

# Breaking



# the Color Line

## The Trial That Led to the End of Legal Segregation in Pennsylvania's Schools

Todd M. Mealy

**The half-century following the Civil War was an unpleasant yet profound period of race relations in American history.**

To date, much of the scholarship about equal rights during that era concentrates on Southern reconstruction while ignoring some very important accomplishments in other parts of the country. Activists in Pennsylvania, for instance, took up a complicated struggle over state and federal legislation on school desegregation.

The noun *desegregation* invokes many sagas and lessons from the expansive history of the civil rights movement. Rarely mentioned among them is the 1881 decision in *Allen v. Meadville School District* (officially called *The Commonwealth ex rel. v. Davis et al.*), which set forth a movement that led to a statute breaking the color line, a 19th-century term for legal segregation in Pennsylvania schools.

It is understandable that most Pennsylvanians are unfamiliar with *Allen v. Meadville*. The case was tried in a county court of common pleas. Presiding judge Pearson Church's decision impacted schools in Crawford County only. Be that as it may, *Allen v. Meadville* manifests serious inferences for explaining just how civil rights leaders successfully persuaded Northern white legislators to pass laws that eventually erased the color line. Pennsylvania adopted its racial segregation ordinances prior to the Civil War and well before the United States Supreme Court's *Plessy v. Ferguson* decision upholding separate accommodations for the white and colored races.

The history of education for African Americans is complicated. At the beginning of the 19th century, black students were educated in one of two types of schools. The first was the Sabbath school, usually held in the basement of African Methodist Episcopal churches where black children were taught reading, writing and mathematics. Untrained teachers, however, taught at those schools. In addition, no city funds were set aside for Sabbath schools and only a portion of the weekly church tithe went toward maintaining them. The second type of school for black pupils was the African Free School, typically operated by agents of one of the multitude of abolition societies throughout Pennsylvania. These private schools were eventually absorbed into the public school system by 1832. Whites and blacks together attended many of the new public institutions, like the Lancasterian School in Harrisburg, Dauphin County.

The Crawford County Courthouse was the site of *Allen v. Meadville School District* in 1881. The courthouse also functioned as the county prison.

MG-213/PA STATE ARCHIVES



An ambrotype captures a meeting of abolitionists near Philadelphia in about 1855: from left, Passmore Williamson, unknown, William Howard Day, James Miller McKim, Mary Grew and Edward M. Davis.

ROBERT ADAIR COLLECTION



Octavius V. Catto, teacher and agent of the Pennsylvania State Equal Rights League, was killed on October 10, 1871, while helping black voters in Philadelphia. W. Howard Day was by his side during the tragic murder.

NATIONAL PORTRAIT GALLERY

The timing of integration in Pennsylvania was impeccable and fleeting. It was at the same time that the commonwealth's last enslaved person was set free. Moreover, freeborn black men possessed the right to vote. The combination of expanding free black communities, voting privileges and integrated schools was too much for many whites to accept.

In retaliation, segregationists passed a new state constitution in 1838 that established Black Codes meant to draw strict lines between themselves and African Americans. Rights such as jury duty and legal representation were taken away from freeborn black men. According to the *Columbia Democrat*, the vote extending suffrage to people "other than white freemen" was rejected "by a vote of 78 to 38." Abruptly, freemen of color lost the right to vote. State senator William T. Rogers of Bucks County noted in 1838, "the right of suffrage is not guaranteed to the negro, by the spirit of the constitution."

Soon enough, the state legislature passed a statute that separated public schools by race. The 1854 measure was called the "Act for the regulation and continuance of a System of Education by Common Schools." The law removed control over schools from the city and created school districts, school boards and the office of the superintendent. The law said schools must be in session for four months during a semester. In addition, the act established separate schools for whites and blacks "whenever schools could

be so located to accommodate twenty or more colored pupils."

Legal segregation was an inescapable part of life in Pennsylvania by the time the Civil War erupted in 1861. Across the commonwealth, blacks argued about the best way to dismantle Pennsylvania's Black Codes. Some believed the best route ran through the courthouse. Activists such as Octavius Catto (1839–71) and William Still (1821–1902), who together in 1864 orchestrated a Philadelphia streetcar sit-in, believed in purposefully breaking laws in order to challenge them in court.

The individual who offered a different method was a newcomer to Pennsylvania, William Howard Day (1825–1900), a former Underground Railroad operative from Ohio. Born free and possessing an Oberlin College degree, Day was a tall, light-skinned man with coal-black hair and, as W.E.B. Du Bois once described, "expressive eyes and a mouth beautifully cut, and indicative of decision and energy." Day preferred lobbying legislators to change the racist laws and for black men to run for office themselves. He considered tactical nonviolence too slow of a method. By 1864 Day was ready to begin organizing communities into equal rights leagues.

The National Equal Rights League (NERL) began in Syracuse, New York, at the Great National (Colored Citizens) Convention on October 4-7, 1864. Of the 144 delegates in attendance, the great leaders of the

Underground Railroad were most active. Frederick Douglass (1818–95) served as the convention's president. Day, meanwhile, was invited by Douglass to serve as one of two secretaries.

Day proved remarkably valuable that week. After helping to convince league members to align with the Republican Party, he coauthored a series of resolutions calling on the federal government to provide financial help and schools to freed slaves throughout the South. The resolutions played a just role in the creation of the Freedmen's Bureau in 1865.

Moreover, Day, a printer by trade, oversaw the publication of the Declaration of Wrongs and Rights, a document challenging the United States Congress to recognize all African Americans as natives and full citizens of the country. This proclamation became the foundation for the Equal Rights League's biggest endeavor—an effort to pressure Congress for the 13th, 14th and 15th amendments to the Constitution.

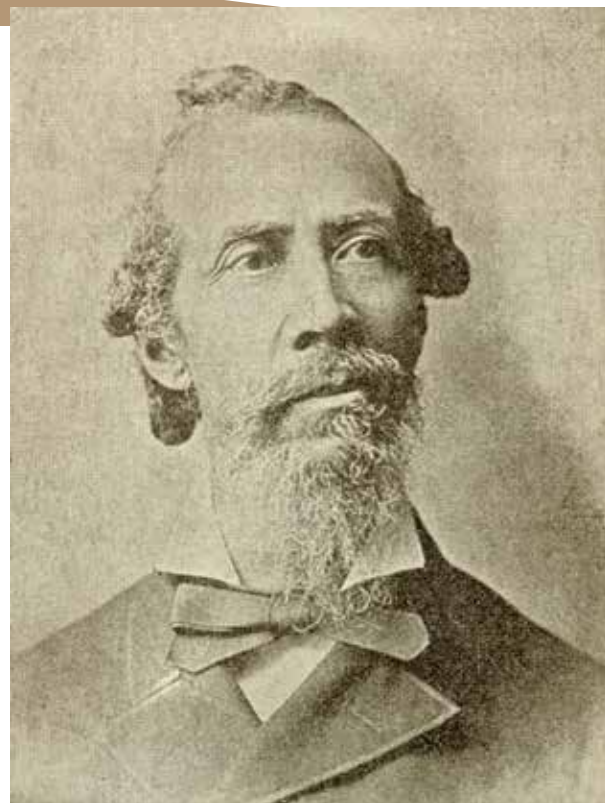
Ultimately, disputes about the best way to break the color line hardly mattered. Everyone involved in the post-Civil War equal rights movement returned to their homes to form local branches to challenge the laws in their own ways. According to NERL's constitution, "The life and power of the national branch of our organization depend upon the formation of State Leagues, while the State branch depends upon the . . . action of the people."

In the years that followed, by way of petitions, memorandums and editorials, Day and members of various equal rights groups were able to successfully influence the ratification of the three reconstruction amend-

ments. For most white Americans who had long worked for slavery's demise, the 13th Amendment was righteous. They believed, however, that the 14th Amendment, which granted full citizenship to African Americans, and the 15th Amendment, granting suffrage to black men, had overstepped the color line.

As laws at the federal and state levels declared two different things, blacks and whites battled on Pennsylvania's streets and the assembly floor for almost two decades. Day argued the 14th Amendment affirmed interracial schools. Segregationists, on the other hand, held firm that state law trumped the federal amendment, justifying separate schools for whites and blacks.

This confrontation fueled Day and his collaborators in the equal rights movement. In the five years after the ratification of the 15th Amendment in 1870, members of the Pennsylvania State Equal Rights League—all black in membership—unleashed a torrent of pressure on Republican state legislators to align the state's legal codes with the federal law. Finally, in early 1875, after Republicans seized control over both houses of the legislature, a new constitution was passed for Pennsylvania. The newly issued parchment repealed many of the state's Black Codes. Victory in 1875 brought an unwise termination of the



Pennsylvania State Equal Rights League as the authors of the new constitution brushed the issue of segregated schools aside.

After serving five years as superintendent of "colored schools" in Maryland and Delaware for the Freedmen's Bureau, and having recently been elected to the first of six terms on the city of Harrisburg's School Board of Directors, Day traveled to Pittsburgh in October 1878 to meet with the black population of western Pennsylvania. Together, they would form a new organization called the Peoples' League. On October 16, Day argued that the most important issue of the day was to break the color line in Pennsylvania's schools. As reported in the *Harrisburg Telegraph*, he told a crowd at the Old City Hall in Pittsburgh, "the legislature [must] abolish all laws making discriminations on account of color."

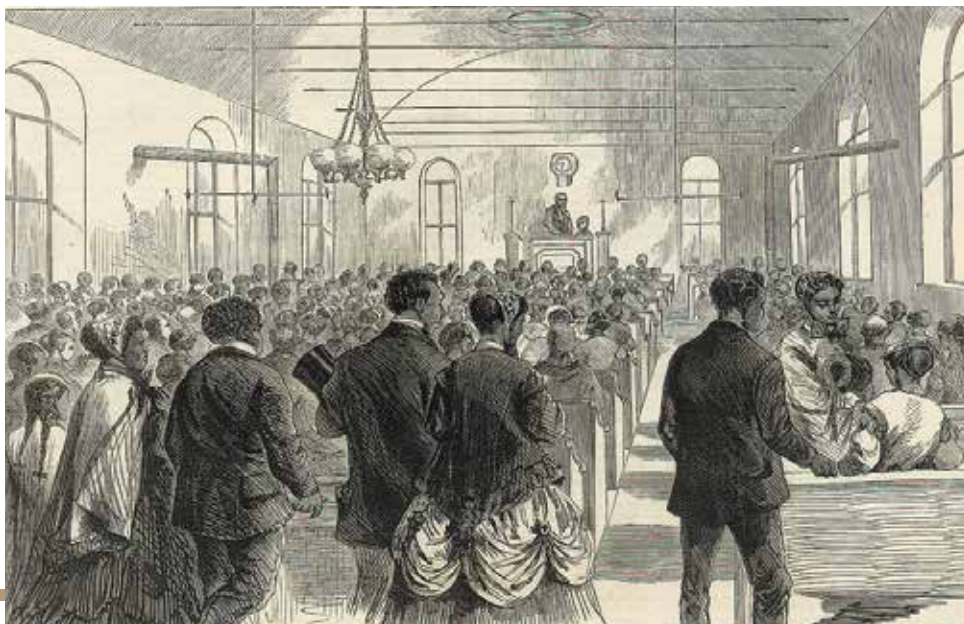
There was a growing sense of warfare—us against them—Day remonstrated. He included specific assertions about equal duration of school semesters, matching

**Above, In June 1892, William Howard Day was re-elected president of the Harrisburg City School Board of Directors.**

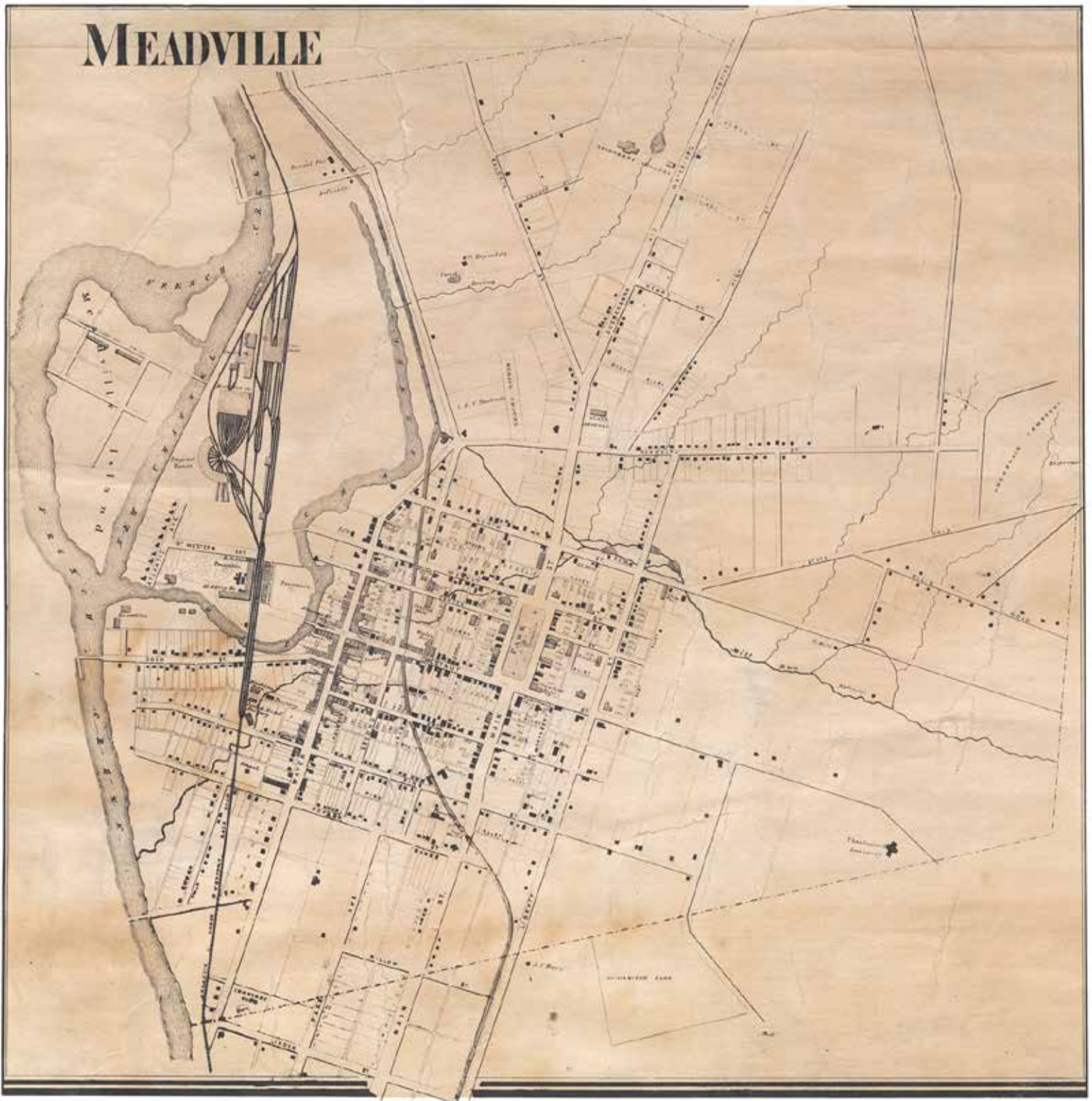
NORTH CAROLINA COLLECTION, WILSON SPECIAL COLLECTIONS, UNC-CHAPEL HILL

**Left, Starting in 1830, National Colored Citizen's Conventions were held annually to strategize about educational, economic, political, social and legal equality.**

HARPER'S WEEKLY, FEBRUARY 6, 1869



# MEADVILLE



Meadville's first ward, which included the location of Park Avenue School (all black), was in the city's northwest. The second ward was in the northeast, the third ward in the southeast, and the fourth ward in the southwest. Huidekoper Grammar School was located within the fourth ward on South Main Street.

CRAWFORD COUNTY HISTORICAL SOCIETY

salaries for African American teachers, and equity of funds spent on schooling for students of color. He protested against "colored children having to traverse long distances to school." Day even challenged the superintendent of Pennsylvania schools, James P. Wickersham, to bring about interracial schools. He avowed, "even if the doors have to be forced by the decision of a court of law."

Taking the education issue to court was just what Day had in mind, but too much infighting caused the Peoples' League to go defunct by the end of the year. The setback was, to a degree, quite embarrassing. His trip to Pittsburgh, however, fostered action for ending all legal impediments that kept Pennsylvania schools racially separate.

In Pittsburgh, Day had encountered Elias H. Allen, a widowed father of three



**William R. Bole was such a dominating personality in the courtroom, many felt he would convince the Court to rule against Elias H. Allen.**

MEADVILLE TRIBUNE-REPUBLICAN, CENTENNIAL EDITION, MAY 12, 1888

and janitor at Allegheny College in Meadville, an urban town in the middle of Crawford County. Allen was soon to become the individual to test the school segregation Act of 1854 in court.

During the first week of September 1880, Allen tried to enroll two of his children, 8-year-old Charles and 6-year-old Amelia, in Meadville's all-white Huidekoper Grammar School. Citing section 21 of the Act of 1854, the school's officials refused admission to the Allen children, according to school board president M. P. Davis, "for the sole reason that they were negroes or mulattoes."

The Meadville School District was composed of two school systems, one for the first and second wards of the city and another for the third and fourth wards. Huidekoper operated as the white elementary school in the third and fourth wards. Meanwhile, Park Avenue School, located in the first ward, was the only colored school for all four of Meadville's wards. In accordance with the Act of 1854, Meadville's School Board of Control could maintain racially segregated schools as long as a minimum of 20 African American students ages 6 to 21 lived in the school district.

Allen and his children resided in the third ward, just a quarter mile from Huidekoper. In step with the law, his son Charles previously traveled nearly a mile into the first ward to attend Park Avenue School. But when Amelia reached school age, Allen courageously took a stand by walking his children into Huidekoper.

Elias Allen never went on record about his decision to test the Act of 1854. What exactly was Allen's background? U.S. Census records clearly indicate he was born in Virginia, but painstaking searches have failed to discover if he was freeborn or if he had escaped from bondage. How many conversations, if any, had Allen engaged in with legal agitators and other leaders of the equal rights movement? Where did Allen get the money to pay for the trial? This article is regrettably unable to answer these questions.

It is clear, however, that Allen was no pawn in the struggle. In the fall of 1880, he applied for a writ of mandamus against the Meadville School Board. He then secured an adept and polished lawyer named Thomas Roddy, a former member of the Meadville city council and fervid member of the Republican Party. Roddy procured a court date for May 9, 1881.

Allen and Roddy were up against a lawyer and a judge who were both lifelong members of the Democratic Party and thought to possess sympathies for maintaining the status quo. William R. Bole served as counsel for the defense, M. P. Davis and the Meadville School Board of Directors. Born 1838 in Meadville, Bole was a 13-year member of the Crawford County bar. He was a lifer in Meadville who wanted to maintain the tradition of his hometown.

Pearson Church (1838–1898) was the president judge of the Crawford County Court of Common Pleas in 1881. A Democrat, Church had been a delegate at the 1875 convention that amended Pennsylvania's constitution so that many of its previous Black Codes were repealed. He was the nephew of the esteemed antislavery judge from Dauphin County, John J. Pearson. He was also a 32nd-degree mason and proprietor of Phoenix Iron Works in Titusville. Described by the *Record Argus* as "among the very clearest headed," Church was, in essence, a wild card.

Allen's case focused on the argument that the 1854 statute violated the 13th and 14th amendments. Roddy insisted that the Meadville school district was guilty of a host of infractions concurrent with the state's law while ignoring the dictums set forth by the federal laws. He made three arguments in court. First, he proved that at Park Avenue School, one teacher taught a combined four grades simultaneously, while in the white schools there was at least one

teacher for each grade. He then confirmed that Park Avenue was in session three months per term, while Huidekoper met the required four-month semesters. Finally, Roddy argued that the great distance the Allen children had to walk to Park Avenue was in violation of the rights provided by the 14th Amendment.

"In a very elaborate and learned opinion," the *Lincoln Progress* reported, Church ruled in favor of Allen. It was a stunning victory. In his opinion, issued on May 10, 1881, the judge said the 21st section of the Act of 1854 "is repugnant to the Constitution of the United States, and therefore inoperative, null, and void." He carried a potent eloquence for the federal law: "Its language is intelligible and direct. Nothing can be more transparent . . . There is nothing to construe."

The most powerful declaration in Church's opinion was a dagger at the core of the Act of 1854. "I can see nothing destructive to our institutions in the demolition of the legal barriers that have been erected," he charged, "between the colored race and their natural, civil and political rights and liberties. The white race owe the colored race at least fair play in their great struggle for education."

In regard to the distance to the school, Church said, "The relator has the same



**As a Democrat president judge of Crawford County, Pearson Church surprised many people when he ruled in favor of Elias H. Allen, in a decision stating that the segregation statute was a violation of the 1875 Pennsylvania Constitution.**

MEADVILLE TRIBUNE-REPUBLICAN, CENTENNIAL EDITION, MAY 12, 1888



Thomas Nast's drawing *Our Common Schools As They Are and As They May Be*, appeared in *Harper's Weekly*, February 16, 1870, endorsing the Radical Republican position on the desegregation of public schools.  
LIBRARY OF CONGRESS

right to the benefit of the proximity of his residence to the grammar school, as his white neighbor has." The judge ordered the Meadville School Board "to admit the minor children of the relator over the age of six years as pupils into . . . Huidekoper Grammar School" immediately.

Church's decision, as important as it was for the equal rights struggle, only impacted schools in Crawford County. More had to happen to officially repeal the 1854 segregation statute.

The victory of *Allen v. Meadville* was an energizer for Day and his former colleagues in the Pennsylvania State Equal Rights League. On May 17, a new committee was formed to "secure a repeal of the act of . . . 1854." As reported in the *Lancaster Daily Intelligencer*, the committee "issued a circular to members of the Legislature asking for its repeal." For a month after the decision, Day's group pressured assemblymen throughout the commonwealth.

The effort worked. On June 8, the Pennsylvania legislature passed a law revoking the 1854 segregation act. The new law, titled "A further supplement to the school laws of this commonwealth and to abolish all distinction of race or color in the public schools thereof," clearly stated "it was now unlawful to exclude any child from the public school nearest to his place of residence on account of color alone." Signed by Governor Henry Hoyt, the law went into effect on July 4, 1881. Day and his friends celebrated this as "the crowning event to the Declaration of Independence."

The law, however, didn't mean an end to de facto segregation. A disturbance between white and black students occurred at Thaddeus Stevens School of Philadelphia when the term commenced in September 1881. Elsewhere, Clearfield residents contended, "We don't believe our colored citizens will like this better than the whites will."

One year later, the June 8 integration law had to be upheld by the state Supreme Court. In September 1882 John Manaway, a black resident of Uniontown School

District, tried to enroll his son into Public School No. 1, a white school fully furnished with 10 classrooms, located near his home. He "was refused on the ground of color." Manaway successfully brought a writ of mandamus to the Fayette County Court of Common Pleas against the Uniontown School Board of Directors and Superintendent Edmund H. Reppert.

The Uniontown school board then appealed the case to the Pennsylvania Supreme Court. On December 30, 1882, the state's highest judicial authority ruled 2 to 1 in *Kaine et al. v. the Commonwealth ex rel. Manaway* affirming the Fayette County Court's mandamus in Manaway's favor. Judge J. Mercer wrote in his affirmation, "Where there are in one school district two school houses, one for white children and one for colored, a colored child living near the former school cannot be excluded therefrom on account of his race alone."

The account of *Allen v. Meadville* had many players working interchangeably. It can become easy to lose track of the people, organizations and struggles as state legislators took decades to evolve from segregationist positions to bold moves in order to integrate Pennsylvania's public schools. The fight to break the color line during the second half of the 19th century in Pennsylvania was led by a *mélange* of activists, each with a destiny that bounded them together, including parents, preachers, printers, politicians, lawyers and judges—some black, others white—who, although they had grown weary at times, fomented a movement that endured despite great opposition.

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After the statute abolishing all distinction of race or color in public schools was enforced by the 1882 Pennsylvania Supreme Court decision known as *Kaine v. Manaway*, schools like this one began integrating. Shown in the image is the Belle School in East Caln Township, Chester County around 1890.

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