance of black children. The limited information that was reported gives some insight into the dismal attendance of black children. For instance, from 1850 to 1873, a span of twenty-three years, there were only seven years that the board reported the enrollment of black students and only three years that they reported the average daily attendance. Also, from 1850 to 1854 board minutes indicate that school for black students was only in session for one quarter for the year. It was not until 1874, did the board start to regularly report yearly enrollment and average daily attendance numbers for black students⁷⁵ This indication

⁷² Gerber, *Black Ohio and the Color Line*, 191-192.

⁷³ Eugene H. Roseboom, *The Civil War Era: 1850-1873*, vol. 4, *A History of the State of Ohio* (Columbus, OH., 1944), 194. Ohio State Archaeological and Historical Society.

⁷⁴ *Black Ohio and the Color Line*, 191.

⁷⁵ Austin, *Black People in Dayton and Montgomery County*, 75-76 (Section titled "Facts of Record"); Dayton Board of Education, *Annual Report*, v. I 1842-1848, 9.

of irregular attendance no doubt had significant repercussions for the educational progress of black children.

Whites, on the other hand, began early on pushing for quality education in their system. White teachers in Dayton began in 1851 to offer better public education in the schools that they taught. An article titled, "White Scholars Begin to Improve Quality" in the *Dayton Journal*, in 1851, pointed out that the Teachers Institute was organized in Dayton by the Montgomery Teachers Association in September 1851. The teachers who attended the semi-annual meeting were instructed in subjects taught in the common school which were: English grammar, written arithmetic, mental arithmetic, description, geography, elocution, penmanship, and physiology. The article went on to point out that the purpose of the Institute was to have weekly meetings for the purpose of improvement in the studies in which they teach and "... to receive practical knowledge in subjects taught in schools by qualified instructors."⁷⁶ Many of these subjects would not be taught to black children until many years later. Records do not indicate that the black teachers were invited to participate in the Institute to help promote their instructional growth as well.

In the early days of public education for black children, black adults in Dayton, as in other northern cities, found themselves struggling just to make a living. The majority of the black citizens, as discussed earlier, were limited to service positions in terms of employment and made very little money. With parents out of the house, working long hours to make a living, children may have had to assume a greater role in home responsibilities. The general living conditions and hardships of

⁷⁶ *Dayton Daily Journal*, September 26, 1851.

Dayton blacks were often revealed in local news articles in the 1850s to the 1860s by titles such as "Colored Homes Foreclosed by Courts because of Mortgage Foreclosures" or "Colored Area a Bad Living Condition."⁷⁷ Dayton's problem of truancy and non-attendance among black students may have been reminiscent of other northern cities such as Chicago. After an investigative study looking at the causes of absenteeism, educators in Chicago became convinced that non-attendance was due to the students' responsibilities at home and to general conditions of poverty that produced far more absences than truancy. Judy Mohraz, who conducted case studies of education in the North, also notes that the poor physical condition of black children often caused irregular attendance, scholastic retardation, and disciplinary problems.⁷⁸ Poverty, no doubt, had an impact on Dayton black youth as well.

Dayton was a leader, being among the first cities to push for educational initiatives within the state. Examples of that leadership included: raising money to build two school houses in 1838; petitioning and receiving a grant for a special charter to govern their schools in 1841; taking steps toward a system of grading before the Akron Law of 1847 came into effect and then being the only city having the provisions of the Akron Law extended to its managers at the time of its passage; and starting a Teacher's Institute in 1851, before the Normal schools for teacher training came into effect in 1869. While citizens and educators took those initiatives to improve the educational quality of white students, the same enthusiasm and efforts were not extended to black children. Coupled with the lack of effort invested in the

⁷⁷ *Dayton Daily Empire*, March 13, 1857; January 6, 1864.

⁷⁸ Judy Mohraz, *The Separate Problem: Case Studies of Black Education in the North, 1900-1930* (Westport, Conn: Greenwood Press, 1979), 34-34.

black school, there was a lack of awareness by educators of the effect of environmental factors on educational performance of black children. The schoolmen's ignorance or lack of concern of home and community conditions which negatively affected the children's progress was then blamed on the parents and child and reinforced certain notions about race. The perceived inferiority of blacks then contributed to the lack of help and genuine concern on the part of the whites.⁷⁹

The poor physical surroundings, poor educational materials, and an ungraded form of teaching were reflective of the Board's lack of concern for Dayton's black children. Dayton black students' education was confined to the basement of Wesleyan Methodist Church for twenty years, until 1870, when a different building was purchased for use. During the time the students stayed in the classrooms in the basement the board of education did little or nothing to upgrade the educational standards of the "Colored School," while the white schools continued to improve. As mentioned earlier, the only improvements during this twenty-year span were a new blackboard in 1864, the long wooden benches replaced with used desks in 1856, and finally replaced with new ones between 1864 and 1869.⁸⁰ Also, they began hiring teachers with better skills. The 1859 *Annual Report* of the Dayton Board of Education commented:

Students are now taught by a competent man, Allen Henson, and he is doing good work for that class of students who have been too long neglected. The colored students, especially the females, are showing ambition in acquiring an education, and the parents are desirous of seeing that their children become intelligent and respected.⁸¹

⁷⁹ Ibid.

⁸⁰ Dayton Board of Education, *Minutes*, v.1842-1858 (Nov., 11, 1856), 389, v. II, 1858-1873 (Sept. 8, 1864), 194, (June 14, 1866), 251.

⁸¹ Dayton Board of Education, *Annual Report*, 1856-1870, 35.

Even with this change, black students did not start taking examinations for intermediate school until 1874.

The Civil War and Its Effects

School records reveal very little information about the "Colored School" from 1860 to 1864. This may have been in part due to the fact that during this time period the focus of the nation, state, and cities turned to events leading up to the Civil War and the Civil War itself.

The presidential election of 1860 was a hot issue between the Democratic party and the Republican party. The Democratic Party nominated pro-slavery Senator Stephen A. Douglas of Illinois, who was known for his measure to end the prohibition of slavery in a section of the old Louisiana Purchase.⁸² The Republicans nominated Abraham Lincoln, a State Legislator in Illinois who persistently warned pro-slavery advocates that the pro-slavery policies of the Democratic Party were a terrible evil in the country. Lincoln noted that he believed the "government could not endure permanently half slave and half free."⁸³ The Democrats held that the "Negro equality" and disunion would be the fate of the country if Lincoln were chosen. In the end, it was the Republicans who were victorious by becoming less radical in promoting anti-slavery sentiments and by the use of the tariff question in coal and iron counties as their national platform. The Democrats, on the other hand, were shattered by slavery and sectionalism and by party blunders.⁸⁴

While threats of secession had been threatened by southern states in years

⁸² Roseboom and Weisenburger, *History of Ohio*, 169-182.

⁸³ Woodson and Wesley, *Negro in Our History*, 352-353.

⁸⁴ Roseboom and Weisenburger, *History of Ohio*, 182-183.

prior to the 1860 election, it became a reality after the election. As soon as Lincoln was elected as president, South Carolina took steps to secede from the Union, and a majority of southerners supported states' rights and slavery at any cost, even if it became evident that the lower South would follow the lead.⁸⁵ The sentiment of the South meant breaking away; while the majority of northern sentiment believed that the Union had to be saved. Before compromise proposals could be agreed and acted upon, Fort Sumter was fired upon on April 12, 1861, and the fate of conciliation and compromise in both the North and South was settled. And so the Civil War began.⁸⁶

As the war gathered strength, Dayton, just as the country, was very much divided. While Dayton, a city of 20,081, supported Lincoln for its president, it was only by 300 votes.⁸⁷ However, once war was declared, Daytonians raised the flag and made speeches in support of the Union. The war sentiment was played out in the streets of the city with bands and patriotic songs every time troops were sent out. Daytonians supported the Union by providing aid to the soldiers and to their wives and children and by providing funds donated by the City Council, Montgomery County, and by various ongoing fundraising bazaars, fairs, and festivals held in the community.⁸⁸

Dayton also had its share of drama and violence as a result of the citizens being divided over the war. Local historian, Charlotte Conover, noted in her experience as a child when the Civil War began, "If you were an abolitionist you

⁸⁵ Ibid., 183.

⁸⁶ Roseboom, *Civil War Era*, 379.

⁸⁷ Zumwald, *For the Love of Dayton*, 50.

⁸⁸ Ibid., 51; Conover, *Dayton and Montgomery County*, 83.

were all right. If not, you best bury your head and keep still.”⁸⁹ Riots, disorders, and crime occurred in Dayton over the Civil War issue in the years of 1862 and 1863.⁹⁰

The divided feelings about the war were most strongly pronounced by the volatile attacks between the two local newspapers, the *Dayton Daily Journal*, voice of the Republican party and the *Dayton Daily Empire*, voice of the Democrat party. And no individual probably fueled the controversy more in the newspaper and elsewhere than Dayton Congressman Clement Vallandigham, who became known nationally as a Peace Democrat and Southern sympathizer who stood solidly against Lincoln.⁹¹ In 1861, The *Dayton Daily Journal* called him a traitor for his Southern leanings and denounced him for telling Democrats in the State Legislature not to supply men or money for the war effort.⁹²

Vallandigham’s feelings against the war and his continuous refusal to stop speaking on it began hurting the recruiting efforts of the government. The federal authorities finally had enough when he delivered a speech on May 5, 1863, and called for “King Lincoln” to be dashed from his throne.⁹³ He was arrested by the military and tried for a violation of military orders and found guilty for declaring disloyal sentiments. The *Dayton Daily Empire* called the arrest a “dastardly outrage,” and urged whites to do something about the “cowardly scoundrel abolitionists of this town.”⁹⁴ In reaction to Vallandigham’s arrest, an enraged mob took over the city and burned the office of the *Dayton Daily Journal*.⁹⁵ Dayton was placed under martial law

⁸⁹ Ibid.

⁹⁰ *Dayton Daily Empire*, Oct. 4, 10, 1862; May 5, 1863; *Dayton Daily Journal*, May 6, 1863.

⁹¹ Zumwald, *For the Love of Dayton*, 50.

⁹² *Dayton Daily Journal*, April 12, 1861.

⁹³ *Dayton Daily Empire*, May 5, 1863.

⁹⁴ Ibid.

⁹⁵ *Dayton Daily Journal*, May 6, 1863.

by order of General Burnside and remained under martial law from May 6, 1863, until June 21, 1863.⁹⁶

An even more violent incident had occurred a year earlier in 1862, when J. F. Bollmeyer, the editor of the *Dayton Daily Empire*, and an outspoken southern sympathizer, was shot in the head by Henry M. Brown as he walked to the market. Supporters of Bollmeyer stormed the jail where Brown had been taken and demanded an immediate trial. Brown was later indicted for murder.⁹⁷

Dayton blacks followed the events of the war and celebrated any small gain, hoping that the war would win freedom for all black people. In December of 1862, the *Dayton Journal* reported the "Local Colored People Celebrated Proclamation of Emancipation."⁹⁸ The article noted an eyewitness account by a church member who stated that the celebration was held in the Wesleyan Methodist Church from 10:30 p.m. to the early hours of New Year's Day. The program consisted of singing, praying, and speakers. Those present asked God to intervene and decide the issue of slavery and the war of rebellion. The article ended by saying "these joyous and thankful colored people left the church with a new found hope for their race."⁹⁹ Wesleyan Methodist Church historian, Charlest Johnson, notes that Dayton blacks celebrated the Emancipation Proclamation every year afterwards until 1941 at the County Courthouse.¹⁰⁰

Hopeful and showing their patriotic spirit, Dayton blacks volunteered for the

⁹⁶ Steele and Steele, *Early Dayton*, 206.

⁹⁷ *Dayton Daily Empire*, Nov. 3, 1865.

⁹⁸ *Dayton Daily Journal*, Jan. 1, 1863.

⁹⁹ Ibid.

¹⁰⁰ Johnson, *History of Wesleyan Methodist Church*, 36.

war, but were not allowed to participate until 1863. Dayton blacks believed that fighting for the Union would eventually produce equality. Historian Gerber noting blacks' feelings on joining the war, states "hoping that by aiding the Union in its hour of need they would create a moral obligation to grant civil equality in Ohio, even if slavery in the South remained untouched."¹⁰¹ Admission of blacks into the military when the Civil War first started had been prevented because of conflicting feelings and policies on admitting blacks into the military. The black laws prohibiting blacks from joining the military were still on the books, and as stated earlier, whites feared that trained blacks might lead to uprisings, would encourage blacks to want the same privileges as whites, and would necessitate the association with whites, which they found repugnant.¹⁰² However, out of dire necessity of manpower to fight the war, blacks were admitted to the military. Even then, the Union, subscribing to the status of second-class citizenship that blacks experienced as civilians, paid the black troops less than whites and only reluctantly allowed them to see any action in the war. Two sources give a brief glimpse of the participation of black Daytonians in the war. The *Dayton Daily Journal* and publisher, W. H. Beers reported:

The first Regiment of US Colored Troops was organized in the Union Army's Department of the Cumberland. The Commander was a white man Colonel Charles R. Thompson, age 23.¹⁰³

Local colored men—20 of them—enlisted in the Civil War and scattered in the regiments from other states. Principally, they served in Charleston, South Carolina harbor and before at Petersburg and Richmond, Virginia. They served with distinction.¹⁰⁴

¹⁰¹ Gerber, *Black Ohio and the Color Line*, 33.

¹⁰² Hickok, *Negro in Ohio*, 59-60.

¹⁰³ *Dayton Daily Journal*, Sept. 5, 1863.

¹⁰⁴ Beers, *History of Montgomery County, Ohio*, 425, 433.

In total, eighty-six blacks from Montgomery County served in the Union forces. The first black officer was Major Martin R. Delany, who came from Wilberforce, Ohio. Overall, Montgomery County supplied 6,000 soldiers, with 3,664 of them coming from Dayton.¹⁰⁵

When the end of the war was announced in April of 1865, Daytonians celebrated by marching, singing, and dancing in the streets. On April 10, the *Dayton Journal* reported that the people shouted and ran wild that day. There was singing of the song "John Brown," and the newspaper proclaimed "Let the cannon thunder and glad voices shout joyfully."¹⁰⁶ Governor Brough set aside April 14 as a day of thanksgiving and this day was celebrated in Dayton with over 30,000 citizens participating in an all day affair. During this celebration the *Journal* proclaimed, "the people endorsed the program of Universal Freedom. And they never go backwards in reforms."¹⁰⁷

But the ending of the war did not change everyone's heart. During this same period of time, a white mob burned the buildings at Wilberforce University while students and faculty were celebrating the Union victory in the nearby town of Xenia. Wilberforce University had been established in 1856 in the small village of Wilberforce, Ohio, located not far from Dayton. This university was established by the Methodist Episcopal Church in 1856 and later purchased by the African Methodists Episcopal Church in 1863. The university's objective was "the elevation of the entire colored race through education and religion."¹⁰⁸ The loss to the

¹⁰⁵ Zumwald, *For the Love of Dayton*, 51.

¹⁰⁶ *Dayton Daily Journal*, April 10, 1865.

¹⁰⁷ *Ibid.*, April 17, 1865.

¹⁰⁸ McGinnis, *History and Interpretation of Wilberforce University*, 4.

university was over \$50,000 with little insurance to cover the loss. The Freedmen's Bureau, created after the Civil War in 1865 by Congress, helped Wilberforce to stay in operation during that difficult time. While the Bureau assisted the new freedmen in many aspects, its main focus was to help facilitate the education of blacks in the South during the Reconstruction period. Realizing the need for higher education of blacks, the Bureau along with northern philanthropists and aid societies, helped to develop and support southern universities and northern black universities such as Wilberforce. After the war, there was a general movement for the education of blacks throughout the country. Wilberforce was one of the few universities opened to blacks, and the majority of students during the first years of Wilberforce's existence were the children of southern slave owners. Several of the students, who were trained as teachers and ministers during the early years of Wilberforce, provided service to the southern states after the Civil War.¹⁰⁹ They joined the efforts of many black and white teachers from the North and South, missionary organizations, churches, and schools to give the emancipated population an opportunity to learn.

The Union victory, the favorable sentiment of many whites in Dayton, and the national issue of slavery having been settled, propelled a new spirit and a new sense of independence for Dayton blacks. In the struggle for a restored Union and restructured South, federal legal guarantees were created to protect southern blacks from the vengeance of southern whites. These laws had important consequences for northern blacks. The 1866 federal Civil Rights Act along with the Thirteenth, Fourteenth, and later Fifteenth Amendments accorded blacks throughout the country

¹⁰⁹ *Dayton Daily Journal*, April 15, 1865; Roseboom, *Civil War Era*, 194; McGinnis, *History and Interpretation of Wilberforce University*, 184-187.

basic rights and ultimately the right for black males to vote. Their new sense of freedom and determination was most powerfully expressed by Jourdon Anderson, who moved to Dayton in 1865 from Big Spring, Tennessee, with his wife and children. Anderson wrote a letter, that has been often quoted, in 1865 in response to his former slave owner, Colonel P. H. Anderson, who had written to persuade him to return to Tennessee and work for him as a free man:

Sir. I got your letter, and was glad to find you had not forgotten Jourdon, and that yor (sic) wanted me to come back and live with you again, promising to do better for me than any body else....

I want to know particularly what the good chance is you propose to give me. I am doing tolerably well here. I get \$25 a month, with victuals and clothing; have a comfortable home for Mandy. The folks here call her Mrs. Anderson, and the children Milly, Jane, and Grundy go to school and are learning well Now if you will write and say what the wages you will give me, I will be better able to decide whether it would be to my advantage to move back again.

As to my freedom, which you say I can have, there is nothing to be gained on that score, as I got my free papers in 1864 from the Provost-Marshall of the Department of Nashville. Mandy says she would be afraid to go back without some proof that you were disposed to treat us justly and kindly; and we have concluded to test your sincerity by asking you to send us our wages for the time we served you.... I served you faithfully for 32 years, and Mandy 20 years. At 25 dollars a month for me, and 2 dollars a week for Mandy, our earnings would amount to \$11,608....

Please send the money by Adam's Express, in care of V. Winters Esq., Dayton, Ohio. If you fail to pay us for faithful labors in the past, we can have little faith in your promises in the future. We trust the Good Maker has opened your eyes to the wrongs which you and your fathers have done to me and my fathers in making us toil for you for generations without recompense....

Say howdy to George Carter, and thank him for taking the pistol from you when you were shooting at me.¹¹⁰

There are no records that indicated that Colonel Anderson responded to this letter.

¹¹⁰ Lydia Maria Child, *The Freedmen's Book* (New York: Arno Press, 1968), 265. This book, originally printed in 1865, is a collection of African American writings compiled by abolitionist Lydia Child.

The ending of the Civil War signaled a new beginning and a new attitude on the part of black citizens. The new attitude was not just exhibited by individual blacks taking more control over their personal lives, but was also exhibited by black citizens trying to take more control over the education of their children. During this time, all of Dayton schools were controlled by a "local visiting committee," composed of white citizens, appointed by the Board of Education, whose job was to supervise schools in the district. For the first time, on July 13, 1865, black residents of Dayton spoke up to the "committee of colored schools" displaying a new sense of independence and separate identity. In the board minutes, the committee, in expressing the black citizens' request, told the Board of Education:

That in view of the increased interest manifested by the colored people of the city in the cause of education and as a means of further encouragement in the education of their children, that they requested to assemble in public meeting in their school room at 3 p.m. on Sunday July 23, 1865, and select three of their number most competent to act as a local visiting committee (as was the practice in white schools) to whom shall be committed the general supervision of the school for the colored children, subject to be controlled and legislated for, as required by the school laws as well as by such rules and regulated as this board may enact.¹¹¹

Out of the public meeting on July 23, blacks proposed to appoint a superintendent, a teacher of penmanship, and a "social visiting committee for the colored people." At the next board meeting in August, the results or recommendations by the special committee appointed to review the propositions did not support appointing a superintendent, but agreed with the appointment of a teacher of penmanship and tabled the subject of a social committee. In September's board meeting, the black citizens proposed a "social action committee" and it was

¹¹¹ Dayton Board of Education, *Minutes*, v. II, 1858-1873, (July 13, 1865) 219.

unanimously approved by all the members of the school board.¹¹² While the function of the social action committee was not stated in the board minutes, this was probably created to give black citizens a formal vehicle to address educational issues of concern to them.

While blacks did not achieve all they wanted in terms of being more in control of their schools, their actions displayed a strong stand on the importance of their children's education and a new sense of power in letting their needs be known. The concerns for the best interest of their children would continue to be manifested in the 1870s and 1880s by meetings with the Board of Education and by engaging in heated debates within the black community on the best path for education.

¹¹² Dayton Board of Education, *Minutes*, v. II, 1858-1873, (August 17, 1865) 226; (September 14, 1865), 229.

CHAPTER VI

THE ENDING OF SEPARATE SCHOOLS

The Rising Sentiment Against Separate Schools

Changes made to the U.S. Constitution after the Civil War gave blacks a new sense of hope and the courage to work toward the reshaping of their status in the United States. Ratified in 1865, the Thirteenth Amendment officially ended slavery. The ratification of the Fourteenth Amendment, which followed three years later in 1868, provided for due process and extended full citizenship rights to former slaves. And the Fifteenth Amendment adopted in 1870, provided that no person could be denied the right to vote because of race, color, or previous condition of servitude.¹

The gravity of these amendments was strongly felt and demonstrated by Dayton blacks. They held two events in celebration of the Fifteenth Amendment. The first was held on the night of March 31, 1870, at the Wesleyan Methodist Church. A large crowd of blacks gathered for the occasion that included singing, praying, remarks by several blacks, and a report was presented by community leaders Madison Penn, George Parram, Clark Lingold, John Butler, and Jackson Butler.² The report stated:

Resolved, that we the colored citizens of Dayton, assembled, to offer up thanks with hearts full of gratitude, to Almighty God, for moving the hearts of the State Legislators and the general government to this act of national humanity and justice to us, a heretofore oppressed class of people.

Resolved, that we too admire the prompt action of President Grant and Secretary Hamilton Fish in their ready discharge of official duty towards us, furthermore,

¹ Urban and Wagoner, *American Education*, 193.

² *Dayton Daily Journal*, April 1, 1870.

Resolved, that the President's advice, administered to us, as a class, meets with our hearty response and endorsement.³

However, it was the second event on April 20, 1870, reported by the *Dayton Journal* as "The Grand Celebration of the 15th Amendment by Local Colored People," that blacks held a full scale celebration in the streets of Dayton with an "Order of March" detailing the procession.⁴ On that day, blacks demonstrated their dedication and feelings about the Fifteenth Amendment by marching on a cold rainy, dreary, and muddy day, led by marshals Jordan Anderson, John Graves, and James Cowen. The parade included the Brass Band of Dayton, patriotic songs, many different banners, a large American flag, and several wagons, carriages, and horsemen that proceeded from Ludlow Street to various streets through the town and ended at Wilkerson and Zeigler, in front of Wesleyan Methodist Church. Capturing the powerful spirit of the blacks during that celebration, the *Dayton Journal* discussed at length the address of prominent black leader and Cincinnati schoolteacher, Peter H. Clark. While Clark spoke on many things including the implications of the Declaration of Independence, President Lincoln, and the history of black people since they made "their unwilling appearance on these shores," he also addressed the issue of suffrage by stating:

The colored people had been offered oceans of advice regarding suffrage, within a few weeks. They understand themselves pretty well. They appeared to know what to do as well as the average of white men. The colored people intended to vote for their friends; and they knew who their friends were, without being told everyday exactly who they were! The men who have resisted the progress of the colored people, and have cast every possible impediment in the way of colored folks. The colored people know who have prevented poor colored people from the poor privileges of the infirmaries and asylums and public school privileges. The colored people will not vote for

³ Ibid.

⁴ Ibid.

these men, or the like of them. The colored people might forgive the men who have been their oppressors, and been the deadly enemies of the country in its peril, but they will never forget them. They will bear watching for a thousand years; and colored men who respect themselves, and the ballot, with which they have been provided, will not vote for their traditional, persistent, malicious, enemies.⁵

The *Dayton Journal* went on to paraphrase Clark by reporting that he spoke at length about schools for colored people and noted that he wanted his sons and daughters to have educational facilities as good as the best in the land, and that Clark felt that the ballot would accomplish that goal in time.⁶

Dayton blacks took immediate advantage of their new voting rights. Newspapers covered Election Day on April 4, 1870, and journalists polled different places on the "first colored elections." Some of the observations revealed were;

William Jones, was the first colored man whose name was registered on the poll books of the third ward. It is believed he was the first to vote in Dayton by virtue of the 15th Amendment.... In the third ward a colored voter departed his ballot amid the jeers of white neighbors.... The Democrats gave the colored voters a great many sneers at the polls, but the colored people took it all in great stride....In some instances where trouble from whites were [sic] feared, a number of colored voters banded together, thereby avoiding difficulty. Most colored voters had little trouble in casting ballots....⁷

Local rival newspapers voiced their sentiments about the 15th Amendment and blacks voting. One newspaper chastised the other for now wanting to be the black man's friend since he had gained voting power. The *Dayton Journal* berated the *Daily Democrat* that wrote about black voters days before the election stating, "Their interest will be our interest, as part of the public, and as our fellow citizens...." The

⁵ Ibid.

⁶ Ibid.

⁷ *Dayton Daily Journal*, April 5, 1870.

Dayton Journal, replying to the article, stated, "This is very sweet, now that the colored people have votes, but not very long ago it was 'd—n the nigger.'" ⁸

Dayton blacks, as well as others throughout the state, were galvanized by the new amendments. Shortly after the ratification of the Thirteenth and Fourteenth Amendments, white and black leaders as well as white and black organizations were anxious to correct the evils brought about by black laws that created class schools. Black organizations such as the Ohio Conference of African Methodist Episcopal Churches put forth their thoughts on education when its Committee on Education in 1873 proclaimed:

Our great obstacle yet remains in the way of our people advancing in education and we should never rest until it is cast aside.... One of our most precious privileges is cut off, and we have been shamefully acquiescing because our privileges are so much better than they were heretofore. We speak now of colored schools. Equality before the law cannot prevail as long as they exist. These schools cannot continue, except in violation of the very essence of republican democratic government.

Our children will not avail themselves of the benefits of free high schools in our cities until colored schools are abolished; and therefore we shall fail to have any portion of our youth in the common schools equally educated with the dominate race. Until our children mingle in the primary schools of the white race and then regularly progress with them through intermediate grades, they will never feel free to enter the high schools though so ever so well prepared. We owe it to our selves, as a religious denomination in the interest of our race, as well as the good of the whole people to work with a will until this obstacle is removed...we should work against the caste condition, and never rest until equality before the law is practiced throughout the whole land. ⁹

Such sentiments were being expressed throughout the community and throughout the state, as blacks felt more empowered in changing the educational status of their children and other aspects of their lives. From 1870 to 1875 black citizens noted only

⁸ Ibid.

⁹ McGinnis, *Education of Negroes in Ohio*, 58.

slight improvement in their children's school condition. Dayton adopted the graded system for white students within a year after the Akron Law and the Law of 1849, which gave boards of education power to establish not only primary and grammar schools, but also higher grades, and to decide what courses to be taught in all grades. However, it was not until 1870 that Dayton's colored school established grades up to the seventh grade, as the white district had done in the previous decades.¹⁰ And after twenty years of black students being taught in the basement in Wesleyan Methodist Church, the school board finally purchased two lots, each 36 feet by 150 feet, on the south side of Zeigler Street, near South Ludlow Street, on July 28, 1870, for a "new" school for blacks students.¹¹ However, the "new" building was in fact, a hand-me-down shack that had once been used for white students when the structure was built new.¹² The following year in 1871, the board had the same building partitioned down the center, running north and south, to divide the building into two rooms. A newspaper article in the *Herald* reported, "On Zeigler Street, the colored school under the control of Solomon Day and Miss Lattie E. Williams, assistant principal, are well attended night and day, and the labors of these teachers of their own race are marked with permanent success."¹³

Blacks Begin to React to Educational Conditions

The Dayton black population continued to increase with census figures rising

¹⁰ *History of Education in the State of Ohio*, 114.

¹¹ *Dayton Travelin' in the Footsteps*, v. 5, 2. This is a local newspaper that was produced by local historian Charles Austin. The limited editions are a compilation of news articles, comments by black citizens and actions of Dayton Board of Education in regard to the education of black children in Dayton. Two volumes (4 and 5) were printed in 1982 and 1983 and are housed in the Dayton and Montgomery County Library Archives.

¹² *Ibid.*

¹³ *Dayton Daily Herald*, Feb. 12, 1872.

from 548 in 1870, to almost double that amount of 901 by 1880. Still, even with these increases, the percentage of Dayton's blacks was small in comparison to Dayton's total population of 38,678 in 1880.¹⁴ But with these small numbers and the new sense of freedom came increased concern and conscientiousness about education for both children and adults. Blacks initially began by addressing the need for more than one school location for their children, the need for better working conditions for the staff in the locations and finally, the need for a night school for adults.

In November of 1873, a group of twenty-seven black citizens requested that the school board open a "night school in the colored school house."¹⁵ Hallie Q. Brown, one of the early black school teachers, noted that during this time and up to 1884 there were a number of blacks that left Mississippi to come to Dayton.¹⁶ She stated in an interview that because so many of the newcomers were too old to attend regular school, a special permit was granted to a teacher to open a night school for this group. The night school was opened in November of 1873 and was taught by Solomon Day. It was closed in February of 1874, due to few students and irregular attendance. The school board records indicate that the night schools only stayed open for a few months for both whites and blacks.¹⁷ However, the services of the night school would again be addressed at a later date.

On October 14, 1875, a group of black citizens in Miami City, which was a neighborhood in the western edge of Dayton, petitioned the board members to

¹⁴ *Statistics of the Population of the United States at the Tenth Census* (Washington: Government Printing Office, 1883), 423.

¹⁵ Dayton Board of Education, *Minutes*, v. II, 1858-1873, (Nov. 23, 1873), 723.

¹⁶ Sherard, "Negro Education in Dayton," 16.

¹⁷ Dayton Board of Education, *Annual Report*, 1873-74, 59.

establish a schoolhouse for the 25 school children in the Miami City area.¹⁸ The petition was signed by leaders William Hanson and Thomas Jefferson, along with sixteen other citizens. They explained to the board that their children had a long way to walk to school and in rainy weather few had attended classes. It should be noted that Leonard Erickson, who conducted a study on black public schools in Ohio from 1829 to 1890, revealed that after 1870, the two most frequent criticisms by Ohio black parents were the poor condition of the school buildings and the distance their children had to walk.¹⁹ It is also an interesting fact that several of the local history books about Dayton include this statement in their history:

Though the Fourteenth Amendment to the Constitution, enacted in 1868, had given colored children the legal right to demand admission to the public schools in the city districts wherein they resided, their right was not claimed by colored parents for their children²⁰

But, documentation further into this chapter will show that these parents were never allowed to exercise this right of attending the school closest to their residency.

Almost a month after the petition was submitted, the board responded on November 11, 1875, by approving the request for a new school, but cautioned that "no scholars be received who are above the third grade in their studies ... and only remain open if enrollment remains above twenty scholars."²¹ The board decided on November 25, that the location of the new school would be on Baxter Street and that this school would be known as Sub-10th district school.

The proposed new school on Baxter Street was an existing building owned by

¹⁸ Dayton Board of Education, *Minutes*, v. III, 1874-1879, 167.

¹⁹ Erickson, "Color Line in Ohio Public Schools," 239.

²⁰ Conover, *Dayton and Montgomery County*, 350; Crew, *History of Dayton*, 234.

²¹ Dayton Board of Education, *Minutes*, v. III, 1874-1879, (Nov. 11, 25, 1875), 170, 173.

the Board of Education that was once a schoolhouse, but was at that time being used as a firehouse. At the November 25 board meeting, the board also informally stated that "the school building, under law, must be for schools, exclusively. Therefore, the fire station in that building had to be vacated."²² The position that the board took to relocate the fire station resulted in a great deal of controversy between the Dayton Board of Education and the Dayton Fire Department, which played out in two local newspapers, the *Dayton Journal* and *Dayton Herald*. On November 30, the *Journal* reported:

On Saturday, November 27th, 1875, the Superintendent of Buildings for Dayton Schools made preparations for the opening of the school and met with organized resistance from the Reel Company housed in the building, but also from the firemen. The firemen raised such a commotion that the Chief of Police forcibly ordered the barricade of the door.²³

While this became a hot issue between the board and the fire department, the deeper issue may have been that if the black students in Miami City did not use the firehouse building they would have had to attend the Seventh District with white students. However, after several days of verbal and physical encounters between the two, that included the fire department refusing to leave, and the Board of Education removing beds and bolting doors, they finally reached a compromise. In order that the school not interfere with the firehouse, board members ordered an additional stairway to be built on the outside, and a new door cut through the landing.²⁴ Baxter school opened with thirty students and the board selected Hallie Q. Brown to be the teacher.²⁵ The successful petitioning for a new school was a victory for black citizens, but they went

²² *Dayton Herald*, Nov. 26, 1875.

²³ *Dayton Daily Journal*, Nov. 30, 1875.

²⁴ *Ibid.*

²⁵ *Dayton Herald*, Dec. 4, 1875.

on to request more. In addition to the Baxter school, they demanded: a regular janitor at the "East Side School" on Zeigler to relieve the principal, Solomon Day, who taught all seven grades whenever students were enrolled in all grades; an increase in salary for black teachers that was comparable to that of white teachers; and that a night school be opened at both the Baxter Street and Ziegler Street locations. Before the start of the 1876 school year, the school board granted the citizens their requests.²⁶

The Fifteenth Amendment and the enactment of the Civil Rights Act of 1875, that promised black people equal accommodations in all public facilities and also granted blacks the right to serve on juries, became catalysts for blacks to raise questions about quality education, upward mobility, and social and economic advancement. These new rights had different meanings to different black citizens and raised new questions regarding their freedom and equality. Nowhere were these differences more blatant and divisive than on how blacks should move toward equality than on the topic of education.

Integration-Separation Community Controversy of 1877

As the winds of equality blew, debate in the community began to be staged and played out in print. The *Dayton Journal* newspaper, known to be favorable toward the Dayton black citizens, began the community discussion on school integration by polling black citizens and members of the Dayton School Board. Even before polling the citizens of the community, the *Dayton Journal* had consistently made its position clear in its support of civil rights for blacks. The *Dayton Empire*, a known anti-black local newspaper, contrasted with the *Dayton Journal* and

²⁶ Dayton Board of Education, *Minutes*, v. III, 1874-1879, (Nov. 9, 1876), 282.

editorialized about the Civil Rights Bill by stating, "... the Bill as passed can do no substantial good to any one and is certain to be productive of manifold evils" and days later wrote that "the Bill was non-enforceable and a burden to businessmen."²⁷ The *Dayton Journal*, on the other hand, addressing the topic, opened its headline with "It is the Law," and went on to write that, "The opening day of spring was the harbinger of happiness to the colored people of the United States."²⁸

With this attitude of goodwill toward blacks, a newspaper reporter of the *Dayton Journal*, interviewed eight black men in the community on their views and reported the results in August of 1877 in an article titled "Colored Men Polled on Integrated Schools."²⁹ The poll results of the eight men revealed that they were five to three, on whether black children should be part of "mixed schools," the term they all used. The five men who were in favor of mixed schools included: Albert Matthews, a janitor at City Hall, a property owner and a father of three children; William Harris, a minister with no children; Joseph Smith, with no children; William Elliott, a father of three children; and George Price, with no children. Some of the reasoning for their positions was reported as follows:

Albert Matthew: Stated he favored mixed schools because he believed he had the right to send his children to the Seventh District School (white).... It would be less expensive for the city and convenient for the colored children....because of the long distance to the Zeigler Street school, my children were obliged to lose two-thirds of the first year and half of the second year...

Reverend William Harris: Strongly in favor—because of white people's opposition to do prejudice, which must eventually die out. Just now, 1877, was a good time to start. He understood that mixed schools would do away

²⁷ *Dayton Empire*, March 2, 1875.

²⁸ *Dayton Daily Journal*, March 2, 1875.

²⁹ *Dayton Daily Journal*, August 9, 1877.

with employment for awhile, but it would be for the good of the children, not the teachers....

Joseph Smith, William Elliott, and George Price all agreed with Reverend Harris, with George Price stating: Some have said colored children would be imposed upon and insulted by white children. But he did not believe that. He believed everyone would shortly accept mixed schools.³⁰

The three men not in favor of mixed schools included; Joshua Warner, a porter with no children; Alfred Jackson, a barber, with two grown daughters and whose relatives fought with John Brown and in the Civil War; and Jerome Lewis with no children. The reasoning and the discussion of these men was much more in depth and lengthy than those in favor of the mixed school. The following gives excerpts of their comments:

Joshua Warner: Personally I have no interest in the question, as I have no children; but on general principles I think that our people had better keep to themselves. I am in favor of nothing that tends to erase the distinction of the races. The school board will not employ our teachers, and I think for that reason, if for no other, we should hold on to our own schools. Again, colored children will not learn as rapidly from white teachers. Colored children's nature cannot be comprehended by others than their own race.... If I had a thousand children, I would prefer to send them to schools where only colored children attend, and taught by colored teachers.

Alfred Jackson: I will say emphatically that I am opposed to mixed schools. I look upon this movement as a piece of political buncombe, a bid for the 'colored vote.' I am sure colored children cannot learn more at the white schools. Our teachers are as good as any in white schools.... Then there is another consideration, the only field of public employment open to our people is teaching; and if you establish mixed schools you throw the colored teachers out of employment ... Thus instead of elevating our race, we are against our own interest, shutting out our brother from the only profession open to him....³¹

The comments from these men resulted in the brewing of a vigorous debate between black citizens in the community. The pro-mixed school advocates were led by black

³⁰ *Dayton Daily Journal*, Aug. 9, 1877.

³¹ *Ibid.*

civic leader, William Hunter and those against mixed schools, were led by school principal and teacher, Solomon Day. Before the great community debate began and before citizens started taking up sides and signing pro and con petitions, they also considered the comments made by the Dayton School Board members. As with the black men, the board members were polled by the *Dayton Journal* newspaper. On August 10, 1877, a day after the eight black community men were polled, the newspaper reported on, "Board Members' comments on Integrated Schools." Five of the twenty-two board members were polled. The members polled were A.D. Wilt, a college official of Miami Community College; Daniel Dryden, secretary and treasurer of Dayton McClune Company; Robert Allen a painter; Ezra Jeffrey, a molder and chairman of the Local Visiting Committee of the 10th District School; and Dr. Joe Lowe, physician and surgeon.³² The polled board members gave varying opinions that would lead black citizens to believe that their position on integration was still very much open for discussion as indicated by the *Dayton Journal's* report:

Mr. Wilt: Agreed that the colored line must be eventually abolished in schools but the present action would be disadvantaged to colored people. Anyway, he said the distinction of mixed schools is confined to the lower grades. He said colored children could already attend the high school if they passed the entrance test.

Mr. Dryden: Was for giving the colored people what the majority wanted.

Mr. Allen: Opposed mixed schools because 'the white schools wouldn't hold them.' He pointed out all schools, except the 1st district, are already overcrowded. He would vote for a new school for colored children....

Mr. Jeffrey: Thought the colored people preferred separate schools.

Dr. Lowe: Preferred a new school to be built-- but if the board doesn't build a new school he wanted to see every colored pupil in the city, next September,

³² *Dayton Daily Journal*, Aug. 10, 1877.

march right to the school house of the district in which he or she resided. The school house they have is not fit for school purposes. And the African population have a right to demand better provisions for their welfare.³³

Following the two polls of the eight community black men and five members of the Board of Education, black leaders in the community began rallying their particular camps to support their positions, which resulted in pro and con petitions being submitted to the Board of Education and debates being fought out in the *Dayton Journal* newspaper. William Hunter and Solomon Day, led the debates, giving compelling arguments to win the minds of the undecided black citizens.

The debate began on August 17, 1877, through the pages of the *Dayton Journal*. Mr. Hunter, the leader of those demanding mixed schools, set the stage by rebutting those statements of advocates of separate schools. The following excerpts from the *Dayton Journal* give his sentiment:

Mr. Hunter disagreed with the article printed on August 9th, 1877, that the majority of colored people in Dayton wanted separate schools. Cited that his petition had fifty-one signatures; while the petition against had twenty-six names; and claimed many of the signatures were not legitimate school patrons. Also cited petition presented to the school board three months ago (May 1877) with eighty names for mixed schools.

Those persons led by Solomon Day (the colored principal) have arisen because Day was interested in keeping separate schools because he was interested in cents and dollars he is getting, and knows that if the schools are mixed he will lose his big fat salary.

In regards to overcrowded schools as charged by some school board members, Hunter cited that there is room always available for German and Irish students and other students each year. He continued, It would be certainly easy to provide room in the white schools for colored children than to expend about three thousand dollars annually for the support of separate schools. But alas! There is no room.... Taking into consideration the conditions of our schools at present, I deem it as doing great injustice to us as a race to deprive our children equal facilities with other children for obtaining an education. Hunter hoped the school board would not allow any actions on their part that will

³³ Ibid.

incur the curse of heaven for obstructing the enlightenment of a downtrodden and ostracized race.³⁴

It should be noted that records of the school board minutes for May 17, 1877, gave no acknowledgement of the petition Mr. Hunter mentions. Mr. Hunter's comments revealed that he believed that there were few black supporters of segregated schools and that the school board's reasoning of not allowing black children to attend white schools was primarily prejudicial.

Four days later, Mr. Solomon Day, returning from a trip to Kentucky and having his attention directed to Mr. Hunter's comments, replied to Mr. Hunter's statements in a rebuttal that took up several columns in the *Dayton Journal* newspaper on August 21, 1877. After addressing Mr. Hunter's comment on Day's "fat salary" and noting that he was far more capable of the remunerative value of the kind of labor he performed and more capable of judging whether the salary was "fat" or not, he stated:

I am not aware that I had put forth strenuous efforts to create division of opinion among the colored people on the subject of mixed schools. My opposition to mixing the schools is founded upon higher considerations than those of personal interest, and in the position I take in regards to this matter I must state the fact when I say that I have the hearty concurrence of nine-tenths of the thinking, cultured men and women of my race all over the country, who have given this subject their earnest, dispassionate, thoughtful consideration, and who are able to come to their conclusions in the light of known facts and results....

Now as to the question, do the colored people in this country desire mixed schools? Will the interest of colored children be best advanced and served in mixed schools? These questions I ask and will attempt to answer....

They (colored people in America) do not desire mixed schools because colored teachers better understand the wants and dispositions of colored children, and from the very nature of their circumstances, know better how to sympathize with them and advance their interest. Mixed schools will no more

³⁴ *Dayton Daily Journal*, Aug. 17, 1877.

bring about intimate social relations between the races—if such thing was desired, which it is not—than separate schools. The intimate social relations and contact of a young tyro with intelligence in all the avenues of social life is essential to the development of a high type of manhood and womanhood. This intimate social relation the colored child is cut off from even though he attends the white school, and the only place he can find it is among the intelligent class of his own race. Do away with the separate school and you banish the most intelligent class from every community where you do it, and isolate the colored child from his superior social contact....³⁵

Mr. Day goes on in great length to point out the testimony of some of the best educators in the country, both black and white, to prove that the interest of the colored children can be better served in separate schools rather than in mixed schools and “if this is the case it will only reflect the greater honor upon the race, since it shows the disposition and ability of the race to accomplish something within itself and by itself, without external dependence upon someone else.”³⁶

Within the month of August, the letters of debate continued with Mr. Hunter replying to Mr. Day, that all he wanted for his race was an equal playing field with equal facilities, graded and furnished classrooms, and competent teachers.³⁷ The separate school advocates responded to Mr. Hunter’s reply by stating, “Now we believe that every person should venerate his own race.... This thing of belonging to one race and desiring to belong to another race does not serve to elevate a monkey, much less a man who is interested in the cause of the uprising race.”³⁸ The news articles revealed that neither side would convince the other to change and while both sides gave compelling arguments, the possibility of trying to work out the differences

³⁵ *Dayton Daily Journal*, Aug. 22, 1877.

³⁶ *Ibid.*

³⁷ *Dayton Daily Journal*, Aug. 23, 1877.

³⁸ *Dayton Daily Journal*, Aug. 23, 27, 1877.

seemed remote.

While the black community remained deeply divided over the best type of common school education of their children, the Dayton Board of Education, after many heated debates at board meetings and through the media, voted that separate but equal facilities were best for black children. The school board minutes of September 13 indicate that, while the vote was not unanimous, approval was granted to build a "new school for the colored people." The school was to be built in a central location, near the new Fifth Street Bridge, which was said to provide an excellent location.³⁹

During the period from October 11, 1877 through December 19, 1878, the school board took actions to authorize the sale of the two "colored schools" properties and to allocate funds for the purchase of a lot for the new structure and to accept bids for construction. The school was to have installed the latest school furnishings, fixtures, and outside necessities.

However, the approval of a new facility did not stop the political opinions and actions of those who were both for and against mixed schools. Even as the new school was proposed and before it was built, board members continued to debate the issue. In the February and March 1878 board meetings, board members kept the discussion alive. On February 14, board member, Thomas Kincaid, supported by other board members and parents of the Tenth District colored school, introduced a resolution "that colored citizens of Dayton be permitted to send their children to the district school (in their area) they reside in...."⁴⁰ He went on to remark that the

³⁹ Dayton Board of Education, *Minutes*, v, III, 1874-1879, (Aug. 30, Sept. 13, 18, 1877), 352, 358.

⁴⁰ *Dayton Daily Journal*, March 1, 1878.

integration resolution was in accord with justice and local policy, not only for the colored citizens but for the board of education and those whom they represent. The resolution was tabled for two weeks. At the next board meeting on March 14, board members Dr. Sawes, Mr. Dryden, and Dr. Lowe submitted a petition to amend the resolution by "granting to all colored the privilege of attending that school (Huffman) if they lived in that district."⁴¹ The amendment was defeated nine to eight. It appeared that the school board was as divided as the community.

While it appeared that the separation question was over and the pro-separation advocates had won, citizens who were mixed school advocates, presented a petition to the board on June 20, 1878, with an unknown charge against Solomon Day and demanded that he be fired, which he was.

Although the charge was not known against Mr. Day, it was known that William Hunter, William Jones, John Findley, and others had gathered the names of the Concerned Citizens Committee on a petition to remove Mr. Day.⁴² Teacher Miss Louise Troy, commenting in an interview, pointed out that Mr. Solomon Day was a "radical Republican," who made speeches during political campaigns for the Republican party, and therefore angered local black and white Democrats. According to her, the Board of Education used to be controlled by politics and stated, "If Democrats were elected to the Board of Education he (Solomon Day) would be removed as principal of the Colored School ... and when the Republicans were successful in the political election to the board, he would get his job back."⁴³

⁴¹ *Dayton Daily Journal*, March 14, 1878.

⁴² Dayton Board of Education, *Minutes*, v. III, 1874-1879, (June 20, 1878), 423.

⁴³ Aughe, *Stories about Pioneer Women Teachers*, 59.

Solomon Day had continued his efforts to ensure a segregated school system after the media debate of 1877. He weighed in on the political debate among blacks statewide when a bill was introduced in 1878 to repeal the state's separate school law. While the bill did not pass as proposed, the 1878 school law "facilitated the creation of black schools by ending the requirement that a certain number of school-age blacks were necessary for the establishment of a separate school."⁴⁴

During the debate of that legislation, several black teachers were lobbying for the defeat of the desegregation bill and attempted to persuade the legislators that blacks desired separate schools. The teachers' desires were first addressed to legislators in a letter from Solomon Day. In the letter, Day explained that while he was not against integration in principle, "regarding the immediate and future interest of the colored race, integration would be harmful.... I know of no better scheme to reduce the most intelligent classes of people to penny and want, or to drive them from the state to become victims of southern barbarism."⁴⁵

The arguments Day and other teachers put forth were not solely motivated by their desire to keep their jobs, but it was an important consideration. Others like Peter Clark openly stated that they were not opposed to integration if it applied to faculties as well as the student bodies. In that time period, teachers did stand to lose if Ohio's separate school system with 7,000 to 10,000 students was abolished. The salaries earned by black teachers represented the largest sustained income by blacks and were necessary for the support of families and the community. Unfortunately, the debate began on the footing of the financial issue and obscured larger issues and made it too

⁴⁴ Gerber, *Black Ohio and the Color Line*, 199.

⁴⁵ *Ibid.*, 200.

easy to charge every teacher defending segregation as a selfish person not minding inferior facilities. Gerber notes that while self-interest did play a role in their position he also stated:

... a small but vocal minority of teachers also believed deeply, though in varying combinations, in the benefits of separate schools, black teachers for black students, and the utility of separate institutions in the struggle for racial advancement. Thus, they saw their own employment as but one part of a larger educational structure essential to racial needs.... They did not argue that Ohio's dual system provided educational settings equal in quality and convenience ... an impossible argument.... Instead, they maintained that, given the special problems of the black community and its children, separate schools brought benefits outweighing their known defects.⁴⁶

When the new black school opened on January 10, 1879, it appeared to be everything the school board had proposed it to be. Miss Louise Troy, one of the black teachers who went to the new school, described it as follows:

The new building (10th District School) consisted of four large rooms with a hall through the center and large double door facing the river and rear. These rooms were plain, well lighted and heated by four carbon stoves. These stoves were very much like furnaces. There were no houses between the school building and the river.... Every thing was new and supplies plentiful. Mr. J. Brown, a brother of Hallie Q. Brown, was the principal for that year.

All colored children from the entire city were expected to attend this school, so that it could be graded and better work accomplished.⁴⁷

While some citizens may have wondered how the only three teachers, Hallie Q. Brown, Louise Troy, and John Brown would effectively teach seven grades, with an enrollment of 153 students in that year, the board nevertheless stated:

The change from the cramped quarters the colored students and teachers occupied for so long will be appreciated by both teachers and pupils. The new building would accommodate all the colored youth of school age for two years....⁴⁸

⁴⁶ Ibid., 201.

⁴⁷ Aughe, *Stories About Pioneer Women Teachers*, 59.

⁴⁸ Dayton Board of Education, *Minutes*, v. III, 1874-1879, (Jan. 10, 1879), 490.

While the debate continued, those who defended separate schools became a minority among those outspoken persons who were active in the debates during the 1880s. To many, the defense of separate schools threatened to compromise or postpone the attainment of equality and social acceptance, even if undertaken in the name of larger racial goals, "it constituted a basic challenge to the racial faith of most Ohio black leaders."⁴⁹ Black integrationists in the cities of Springfield, Columbus, and Cleveland felt that including black children in neutral school settings and initiating contacts between children of both races would be the best course to ending racial prejudice. Likewise, in Dayton during the early 1880s, black leaders, citizens, and some Dayton board members would forge ahead continuing to advocate against separate schools and push the charge of integration. The board, in a preliminary report, would conclude, "That to give the colored children these equal privileges would be in accord with the presently amended constitution of the United States...."⁵⁰

The 1884 Controversy Over The Issue of Equality in Schools

All over Ohio, parents, religious groups, and political groups continued to express their dissatisfaction with the operation of the separate school laws.

In March 1884, Harry Smith, black editor of the *Cleveland Gazette* newspaper, wrote a scathing article about Cincinnati's black schools.⁵¹ After talking with citizens of the Cincinnati black community and those who were connected to the schools, as well as visiting one of the schools, he described and protested the

⁴⁹ Gerber, *Black Ohio and the Color Line*, 201.

⁵⁰ *Dayton Daily Journal*, August 8, 1884.

⁵¹ *Cleveland Gazette*, March 22, 1884.

deplorable condition of Cincinnati's black schools as compared to the white schools. He took to task black principal Peter H. Clark, who had recently turned Democrat, for not speaking out about the bad conditions and demanding more for the students. In discussing Mr. Clark the editor stated, "Peter Clark has pursued such a course in his supervision of the colored schools of Cincinnati and in politics that he is as unpopular with the masses of our people there and the State over as one could be. The colored schools of Cincinnati are indeed a disgrace to civilization, particularly Ohio."⁵² Mr. Smith urged citizens to not tolerate this and posed the question, "Cannot 25,000 voters secure the rights of citizenship in Ohio?"⁵³ He went on to point out if Cuyahoga County could have mixed schools and mixed teachers, why could not Hamilton County have the same with proper effort.

Even earlier, some black parents in Ohio tried to work through the court system to obtain the right for their children to attend white schools that were closer to their residences. One case, which reflected the outcome of most litigation by blacks during the mid to late 1800s, was that of William Barnes. William Barnes, who lived in the Township of Norwich, in Franklin County was not allowed to attend the white school that was in his district and was closest to where he lived. In 1871, he filed a lawsuit on the basis that the arrangement of traveling to a school much further away violated the Fourteenth Amendment that read, "No State shall make or enforce any law which shall abridge the privileges or immunities of Citizens of the United States." Barnes contended that blacks were not afforded privileges equal to those of whites and that blacks did not have a part in the election of officers who had control of the

⁵² Ibid.

⁵³ Ibid.

educational destiny of their children. The courts ruled that there was no abridgement of rights, since education had been provided for blacks and that "Equality of rights does not involve the necessity of educating white and colored persons of the same school, any more than it does that of educating children of both sexes in the same school."⁵⁴

The African Methodist Episcopal Church Committee on Education, which had expressed dissatisfaction with the separate education system at their 1873 Ohio Conference, and again in 1878 kept steadfast in their sentiment and reported in their minutes:

... and to this end the free school system, based upon the principle of Christ's Gospel Mission to man is doing a great work in molding and reforming youthful minds, but as great as is the work, greater might it be, were it not for the inkling of color prejudice which is allowed to rest in the bosoms of some of the institution.

... in many instances the high schools of our towns and cities have thrown open the door to the youth ... white teachers are employed to the exclusion of colored teachers who are equally competent, and in some respects better qualified. This is unjust and has a tendency to disparage the accomplishments of our young men and women for the work of teachers, and therefore hindering the cause of education.⁵⁵

Black leaders, such as Reverend James Poindexter of Columbus and Professor William Scarborough of Wilberforce University, worked tirelessly for the repeal of black laws and separate schools. With the tide of resentment rising in the 1880s, members of the general assembly were continuously lobbied to equalize the educational opportunities and abolish the separate and inferior schools. Political

⁵⁴ Erickson, "Color Line in Ohio Public Schools," 242.

⁵⁵ McGinnis, *Education of Negroes in Ohio*, 58.

candidates were polled in 1880, 1884, and 1886 on the question of separate schools and more strenuous efforts were made to elect legislators from counties and districts that favored integrated school.⁵⁶

Black newspapers, such as the *Cleveland Gazette*, keeping the pressure on the political party that professed to be for the rights of blacks, printed the following in 1883:

Disgrace of GOP: Black Laws Still on Books

To the disgrace of the Republican Party be it remembered that even in the grand old State of Ohio black laws remain upon the Statutes. Why have they not been removed? Has the Democratic party been in power for the last fifteen years? If they had we would expect these laws to be upon the Statutes. But no, the grand old party, the friend of the colored voter, although it has ample time and opportunities to abolish said laws, have [sic] not done so.⁵⁷

Ohio Governor George Hoadley's Inaugural Address of January 1884 to the General Assembly, called for the removal of the two remaining racially offensive laws, by stating "Equal civil rights are enjoyed by all of our citizens except those possessing a visible admixture of African blood. I recommend the repeal of all laws discriminating between citizens on account of color. They are both wrong and oppressive."⁵⁸ Hoadley went on to place particular emphasis on the inequality of the school system and called for comprehensive school integration.

The political climate in Ohio in the 1880s made it an opportune time for the concerned black citizens of Dayton to continue to push for equality in education. In order for politicians to gain the comfortable margin of victory needed in most elections, they were obliged to appease black citizens on some level. In exchange for

⁵⁶ Ibid., 59.

⁵⁷ *Cleveland Gazette*, Sept. 15, 1883.

⁵⁸ Gerber, *Black Ohio and the Color Line*, 235.

the Republican vote, the party that most black voters favored, blacks received patronage jobs such as letter carriers, firefighters, janitors in local factories, switchmen on the railroad, and appointments on various boards such as local workhouses.⁵⁹ The loyal allegiance of blacks to the Republican Party was irritating to some. The *Daily Democrat* newspaper regularly printed articles blasting black voters and the Republican Party with such statements as "The colored person who has been living off the Republican Party in the post office for a dozen years sold himself cheap yesterday on election day.... He ought to have a master with a whip lash."⁶⁰

At any rate, Dayton black citizens, understanding the political nature of the school board and feeling that their votes may be somewhat influential, continued to seek change on the school policy of school segregation.

On three occasions in May 1881, September 1881, and July 1882, blacks from the Concerned Citizens Committee petitioned the Dayton Board of Education to address their concerns, but achieved no real results. On the first two occasions, Mr. Preston Findley, father of four, asked if his seven year-old daughter could attend a white school that was nearer to their home. He argued that she was "delicate" and it was difficult for her to cross the many railroad tracks. The board responded by telling Mr. Findley that the district he requested, the Sixth District, was overcrowded. On the second occasion, Mr. Findley tried again in September, but this time requested, a different district, asking instead for the Third District. Again, he was told that the district was too crowded and the board refused to accept either petition.⁶¹

⁵⁹ *Dayton Travelin' in the Footsteps*, vol. V, 1983, 8.

⁶⁰ *Dayton Daily Democrat*, Oct. 14, 1885.

⁶¹ *Dayton Travelin' in the Footsteps*, vol. V, 1983, 8.

The third petition brought to the board by the Concerned Citizens Committee and their supporters on July 27, 1882, demanded a "proper grade school" for their children. The parents explained in their petition that they felt their school was inadequate because of the high percentages of students that failed the admission examination for the Intermediate School. The Board of Education's Annual Report shows that in the 1881-82 school year, seven black students were examined and five failed the admission exam for the Intermediate School.

Even worse, in the 1882-83 school year, seven black students were examined and all seven failed. The parents explained to the board of education that upon questioning the school principal, Solomon Day, asking why the grade school had so many failures, Day told the parents he had to neglect the students in the fifth grade to attend to the needs of the higher grades. The parents stressed that if the situation could not be corrected, the school should be abolished and students should be sent to their respective school districts. The board voted to accept the petition and referred the matter to its Committee on Law.⁶²

A response to the 1882 petition was never made by the board. This may have been due to the fact that school principal, Solomon Day, died January 28, 1883. The *Journal* reported that Mr. Day had been confined to his bed because of a lung disease. The obituary read, "... a man who has stood for years in the first ranks of colored society here, and who has always been called upon to assist in every public enterprise that concerns our colored citizens...."⁶³ Mr. Day was a highly respected leader both

⁶² Dayton Board of Education, *Minutes*, v. IV, 1880-1886, (July 27, 1882), 276.

⁶³ *Dayton Daily Journal*, Jan. 29, 1883.

locally and statewide. He was replaced in February 1883, by a black professor named W.O. Bowles, who had taught in Urbana, Ohio, for fifteen years.

But citizens' concerns about education would not remain dormant for long. In July of 1884, thirty prominent black citizens presented the board with a petition to abolish the colored schools and admit the students to the public schools. The parents presented their case to end the separate schools and argued that the annual expense of \$4,000.00 was unnecessary, that the standard of efficiency was far below that of other schools, that all children should attend schools that are within reasonable distances from their homes, and that the present system of separate schools was not favored by many of their "white brothers."⁶⁴ The petitioners received favorable response from the board members. Board members stated that their petition deserved consideration and a resolution was made and seconded that in their opinion it was no longer best to keep the Tenth District. No sooner than these issues were agreed upon, board members were reminded that at their last June 27 board meeting they had already hired two of the black teachers for the Tenth District for the coming year. Knowing that the teacher contracts had to be honored and also knowing they were not going to offer the black teachers teaching jobs in the white schools, they agreed that the resolution be carried out next year, and referred the resolution to a special committee of three.⁶⁵ As the board was prepared to adopt a resolution at its August 7 meeting to close the Tenth District School, 155 petitioners of the opposite view, influenced by principal, W.O. Bowles presented a counter resolution.⁶⁶ The petitioners of this group

⁶⁴ *Dayton Daily Democrat*, July 11, 1884.

⁶⁵ *Ibid.*

⁶⁶ Erickson, "Color Line in Ohio Public Schools," 286.

were concerned about whether there was sufficient support in the community to accept integration and they were especially concerned about the future welfare of its black teachers and stated that abolishing the separate schools would “inflict a cruel and unmerited injustice on the colored teachers.”⁶⁷

While outsiders, such as the *Cleveland Gazette*, reported on this new development on the subject of mixed schools in Dayton as “hot at both ends,” board members were steadfast.⁶⁸ In keeping with the sentiment they offered to the first petitioners, a preliminary landmark report of the “Committee on Abolishing the Tenth School District” was presented to the board on August 21, 1884. Included in that report was a five point review of their findings that were recorded as follows:

One. We find first that the Tenth District set apart for the use of colored children comprise the entire corporate limits of the City of Dayton.... And that it is exceedingly inconvenient for many colored children to attend the present school by reason of their remote residence....

Two. That seven grades are attempted to be taught by three teachers.

Third. That a very large percent of tardiness exists in the district presumably owing to great distance that many students must travel to reach the school building.

Fourth. That the standard of scholarship in the district is low and the principle failure appears in the seventh grade as shown by the examination for admission to the Intermediate School.

Fifth. That the expense of maintaining the school is an average of twenty-two dollars per student ... a large part of which could be saved by abolishment of the district.

That to give colored children these equal privileges would be in accord with the present amended constitution of the United States and the Statutes thereof

⁶⁷ Ibid

⁶⁸ *Cleveland Gazette*, Aug. 16, 1884.

and the general spirit of that age, which is to give every man without distinction of race, color, nationality....⁶⁹

At the end of the report it was noted that because the tenth district teachers had already been hired prior to the acceptance of the first petition, the tenth district could not be abolished until the 1885-86 school year.

This report was a historic document in that Dayton board members took a position that was extraordinary in comparison to most Ohio school districts at that time. At a time when agitation was very strong to abolish the black laws and especially separate schools, Dayton's position pre-dated the mandatory desegregation school law of 1887. In reacting to the board's decision, a black citizen later commented in a Letter to the Editor that, "The righteous act of the school board ... in abolishing the colored school has been regarded by many next to the Emancipation Proclamation."⁷⁰

The board's position was not appreciated by all. Dayton black educators, in particular, were still very concerned about the abolition of their jobs and questioned the merits of having mixed schools over separate schools. These concerns were voiced strongest by Tenth School District principal, W.O. Bowles. Mr. Bowles began ongoing discussions in regard to the board's position beginning in August of 1884, when he had an excerpt from the *Christian Recorder*, a black Methodist journal, printed in the *Dayton Daily*. The journal warned against precipitous action in attempting to break down race prejudice, and argued that a sudden mixing of schools would prove less effective in ending race prejudice "than would the appearance of

⁶⁹ Dayton Board of Education, *Minutes*, v. IV, 1880-1886, (August 21, 1884), 73-74.

⁷⁰ *Dayton Daily Journal*, July 9, 1885

thousands of colored teachers in the presence of pupils of this land, exciting confidence, and in the presence of thousands of white educators challenging respect.”⁷¹ The *Christian Recorder* went on to point out that when mixed schools mean exclusion of black teachers “we must demand common schools rather than mixed, common from head to foot.”⁷² It is interesting to note that before the *Dayton Daily* printed this requested excerpt from the *Christian Recorder*, their opening statement pointed out that Dayton was moving toward mixed schools because the majority of black citizens wanted it and stated that the suggestion for maintaining schools for the benefit of teachers is untenable and the government had no right to do that.

While the mixed schools topic subsided in Dayton newspapers during the next several months of 1884, it was robustly revived in 1885 with numerous articles written by W.O. Bowles and others. The renewal of the discussion may have been precipitated by events going on in Ohio. In the start of the 1885 legislative session, Republican George Ely of Cleveland had introduced legislation in the Ohio Senate. Senator Ely’s bill would repeal the separate school law and would abolish the anti-intermarriage law.⁷³ One of the strongest opponents of this bill was the black teachers’ lobby. The Cincinnati black teachers and their Democratic Board of Education were strongly criticized by the *Cleveland Gazette* for protesting against Senator Ely’s bill abolishing separate schools. The newspaper stated “that this is what

⁷¹ *Dayton Daily Journal*, August 27, 1884.

⁷² *Ibid.*

⁷³ Gerber, *Black Ohio and the Color Line*, 238.

we expected, ... it is simply self interest before all else—the progress of the whole race not expected.”⁷⁴ Integrationists, with Springfield blacks leading and constituting the largest delegation, took their cause to the legislature and spent several months at the capital.⁷⁵

Around the same time these events were going on in Ohio, Mr. Bowles responded to a news article on mixed schools and colored teachers that had stated, “it would be a difficult task to legislate for the colored people in school matters, when it should rest upon the prevailing sentiments of whites, ... many colored are apprehensive that the abolition of the ‘color’ discrimination in schools will deprive colored teachers of employment.”⁷⁶ Mr. Bowles fired back in an editorial by stating, the writer, when discussing “abolition,” should have stated “partial abolition,” for that was what they really meant and since it was plainly spoken that that would be the end of colored teachers, why should teachers not be apprehensive. Mr. Bowles concluded, “If the ‘Plain Truth of Right’ is exercised toward colored teachers as toward white teachers the annihilation of cast [sic] schools—white and colored—would be just, complete and welcomed.”⁷⁷

During the month of February 1885, Mr. Bowles would continue to hammer away with his views on the discussion of mixed schools by having several articles published in which he commented on the position of the majority of black people, race relations and loyalty to race institutions, and the past and present condition of black schools.

⁷⁴ *Cleveland Gazette*, Feb. 7, 1885.

⁷⁵ Gerber, *Black Ohio and the Color Line*, 238-239.

⁷⁶ *Dayton Daily Journal*, February 11, 1885.

⁷⁷ *Ibid.*

Bowles wrote a rebuttal to a black citizen, William Jones, who wrote that instead of black teachers fighting against mixed schools they ought to be the leaders of advocating it. Mr. Jones felt that the teachers were not advocating for it because they were not qualified to teach in white schools and further pointed out that until they are qualified they should not be admitted to teach. Jones wanted to know how were blacks expected to come out of gross darkness with a group of white people who have had so many more opportunities.⁷⁸ Bowles countered that despite the bias of 90 percent of the whites and an almost equal ratio of the blacks against the mixed school, the "Board of Education has seen fit in its wisdom and might to decree the abolition of the colored school at the end of the current year."⁷⁹ To those promoting the elimination of the teachers, he proposed that they respect the law of mathematical equations by stating,

It is a law of that branch of mathematics treating of the equality of quantities that, in order to preserve the equation, the same quantity must be eliminated from or introduced into both members. We hold the interests and rights of teacher and pupil, black and white, are co-ordinate; they are mutually dependent.... without the introduction of the colored teacher, it destroys the equation....⁸⁰

Bowles' response to Mr. Jones' letter was so lengthy that the *Journal* carried it in three issues of the newspaper, with the next two responses occurring on February 18 and 20. In the next issue he made a case on race relations and described the government as acting in theory only, in that it had been "all things to all men," except the black man. He asserted that for centuries, in the black man's case, he had been the exception to all America's rule and practice. He stated, "We the people" meant "We

⁷⁸ *Dayton Daily Journal*, Feb. 14, 1885.

⁷⁹ *Dayton Daily Journal*, Feb. 16, 1885.

⁸⁰ *Ibid.*

all the white people.”⁸¹ Bowles pleaded that until the unjust conditions that caused separate black churches, schools, lodges, and societies ceased to exist, that there was no valid reason for and no practical advantage for their abolition. In further promoting self-determination for the race he stated,

A manly independence, to be secured by the accumulation of wealth, the improvement of morals, the development of intellect, and courageous support, and exaltation of our race institutions will do more toward destroying the existing race antipathy and securing to us the just recognition than any act of legislation compelling race associations.⁸²

In concluding, Bowles discussed the past and present conditions of the black schools and acknowledged that the initiation of blacks schools was a compromise between no schools at all and admittance into white public schools. And with that compromise came schools that were poorly equipped, inferior, with teachers less efficient because they were greatly overworked and underpaid, and students who were required to come from long distances. But even at that, he felt that the adversity of that situation brought forth the opportunity for “the development of race talent” and employment. He marveled that the “genius of the Negro was equal to the Herculean task imposed, and was amply attested by the present intellectual status in the North, and the improved condition of the schools.”⁸³ He felt that the most pressing issue of the time was the distance some students had to walk, but pointed out that it was increasingly being modified by some students being allowed to go to schools closer to their homes. However, even with the distance, Bowles felt that the majority of parents would overlook the distance in order that their children have “teachers in

⁸¹ *Dayton Daily Journal*, Feb. 18, 1885.

⁸² *Ibid.*

⁸³ *Dayton Daily Journal*, Feb. 20, 1885.

full sympathy with it.”⁸⁴ On the question as to whether the abolition of black schools would bring equality of rights, he noted that in the end, teachers would make the sacrifice, with the legislators driven by a sense of right and justice, “they would not utter one word of protest.”⁸⁵

Joining in on the debate in early spring of 1885 was the black community’s Colored Reading Room Club. The subject to be debated in the affirmative and negative was, “That mixed schools throughout the country would be a great benefit to the colored people generally.”⁸⁶ After a four-hour debate by several of the members, judges who were not members of the club were narrowly persuaded by the negative argument, in which the debaters argued that the mixed schools would take thousands of dollars annually from blacks and that precedence had shown the black teachers would not be hired in the mixed school. The individual members were then allowed to vote and the outcome resulted in five members for and five members against abolishing colored schools. Even with the results, the meeting ended with the secretary, speaking for the members, stating:

that mixed schools would be a great benefactor to the colored people if they would mix the teachers accordingly ... not considering that it would hurt us financially, and if left to ourselves, would willingly vote to see the colored school abolished and let teachers take their chances.⁸⁷

After this debate only scattered comments were made in the newspaper, with no ongoing agitation. But the passing of time seemed to give some Dayton School Board members time to reflect and time to reconsider past decisions.

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ *Dayton Daily Journal*, May 15, 1885.

⁸⁷ Ibid.

On June 26, 1885, board members were conducting business in regard to recommending teachers for the upcoming year as well as giving various committee reports. As appointments were read for several school districts, Mr. Dustin, a member of the Tenth District Committee, commented that it was his understanding that the district had been abolished by the former board action.⁸⁸ Later in the board meeting, board member Mr. Marlay revived Mr. Dustin's comment by responding that it was not his understanding that the Tenth District had been abolished. Mr. Marlay proceeded to nominate Mr. Bowles and Mrs. Troy for reappointment. After several comments by board members revealing that there was not agreement on the matter, board member Mr. Winters offered a resolution to refer the resolution of the August 21, 1884, meeting in reference to abolishing the Tenth District to the Committee Law for an opinion.

While the community appeared to be clear on the resolution and appeared to have the understanding that the Tenth District was abolished, it is difficult to understand how any board member could have interpreted the resolution in any other manner. At the next board meeting on July 9, the report of the Law Committee on the legal status of the Tenth District was reported, "In our opinion by the action of the Board adopting the report of the committee made, the separate school for the colored--children, known as the Tenth District, has been abolished."⁸⁹ The attorney on the board followed by saying that he concurred with the opinion. With a clear understanding on this matter from the Law Committee and board attorney, the board members unbelievably failed to adopt this report. A motion was passed to adopt the

⁸⁸ *Dayton Daily Democrat*, June 26, 1885.

⁸⁹ *Dayton Daily Democrat*, July 10, 1885.

report and was defeated with seven voting yes and seven voting no, resulting in a tie vote. Still it was unclear as to what this vote on the motion really meant. The *Dayton Daily Democrat* newspaper that covered the meeting reported "Pending action on this motion, the question of the status of the Tenth District became a subject for discussion."⁹⁰ Board member, Mr. Bauman, thought the ruling of 1884, had settled the issue and stated that the rejection of the recent report given to the board members during this meeting "by no means altered the legal effect of the former action" and noted that to re-hire Mr. Bowles would mean he would have to be put in a white school. Other comments by board members also indicated that the issue was not settled and they were not of one accord as indicated by the following:

Mr. Marlay, contended the colored school should re-open and the 10th district students were doing well at that school---he also remarked that the colored people wanted to keep open the school.

Mr. Kumler said before colored teachers were hired for the 1885-1886 school year, the school situation had to be settled first.

Mr. Allen favored giving all the rights and privileges to the colored children enjoyed by other races.

Mr. Dustin, contended the whole question was the closing of the colored school. He said, it was unfair for colored children to travel ten or twenty squares, when a white neighbor needed only to travel one-half or one-fourth that distance. He said it was time for the colored students to be taught in classrooms where only one grade was being taught instead of where many grades are taught.

Dustin also said, white teachers had one year warning to prepare for mixed schools, and if colored teachers wanted employment they should go to the thousand of colored schools in states where separate schools still existed and would remain so. He said the first duty of the board was 'to the children and secondarily to the teachers.'⁹¹

⁹⁰ Ibid.

⁹¹ Ibid., *Dayton Daily Journal*, July 10, 1885.

Mr. Dustin, who was the most outspoken and long-winded, acknowledged that in past years the majority of black citizens opposed mixed schools because of their concerns for the teachers, but doubted "if that was the case now."⁹² Not reaching any agreement, the board suspended the matter, and ended the meeting with a motion to appoint Mr. Bowles as principal and Miss Troy teacher of the Tenth District. That motion, not surprising, failed. The indecisiveness of Dayton board members set off a flurry of comments by black citizens through the press which, again, revealed the fact they were not of one mind on the issue of mixed schools. Proponents of separate schools proclaimed that four-fifths of the black people in Dayton desired for their children to remain in their schools and appealed for the board to maintain them. They emphasized the point that they wanted school to be pleasant for their children and that their children were not ready for mixed schools, as evidenced by the fact that they did not drop out of school until sent to the Intermediate and High School, where they are mixed.⁹³ Continuing the momentum for separate schools was Principal Bowles. He spearheaded the circulation of a petition to be signed by citizens to gain support for his position. However, his critics took him to task by pointing out that the majority of blacks were not in favor of separate schools. William Hunter, a member of the Concerned Citizens Committee and strong pro-mixed schools advocate, commenting on the protest efforts of Bowles stated;

Now ... to show after employing six Odd Fellows and a horse and buggy, and canvassing the city and its vicinity for three days, going in every nook and corner and alley, and at last came up through Broadway alley, and all they could bring up to the Board of Education was two hundred and two (signatures) ... that looks like four-fifths of the colored citizens of Dayton, when the colored population is between eight hundred and a thousand ... More than one third that took part in circulating the

⁹² Ibid.

⁹³ *Dayton Daily Journal*, July 16, 1885.

protest were themselves in favor of mixed schools, but were urged by the principal for his own personal benefit to sign it.⁹⁴

Others promoting the mixed school sentiment consistently addressed the issue of what is best for the students. Citizen, Mr. William Jones, blasting those who had stirred up the community with petitions and articles for the purpose of reinstating themselves, said "Which is more important, one or two teachers or hundreds of children?... I answer by saying that the education of children is more important than the employment of one or two teachers."⁹⁵ Mr. Jones went on to note that the teachers had ample time to find other employment and that the Law Committee, accompanied by the attorney had decided the matter. Black citizens seemed to be hopelessly divided on the matter.

The issue over whether to re-establish the Tenth District by the board came up again on two other occasions. On July 20, 1885, "In a special session, the school board, ... resolved that a motion filed by J.A. Marlay, to re-establish the Tenth District School and teachers be re-appointed for the ensuing year, was 'Laid over' under the rules."⁹⁶ The other board meeting occurred on August 20. All board members who spoke on the matter favored the re-establishment of the district, with Mr. Baker stating that, "The differences of the colored people on the subject had convinced him of the propriety of continuing the school. At the same time he wanted the best teachers employed and every means to educate the colored youth."⁹⁷ Several possible amendments were discussed before voting on the matter. Mr. Dustin

⁹⁴ *Dayton Daily Journal*, July 24, 1885.

⁹⁵ *Dayton Daily Journal*, July 18, 1885.

⁹⁶ *Dayton Daily Journal*, July 21, 1885.

⁹⁷ *Dayton Daily Democrat*, Aug. 21, 1885.

proposed, "that all colored children living beyond a radius of four blocks from colored schools be permitted to attend the school district in which they live."⁹⁸ This amendment was not accepted. Mr. Marlay favored the re-establishment of the Tenth District with all its privileges formerly enjoyed. He regarded "all the several amendments as so much juggling on part of those opposed to the colored school to prevent its re-establishment."⁹⁹ Mr. Marlay's resolution was voted upon and was adopted by a vote of twelve to five. In other business during the meeting, Mr. Bowles, a Republican was recommended as principal of the Tenth District as was Mr. Joseph Johnson, who was a white Democrat. To widespread astonishment of many, Mr. Bowles lost the vote and Mr. Johnson was made principal by a vote of eleven to five.

And so the re-establishment of the Tenth District came to be, largely as a result of the black citizens not having a collective voice on what they wanted. While both camps presented compelling arguments, they did not try to hammer out their differences to come up with a compromise that they could agree upon. If viewed on a continuum, with the goal of reaching social and educational equality, the anti-mixed school proponents and the pro-mixed school proponents would be at different points on the continuum, but both would have the ultimate goal of reaching the same end, equality.

After fighting the mixed-school battle with each other, blacks would now band together to protest the appointment of Joseph Johnson, over W. O. Bowles as the principal of the Tenth District. The vote for Joseph Johnson was a straight party line vote of eleven Democrats for him and the five Republicans against him. It should

⁹⁸ Ibid.

⁹⁹ Ibid.

be noted that Mr. Johnson had been removed from one of Dayton's white schools in the last year for incompetence. The *Dayton Journal* reporting on the matter stated that "The Democratic school board ... is sometimes amusing and sometimes contemptible.... An educated, intelligent man and competent colored teacher is removed and a dyed in wool Democrat has been appointed to the colored school, good Lord!"¹⁰⁰ The article further pointed out the incompetence of Mr. Johnson and noted that a black citizen commented after the board meeting, that if Mr. Johnson was not good enough for the white people, he was not good enough for colored people.¹⁰¹

Black people were furious over this appointment and quickly assembled a petition to present to the board, supported by a large number of citizens. Among the several resolutions presented in blistering language were:

Therefore be it resolved, that we the patrons and friends to the Tenth District School do hereby deplore the actions of the said Board in thus thrusting upon us this mediocre, this man who in every way was distasteful to us as a people; and can never claim our respect as a teacher.

Be it resolved, that such action on the part of the board is calculated to greatly demoralize, if not totally destroy the efficiency, progress and discipline of our school, by thus insulting the parents and discouraging the pupils, who cannot understand why recognized ability is removed and acknowledged incompetence is substituted in its stead.

Resolved, that we call on the friends of justice, right and equality, to come to our aid and help us to shake off this parasite, which the board has inflicted upon us, and to assist us in the accomplishment of the object to ... the re-establishment of the colored schools with a good and efficient corps of colored teachers.¹⁰²

School board members were not only unsympathetic to the demands of the black citizens, they were also punitive towards them. In the September 3 board

¹⁰⁰ *Dayton Daily Journal*, Aug. 21, 1885.

¹⁰¹ Ibid.

¹⁰² Dayton Board of Education, *Minutes*, v. IV., 1880-1886, (Sept. 18, 1885) 569, 575.

meeting, when the petition was presented, Democratic board member, Mr. Bauman, responded to the petition by saying he was astonished to know that the colored men would present such a document to the board. He contended that Mr. Bowles was incompetent and the colored children were below average intelligence and it was the responsibility of the board to do the best for them as possible. He continued that in his view, the petition was an insult to Mr. Johnson, and referred the resolution to the Committee on Fuel, Heat, and Ventilation—meaning, burn it up!¹⁰³ And to show further displeasure toward the petitioners, the board members approved the re-establishment of the seventh grade at the Colored school and hired two white teachers, Miss Frances Marquart and Miss Clara B. Spiner. All teachers at the Colored School were white except Miss Louisa Troy. Blacks had been dealt a devastating blow by the actions of the Democratic board.

Advocates for the pro-mixed schools, having no resistance from Mr. Solomon Day, who was dead, and none from Mr. Bowles, who was fired, had no challengers in continuing their fight. They began petitioning the board again for the inclusion of their children in the white school system. Three petitions were submitted to the board by individual parents, two on September 17 and one on October 1, 1885. In all petitions submitted, parents were requesting that their children be allowed to attend white schools for various reasons, such as the white schools were graded and their children could advance faster, or the distance to black schools was too far to walk. The petitions were not acted upon, but were accepted by the board.

The mixed school controversy was a classic debate with both sides giving compelling arguments for their way of thinking to gain supporters. Issues of politics,

¹⁰³ Dayton Board of Education, *Annual Report*, 1885-1886, 93-94.

cultural precedent, and employment of black teachers collided with the genuine concern and educational equality for black children. Some black leaders believed that black schools should develop and concentrate on the needs of black children, but most black leaders advocated that anything short of equal facilities, identical courses, and preparation in black schools would continue to foster cultural division along racial lines. McGinnis notes that it had been claimed "that the separate schools indirectly negated any genuine instruction in broad social and moral values which would permeate the structure of a democratic society."¹⁰⁴ Sadly, during the debates, there was no winner, because neither side tried to work together for the common good of the children and the local community.

Blacks remained united in their opposition against Mr. Johnson, the white principal, but he was rehired by the board the following school year in July of 1886, with a vote of fourteen to one. However, for unknown reasons he resigned on September 2, before the school year started. Miss Grace A. Green, a white woman, was selected to take his place.¹⁰⁵ Mr. Bowles was not hired in any other educational capacity and found like many other displaced black educators, that finding suitable employment would be difficult. After a while, he moved to Cleveland and opened a barbershop catering to whites. He later unsuccessfully attempted to enter politics and tried his hand at running a race newspaper and a printing firm, but was also unsuccessful at those endeavors.¹⁰⁶

While blacks remained divided over the best type of education for their

¹⁰⁴ McGinnis, *Education of Negroes in Ohio*, 55-56.

¹⁰⁵ Dayton Board of Education, *Minutes*, v. V, 1886-1880, (Sept. 2, 1886), 31-32.

¹⁰⁶ Gerber, *Black Ohio and the Color Line*, 324.

children, one black child was finally allowed to attend the Second District School. This admission was vigorously protested by one black citizen who said, "transfers should be granted for all black children who desired it."¹⁰⁷ However, the protest still did not allow all black children to attend school who were living in that school district. In the end, it would be the repeal of the remaining Black Laws in 1887 that would settle the mixed school question for the Dayton black citizens and the Dayton Board of Education.

Final Repeal of Black Laws

Political agitation for the elimination of segregated schools became particularly strong in the late 1800s in the Ohio General Assembly. Gerber notes that there was a combination of forces on both sides of the color line to push the issue starting in 1884. He states:

Not only did the escalating competition for the black vote suggest that controversial racial questions might be taken up on both sides, but among blacks themselves a growing concern for both questions was evident in the intensification of the school controversy and in the reaction to the prosecution of the black Toledoan under the anti-marriage law.¹⁰⁸

Recognizing these forces, Springfield Republican, John Littler, in the 1884 session, introduced a bill to repeal the separate school law. In trying to move this bill, Littler and other Republicans, understanding the changing views of black constituents, sought the support of black Democrat Peter Clark. Mr. Clark was the leading black spokesperson for the black teachers' lobby and influential with the Democrats. Although Clark himself did not defend separate schools, he argued that school integration must encompass faculties. The Democratic Party, in consultation with

¹⁰⁷ Dayton Board of Education, *Minutes*, v. V, 1886-1890, (September 16, 1886), 79.

¹⁰⁸ Gerber, *Black Ohio and the Color Line*, 234.

Clark reached a compromise by amending the Littler bill to provide for the establishment of separate schools upon petition of the majority of blacks in any school district. This bill did not make it because of hostilities of most Democrats, a large absence of legislators, and the unexpected decision of the black teachers' lobby to come out against the bill.¹⁰⁹

In the 1885 session, Republican Senator George Ely revived Littler's bill, without the provision for local option and with the inclusion of language that would abolish the anti-intermarriage law. This bill received more attention and became a hot bed of discussion between black Republicans and the black teachers' lobby group. The *Cleveland Gazette*, the leading Republican press for black civil rights in Ohio, kept constant attacks on the black teachers' lobby. Harry Smith, the editor, in an article titled, "Colored Teachers Try to Keep Separate Schools," reported that he expected the Cincinnati black teachers and their Democratic Board of Education to protest Senator Ely's bill to abolish separate schools because "it is simply self-interest before all else—the progression of the race not expected."¹¹⁰ Smith urged citizens to show persistent efforts to "abolish every vestige of the abominable black laws" and that the "colored vote would deal with ... the membership of the Assembly who oppose Senator Ely's bill."¹¹¹ In Cincinnati, disgust with unequal schools, coupled with a recent mass arrest of black voters, illegally carried out by Democrats, precipitated a conflict within the ranks of the black teachers' lobby. Charles D. Bell, a

¹⁰⁹ Ibid.

¹¹⁰ *Cleveland Gazette*, Feb. 7, 1885.

¹¹¹ Ibid.

highly respected teacher and local political activist, broke with the teacher's lobby and pledged to work for both the Littler and Ely bills.¹¹²

This new turn of events caused Democratic lawmakers to pause and realize that blacks' dedication to the repeal of black laws was paramount above all else and if they did not pay attention to these constituents, they would likely suffer political consequences. Reflecting these sentiments, Democratic Representative Thompson of Cincinnati outlined these points to his party, frankly warning them that the 1886 fall election might hinge upon the black vote, and that if the Republicans got into power, they would likely repeal the black laws anyway.¹¹³ The tenor of these discussions revealed that the possibility of support for the repeal of black laws existed in both parties. Following the logic he had presented to the Democrats, Thompson introduced an amendment to the Littler bill nullifying the local option clause. This bill fell four votes short of a constitutional majority. Action to continue the fight was postponed until the seating of a new legislature in January.

At the same time white politicians were strategizing for votes, blacks were continuing to mobilize to promote their own interest. Efforts of the African Methodist Episcopal Church and the National Colored Convention persisted.¹¹⁴ The *Cleveland Gazette* editor, Harry C. Smith, called upon blacks to support Republican nominee, Judge Joseph B. Foraker, who was running for governor against incumbent Governor George Hoadley. Smith also called for the election of three black activists and leaders to the Ohio House of Representatives; Robert Harlan of Hamilton, Jere A. Brown of

¹¹² Gerber, *Black Ohio and the Color Line*, 239.

¹¹³ *Ibid.*, 240.

¹¹⁴ McGinnis, *Education of Blacks in Ohio*, 60.

Cuyahoga County, and Bishop Benjamin Arnett of Greene County.¹¹⁵ Foraker won the governor's race and not unexpectedly, he called upon the legislature to repeal the separate school and anti-intermarriage laws. In his 1886 inaugural address he said,

There are still a few laws on our statute books that create unjust discrimination based on color. They should be swept away to the end that our colored fellow citizens may have the same rights and same opportunities for education and self- evaluation and enjoyment of the rights of citizenship that other citizens have.¹¹⁶

In addition to Foraker winning, newcomers Harlan, Arnett, and Brown were elected to the House of Representatives, allowing Republicans to be in firm control of the House. However, the situation in the Senate was somewhat confusing. When the 1886 session convened, there were 17 Republican and 20 Democratic Senators, but four of the Democratic seats were being contested. Taking almost the entire session to resolve the matter, it was finally decided that the challenged seats would go to the Republicans. Utilizing the short amount of time left in the session, Bishop Benjamin Arnett introduced in conjunction with Jere Brown, a bill to repeal both the separate school law and the law prohibiting intermarriage. The introduction of this bill was much to the dismay and disappointment of his white constituents of Xenia, who he had promised before the election, to take no initiative on the school issue.¹¹⁷ The arguments for the bill centered on the right of black citizens to enjoy full civil rights in the state and also the discrimination inherent in the separate school system for black students.¹¹⁸ Arnett listed eighteen reasons why the legislature should repeal the

¹¹⁵ Weston, *Blacks in Ohio History*, 33.

¹¹⁶ McGinnis, *Education of Blacks in Ohio*, 60.

¹¹⁷ Gerber, *Black Ohio and the Color Line*, 242.

¹¹⁸ McGinnis, *Education of Blacks in Ohio*, 61.

black laws, and ended his argument by stating, "we are one in origin, equal in responsibility and in one destiny; and the sooner people are taught this fundamental truth the better it will be for the State and for the citizens of the commonwealth."¹¹⁹ Passage of Arnett's bill took a year and was approved on February 16, 1887. The vote was twenty-four to seven, with all Republicans voting for it but only four Democrats voting for it. The event was witnessed by several hundred enthusiastic black spectators in the galleries.¹²⁰

It took a total of three years for the Ohio legislators to repeal the last of the discriminatory laws, due to competing forces of political expediency and prejudice versus idealism and egalitarianism. While the repeal of the black laws did not guarantee a moral revolution, this event was a high point in racial achievement in Ohio and was considered a racial landmark.¹²¹ Unlike the past, when blacks had been in a weakened position of watching and waiting for others to determine their fate, the achievements of blacks in the 1880s proved to be deeply influenced by black political power. They became active voters, lobbyists, legislators, and politicians, who aligned themselves with and only supported those whites who championed their cause. As shrewd and skilled manipulators of the party system, blacks became a force to be reckoned with and laid the ground for future advancement to be built upon.

Reaction to and the implementation of the Arnett law took on various forms in cities in Ohio. In some cities the separate schools were not immediately abolished, such as in Bainbridge in Ross County, and the blacks continued to be excluded

¹¹⁹ Ibid.

¹²⁰ Gerber, *Black Ohio and the Color Line*, 243.

¹²¹ Ibid., 244.

illegally.¹²² In Cincinnati, a number of black citizens, teachers, and students made a request to the Superintendent to be allowed to continue to attend the separate schools on a temporary basis. This request was granted by the board, with students attending on a voluntary basis and with the understanding that there had to be enough students attending to keep the school open.¹²³

However, in communities such as Dayton, Columbus, and Cleveland, the local schools applied the law of the land. In June 1887, the Dayton Board of Education reported, "The admission of colored children in our white schools ... was settled here by the good sense of the parents, the pupils and the teachers."¹²⁴ Miss Louise Troy was the only black educator that went to the integrated schools. In her discussion on the new situation she said, "without much opposition, the resolution was made abolishing the Tenth District ... the largest number of students went to the Central District and Garfield. Miss Troy said she heard "all the comments.... They were such a surprise."¹²⁵

After the repeal of the black laws, there was not much discussion on the issue of separate schools by the Dayton black parents who favored it or by board members. The last notation of record about the Tenth District School was at a board meeting in 1892 when the board resolved, "that at the school house on West Fifth Street, known as the Colored School, is falling into decay, and in all probability it will never be used for school purposes, it would be advisable to see if the property cannot be sold."¹²⁶

¹²² Erickson, "The Color Line in Ohio Public Schools," 375.

¹²³ Ibid.

¹²⁴ Aughe, *Stories about Pioneer Women Teachers*, 59.

¹²⁵ Ibid.

¹²⁶ Dayton Board of Education, *Minutes*, v. V, 1886-1890, (April 18, 1892), 71.

The abolition of the segregated schools ended several decades of proscribed educational conditions and limitations for black children. Many who had pushed for integration in schools viewed this as a natural and crucial step in the evolvement of race relations. They saw this as the best method and hope for changing white attitudes and preparing blacks for equality and social acceptance. However, opponents, such as black teachers, viewed schools as just one link in a chain of activities and institutions working for racial advancement and working against prejudice.¹²⁷ Perhaps synthesis of both views was needed for the race to be responsible for itself and to be better prepared to deal with the wrath of the Jim Crow Era that they would be entering into during the twentieth century.

¹²⁷ Gerber, *Black Ohio and the Color Line*, 204.

CHAPTER VII

CONCLUSION

From the beginning, race played a prominent role in America's evolution. English colonists held strong negative perceptions of persons who differed from them culturally and physically. Those negative perceptions evolved into race constructs that guided the development of the country and had serious consequences for Native Americans and blacks that remain with us today. Native Americans were stripped of their land, killed, and displaced to isolated areas of the United States. Blacks, taken from Africa, endured 242 years of slavery practiced in the South and many years of humiliation under the black laws in the North. A brief period of enfranchisement was enjoyed by the enactment of the 13th, 14th, and 15th Amendments and the repeal of the black laws, but that was followed by offensive "Jim Crow" laws beginning in the late nineteenth century and lasting until the mid-twentieth century.

This study revealed the effects of race on the development of education for the black children of Dayton, Ohio. Within this realm and understanding the broader context of the country as a whole, it becomes apparent that race cannot be marginalized in the cultural analysis of this study. Race has to be understood as the historical contingent of social systems of meaning that are closely attached to ancestry and the development of structures. Physical features were given certain meanings that ascribed social processes and systems that became part of the racial fabric of the country. Those systems gained force and reproduced themselves in all aspects of society by the actions of social and legal actors who accepted the ideas of race in the distribution of wealth and power.

This period investigated was very important because it represented significant movements in American life that affected both the black population and their educational opportunities. This study contributes to the understanding of contemporary black education by focusing on four major aspects that impacted the development of black education. Those aspects included: slavery, Ohio Black Laws, self-help efforts of blacks and others, and the black community's division over the best situation in which to educate black children. Having a historical understanding of the effects of those four aspects on past generations of black children provides a framework and knowledge base to better understand and reflect on contemporary education of black children.

The profound effects of slavery in the South were characterized by their cruelty, displacement, family breakup, and cultural genocide on blacks in this country, while at the same time building the foundation for industrial capitalism in this country. Slavery shaped and entrenched the notions of economic, educational, and social privilege, alongside the notions of race subservience. Under this system, blacks had no rights or hopes of education or other privileges. This "peculiar institution" impacted all of America, exposing its hypocrisy, and divided the country until it was outlawed after the Civil War. Southern slavery forged and defined social and racial relationships in this country for several centuries, with the powerful remnants of its effects still defining contemporary social order.

As blacks migrated north to Ohio, both before and after the Civil War, seeking better opportunities with notions of freedom and equality, they were met with some of the most notorious laws in the country. The Ohio blacks laws, initiated almost

immediately after Ohio entered the Union, kept the boundaries of exclusion for blacks well defined by a series of comprehensive legislative actions, which blurred the distinction between slaves and free blacks. When the state of Ohio legally authorized education for black children, the Dayton School system provided years of limited sub-standard education in segregated settings. The delay of full inclusion of blacks into public schools reflected the broader reality that education operated within a social context and fulfilled a social mission. Understood in the political and social context, education was delivered in a way that imparted and reinforced ideas and values that supported the economic and social order of the community.

While the shackles of the Ohio black laws were particularly harsh and repressive to blacks in the pursuit of education and enfranchisement, black Daytonians were not passive in the face of class and racial subordination. Though small in numbers, with rugged determination, they forged ahead working diligently on their own behalf and with the help of others for equal rights. Dayton blacks affiliated with the national movement that was dedicated to racial justice and an open society. Black leaders participated in the State Conventions of Colored Men, continuously petitioned the legislators to repeal the black laws, and later petitioned the Dayton Board of Education for integration. They formed bonds of solidarity by establishing self-help organizations through churches and other agencies to promote and provide education for their children. And they embraced and celebrated all events that gave evidence of improvement in their status. In the midst of their hostile environment, blacks tried to exert some influence over their lives.

The desires of Dayton's blacks merged with the educational awakening of the country in the belief in universal education and the right to fully participate in the democracy. The purpose of black education advocated by local black leaders was also reflective of the larger societal purpose of common school education in the nineteenth century, which was to produce students with good religious-moral character, good work habits, and mastery of the basic academic subjects. Blacks believed that education was the best avenue by which they could change their status and assimilate into mainstream America.

As the doors of the educational arena opened, blacks would remain legally segregated for many years to come. While the Dayton black community stood united in their stand for education, they were divided over the issue of whether they should push for the integration of their children into the white schools. The integration proponents felt that integration was the most expedient route to equality in the larger realm of society. On the other hand, the black proponents of segregated schools felt that the intellectual, emotional, and cultural needs unique to the black children would be sacrificed in white schools. The argument as to whether it is best for black children to be taught in segregated or integrated schools is an argument that was not settled in the black community in the nineteenth century, and is still an issue of contemporary discussion within black communities.

Submerged in the debate over integration/segregation, at the end of the nineteenth century, was the larger question that would soon surface and begged to be answered: What should the purpose of education be for blacks? A natural transition

for further study would be tracing new forces that emerged to influence, shape, and define the purpose of black education into the twentieth century.

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