

## HOUSE...No. 262.

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### Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, April 24, 1855.

The Joint Special Committee, to whom were referred the Petitions of

E. P. Carpenter, and 225 others, of Foxboro' ;

Sylvanus Adams, and 63 others, of Milford ;

John A. Coddington, and 87 others, of Mansfield ;

Curtis Morse, and 287 others, of Fitchburg ;

William H. Hayden, and 81 others, of Foxboro' ;

have considered the same, and present the following

### R E P O R T :

In whatever touches the religious sentiment of any portion of the community, legislators should proceed with the most careful deliberation. They should ever bear in mind that with religious opinions they have no concern; that matter lies between man and his God alone; and it is only when actions dangerous to society result from these opinions that the civil power may justly interfere.

In the consideration of the subject referred to us, two questions naturally arise: first, whether there are convents or nunneries in the Commonwealth; and second, whether they are the proper objects of legislation under the above principle.

Your Committee are satisfied that convents do exist in many of the cities and large towns, both from their own observation and the testimony of the inmates themselves; and although in those parts of the institutions to which they were admitted they saw no indications of physical restraint, yet they have no reason to suppose that their general rules and regulations differ materially from those of other convents.

Connected with all the houses we have visited are boarding and day schools, numbering from twelve to five hundred pupils each.

Soon after the appointment of the Committee, opportunity was given to the petitioners and others interested to make such statements and lay such information before us as they deemed proper; several gentlemen appeared, and very strong representations were made, derogatory to the good character of these institutions; all the testimony offered was of the same general tenor. Knowing the excitement that has heretofore existed upon this subject, and desirous of availing ourselves of all proper means to obtain such information as would enable us to make a fair and impartial report, on the 15th of February it was voted to offer the following order:—

“*Ordered*, That the Joint Special Committee on the Inspection of Nunneries and Convents be authorized and instructed to visit and examine such theological seminaries, boarding schools, academies, nunneries, convents and other institutions of a like character, as they may deem necessary, to enable them to make a final report on the subject committed to their consideration.”

This order was adopted, and, so far as your Committee are aware, without a dissenting voice in either branch of the legislature.

As this order has been the subject of considerable cavilling, it may not be improper, in this place, to say what your Committee conceived their powers to be under it.

Although not professing to be profound jurists, or deeply read in the law, your Committee would be unworthy to occupy seats in this house were they so ignorant of the constitution of the State as to suppose that the legislature could authorize an examination of any private building, contrary to the wishes of the inmates, and without due process of law; they understood it merely to sanction their visits as a legislative committee, but not as giving them power to enter any institution without the full permission of those having the control thereof.

In accordance with this view of their duty, they have been careful to ask permission to see the establishments they have visited, and have, in every case, been careful to disclaim any pretence to authority to enter without such permission; nor have they at any time visited any portion of the houses to which they were not conducted by the authorities of the institutions.

The action of the Committee under the order is the best evidence of their interpretation of it. The first visit after its adoption was to the College of the Holy Cross, at Worcester. On the arrival of the Committee in that city, a note was addressed to the president of the college, stating that a committee of the legislature was in the city, and, if perfectly agreeable to him, would like to see the college.

An answer was returned, expressing his entire willingness to receive us; and, on our arrival, we met with a very courteous reception, and were shown over the building; the different arrangements were explained. We were informed of the number of pupils, the studies pursued, &c.

The second visit of the Committee was to the convent and school at Roxbury; here the object of the visit was stated, and the permission asked was readily granted, the Lady Superior saying that she would be happy to show them the house, though it was quite small. This lady conducted the visitors to the different rooms, opened the door of the chapel, and invited them to enter. She also invited them to visit the school-rooms, and, when they were leaving the house, invited them to visit the institution again.

At the Lowell convent and school (the place of their third and last visit) the Committee were received and ushered in by a lady.

The object of our coming was explained to the Lady Superior, and, at the same time, it was carefully explained to her that we claimed no authority to enter against her wishes, and desired her to be entirely governed by her own inclinations in the matter. The lady said she was pleased to see us, and conducted us through the school-rooms, chapel, sitting-room, &c., and then informed us that there were some rooms which no one but the priest, or some one authorized by him, was allowed to enter. She was assured by the Committee that they desired her to consult her own inclinations entirely; they did not wish to infringe upon any rule of the house; and were about to retire, when the lady desired us to wait until she sent for the priest, who was only a few rods distant. The gentleman soon made his appearance; and when the Lady Superior stated to him the position of affairs, he said that, as guardian of the house, he should not consent to have any one enter those rooms. The chairman of the Committee informed him that it was not at their request, but at that of the lady, he was sent for, and that, so far from urging the matter, the least sign of reluctance on his part was sufficient to remove them from his presence.

The Committee were refused the favor of hearing any recitations, or witnessing any of the exercises of the school; the reason assigned was, that it was one of their rules to exhibit the school to none but Catholics. The number of pupils was stated to be about five hundred.

From all the evidence that has been presented to the Committee, and from what they have seen of the institutions themselves, they do not find sufficient cause to warrant legislation in reference to them as convents.

The fact that others of the same class have been made the prisons of innocent victims does not affect the rights of those against which no such charges are proved; and should the State adopt a different principle, and institute an inspection into all of the class, on the same principle it might search the private dwelling of every citizen because *some* private dwellings have been the scenes of revolting crimes.

Viewed from another point, these establishments are of the deepest interest to the community; we refer to the schools connected with them. As has already been stated, they num-

ber from twelve to five hundred pupils; and the testimony of the teachers of the public schools goes far to prove the fact that little progress in knowledge is made in them. They say that children are often taken from them and sent to private schools a year or two, and, on returning to the public schools, show that they have made no progress whatever.

The reason given by the priests for keeping their children out of the public schools is, that they are there taught nothing but infidelity.

To permit schools so vastly inferior to those established by the State to gather in the children of the community, and utterly waste their time,—if they do no worse,—is entirely contrary to the spirit and intention of those who built up the free school system of Massachusetts.

Massachusetts, as a colony and a state, has, for more than two hundred years, claimed and exercised the right to educate the youth within her limits, and has made such laws, and affixed such penalties to the violation of them, as has been deemed necessary to carry into practical operation the fundamental idea, that it is the duty of the State so to educate the young that they may be fitted to enjoy in their own persons, and to transmit to their posterity unimpaired, a glorious heritage of civil and religious liberty.

In the year 1642 the General Court made it the duty of the municipal authorities to see that every child should be educated, and also specified what branches of learning should be taught. By this act, the town authorities were directed to take children from those parents who neglected their duty in this matter, and place them in charge of persons who were more worthy of the trust.

From that period to the present the school laws of the State have been based upon the same principle, and their aim has been to insure to every child within the Commonwealth, however poor and destitute in other respects, a good common school education; and in nothing has the citizen more just cause for pride than in the ceaseless solicitude and liberal expenditure of the State to attain this object.

Yet there are some in the community so heedless of the welfare of their children, or so degraded themselves, that, although the stores of knowledge are freely offered for their acceptance,

they neglect to avail themselves of it, and allow their children to grow up in a state of ignorance, dangerous to themselves and the community of which they are members.

Others are induced to send their children to private schools, many of which are doubtless excellent institutions, while some are very far below the average of our common schools, and do not afford the pupils those opportunities for obtaining knowledge which the laws of the State guarantee to every child.

The first section of the Act of 1852, concerning the attendance of children at school, provides that every child between the ages of eight and fourteen years shall attend some public school at least twelve weeks in each year.

Section third of the same act makes it the duty of the school committee of each town and city to see that there are no violations of this act, or, if there are any, to report them, with the reasons thereof, in their annual report.

Section fourth contains the exceptions to the enforcement of the act, among which are these: "If children shall have been furnished with the means of education a like period of time, or have already acquired those branches of knowledge usually taught in the common schools, then they shall be held not to have violated the provisions of this act."

It will be seen that school committees cannot perform the duty which this act imposes upon them, of ascertaining whether children are provided with the means of education contemplated by the law, unless they are empowered to visit private schools and ascertain what is taught in them.

There is yet another ground from which we argue that private educational institutions should be open to examination.

All civilized governments act upon the principle, that whoever solicits the community to trust property or person in their care challenges the inspection of the public by its regularly authorized agents; and this is manifestly just and proper, as the protection of the rights and safety of the individual is the first duty of society. This principle is continually being acted upon; and it is safe to say that no legislative body has for many years assembled in this house without recognizing it in some form or other.

As a simple illustration, take the case of a grocer who should open a shop in any town in this Commonwealth. The

sealer of weights and measures comes from time to time, armed with all the authority of the law, to test his honesty; and, if he should choose to deal in coal also, he is not allowed even to weigh out his own property as he sells it, but must apply to the public weigher, though his own scales were a thousand times tested and found perfect.

But when a person comes into our midst and asks us to place our children under his charge, to confide them for a considerable portion of each day to his sole control and influence, and that, too, at an age when the influences which surround them, whether good or evil, make their most lasting impression, the government takes no interest in the matter, makes no examination as to the fitness of the person for the important trust he solicits, and, by this omission, practically says that dollars and cents are of more importance than the moral and physical welfare of our children.

But this is not really the estimate which the State places upon the correct training of the young. Her jealous care in other respects, and her liberal appropriations of money, forbid such a conclusion; and it is believed that this single inconsistency needs but to be pointed out to be at once remedied.

The Committee on Education having reported a bill concerning examination of private educational institutions, we would recommend its passage, believing it to meet all the exigencies of the case.

J. LITTLEFIELD, *Chairman.*

STREETER EVANS,  
GILBERT PILLSBURY,  
*Senate.*

J. H. LAPHAM,  
STEPHEN EMERY,  
NATHAN KING,  
*House.*

