PROCEEDINGS OF THE CONSTITUTIONAL CONVENTION.

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duty that we owe to the people who sent us here.

What reason can be urged against the people electing the county school superintendent? As I understand it, this body has already agreed that the Superintendent of Public Instruction shall be elected by the people, but the moment we come to the question of electing the county school superintendent, it is said "it will never do in the world to refer such a matter to the people;" and I believe my friend, the distinguished gentleman from Lynchburg (Mr. Glass), yesterday characterized the people as being whimsical.

There is a great deal of that in this Union of ours. The people whimsical! They were very whimsical when they elected this body to come to this place. I do not suppose any man regrets it. The people are whimsical when they come to elect a President of the United States and a Vice-President, or, in other words, not whimsical, but they are sovereign, competent and capable. They are capable of electing a Governor, a Lieutenant-Governor and an Attorney-General, as the great State of Virginia has just done. They are capable of electing the Superintendent of Public Instruction, but when you come down to the people themselves and bring it home to their own county, then they become whimsical all at once and incompetent to elect their county school superintendent.

Mr. Chairman, there are six States in this Union, as I have stated, which have no county school superintendents at all—the State of Maine, the State of New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut. We hear no complaint about the system of education of those States. We hear of no dereliction on the part of any one, nor do we hear any complaint that the system is not as good and as perfect in those States as in the other States of this Union. Could we not abolish the office in Virginia and join those six great States and devolve upon some one else the duties of the county school superintendents, which are by no means onerous, and, as was well said by the distinguished gentleman from Fluvanna, which do not require a man of very extensive education, for the duties are simple. They examine no teachers. The questions are printed and propounded on paper in this city by the Superintendent of Public Instruction and sent to the various counties, and that paper is presented to the party who proposes to teach school, and he is examined upon that paper and his certificate is granted according to the grade made.

There is one county school superintendent in this government of ours appointed by the Governor, and that is in the State of Delaware. Two superintendents are appointed by the county courts—in the States of Tennessee and Arkansas. In the States of New York, Pennsylvania, Maryland, North Carolina, Georgia, Louisiana, Ohio and Indiana, eight in number, they are appointed by the county school boards. Three, as I have already stated, I believe, are appointed by the Board of Education—in the States of New Jersey, Virginia, and Mississippi.

Mr. PORTLOCK: May I ask the gentleman a question?

Mr. RICHMOND: Yes, sir.

Mr. PORTLOCK: How many States elect their county superintendents by the people? You have stated that in only three States are they appointed by the Board of Education.

Mr. RICHMOND: I will tell you right now. That was the very next thing I was coming to. Twenty-five States in this Union elect county school superintendents by the people—the States of West Virginia, Kentucky, South Carolina, Florida, Alabama, Texas, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, the State of the great William J. Bryan, and if it was wrong you know that eminent statesman would have it corrected at once (laughter), Kansas, Oklahoma, Montana, Wyoming, Colorado, Nevada, Idaho, Washington, Oregon, and California. Twenty-five States in this Union pander to the whims of the people and suffer them to elect their county school superintendents.

Who is it that is interested in the education of the children—the Board of Education or the people whose children they are? Who know the men or the man who would best be suited and adapted to render that service for the people—the Board of Education in the city of Richmond or the people who reside where the one to be chosen lives? Who is better capable, who is more competent to elect a county school superintendent—the people who know the candidates, know their moral worth, know their honesty and their integrity and their devotion to the public school cause, or the Board of Education sitting in the city of Richmond?

Mr. JAMES W. GORDON: May I ask the gentleman a question? Who knows better how to prescribe for your child when it has an attack of sickness—you and your wife, or your family physician?

Mr. RICHMOND: It depends upon the character of the sickness. (Laughter). If it has colic, I would give it Bateman's drops. If a pin should get loose and stick in it, I should pull out the pin. If it should have scarlet fever, or something about which I know nothing, I should get a physician.

Mr. JAMES W. GORDON: Certainly you would. I thought you would.

Mr. RICHMOND: But have we not physicians in our own county? You would certainly allow me to select my own physician, would you not, or should I consult you to ascertain whom I should employ to administer medicine to my child? (Applause).

Mr. JAMES W. GORDON: I should think, if the child had a very serious disease, that you would want to get the very best physician you could.

Mr. RICHMOND: So I would; but I want to select him myself, and not remit the question to you. So with the people of this grand Commonwealth of ours. When they want a county school superintendent, they do not want to come to Richmond to know whom they shall have. They say, "The man is here, or the men are here; we know them; they are our children; it is our money; it is our interest." Who, sir, would be more likely to select a competent man and an honest man to educate their child than the father and mother of the child?

Can you trust the people? When you all wanted to come to this Convention, you were mighty willing to trust them, were you not? You did not want a board of any character, you did not want to call a council of some select gentlemen throughout the Commonwealth, and let the respective candidates refer the question to that grand council to say whether or not you should be a candidate or were a fit person to represnt your county in the Convention.

I ask the gentleman what does this board know? When John Smith is presented, they throw themselves back and say "Who is John Smith," but if you were to present the man from my county by the name of Bill Smith, they would all know him because of his political notoriety, his political perfidy. And yet you say you want to get it out of politics. What office in the State of Virginia or in the United States elective by the people or otherwise appointive but what is more or less political.

But a few years ago the Readjuster party carried the State of Virginia, and they elected a Readjuster court, did they not—every one of them. Not a single Democrat who had not entered the association of political eradjusters was elected. So soon as the Democratic party again got into power in Virginia and there was another Supreme Court to be elected, what did we elect, sir? Any Readjusters or any Republicans? No. All Democrats. Why? Because they were our political friends. We are Democrats.

I said then, and if I had it to do to-day I would do so, that by reason of his high moral character, by reason of his ability, by reason of his eminent qualifications I would have left the Hon. L. L. Lewis as a member of the present court, as a debt of gratitude to him for the high stand he took as a member of that court. But oh, no! They did not want him at all. Why? Because he was not a Democrat. And yet you want to get the judiciary and you want to get the school system and you want to get everything else out of politics. If you want to keep the school system out of politics, why in the name of common sense did you put the head of the system right squarely into the politics the other day? You made it at once a political office. You at once brought him into politics. Now we ask you to let the most competent tribunal in this Commonwealth likewise elect our county school superintendents; and there is great hesitation and doubt and fear. Fear of whom and fear of what? Is not this a democracy? Is it not a government of the people, for the people, and by the people? Are not the subjects of this great system the children of the people Are not these offices local? Is not the education of these children a local matter? Does not each county a local tend to the education of its own children? Then I ask you in the name of reason and in the name of justice why withhold from these parents, why withhold from these people, a just right that they shall select their own school agencies in their own localities?

Mr. KEEZELL: Will the gentleman allow me to ask him a question? I understood him to say that he was in favor of allowing each county to manage its own school affairs entirely, and take care of its own school interests. Is he willing that each county shall bear the expense of doing that?

Mr. RICHMOND: Well, my friend, I should, if it were not for the fact that the counties of Warren and Rockingham are so rich and have so much money and so few children that you must divide a little with us poor fellows out in our country. Another answer to my distinguished friend. It is a great system of a great State, and a great State that would undertake to select out a few poor people with many children, scattered in differnt points in the State, and undertake to starve them out of an education, is to say the least not very patriotic.

I said, my friends, that the government of the school system of the county was local. You do not undertake to interfere with the educational system of any other county outside of your own. Neither does any other county. They do not dictate nor do they undertake to control. I was arguing the proposition that it was local in its administration, general when it comes to make up the school fund. If my county was able to educate her children, yes, and let Rockingham and every other county do the same. We cannot help being poor.

My friend from Norfolk county (Mr. Portlock), the distinguished judge, has been casting off a little on our mountain section of the country. There are no vast prairies, like in the Valley of Virginia and the great county of Rockingham, where my friend hails from. I would to God it was, and if you could find some means of levelling them down and giving us an opportunity to make money like you do, God bless you I would educate every child in the land.

Mr. PORTLOCK: I should like to ask——

Mr. RICHMOND: Some men could equally as well say because they have no children, they should be exempted from taxation. I have but two children, and I have never sent one of them to a free school a single day in my life or their lives. What does my friend from Norfolk county wish?

Mr. PORTLOCK: I should like to rise to a question of personal privilege as to the allusion which the gentleman from Scott made to the delegate from Norfolk county. I made some allusion to Southwestern Virginia in some little bantry and pleasantry that occurred between the gentleman from Scott and myself, but certainly I do not want to be put upon record here by the gentleman from Scott as having in any manner reflected upon his county or his section. I took occasion at that time to state that I knew of no people who were more hospitable and more enlightened than the people I met in that section, and no country more beautiful. It was, as I stated at that time, to my mind the Switzerland of America. There being no reason for it, I could not have reflected upon his section or his county, and certainly I did not do so. And I had supposed the gentleman so understood me.

Mr. RICHMOND: That is perfectly satisfactory. If my friend had only stayed a little longer he would no doubt have concluded that it was a grander country than Switzerland is or ever will be.

Now, Mr. Chairman, to recapitulate. The States that have no county superintendents number six; States appointing by the Governor 1; States appointing by the County Court, 2; States appointing by the State Board, of which Virginia, is one, 3; States appointing by the county school board 8; States electing by the people 25. Now, let us take Virginia out of the column of those appointing county school superintendents by boards of education, and place her in the column of those electing their county school superintendents by the people.

I have always been taught and made to believe that of all the people in the United States, Virginians were the grandest and the greatest and that Virginia believed in trusting the people. The great apostle of Democracy, the great teacher of the principles of fundamental government, Thomas Jefferson, declared in more instances than one, "trust the people."

Now, they were trusted in 1850-'51 under the Constitution then framed by our fathers. Did they exercise the power, the God-given power, the inherent sovereign power as a State? They elected every officer who was to be elected in the State of Virginia, extending to the supreme judges. That privilege and power were taken away from them by whom? By foreigners, aliens, and the former slaves of Virginia people, and by the extant Constitution, the Underwood fabric the people were denied their former rights.

We have come here to correct it. We are here to go back to the first principles, to the ancient principles of the fathers of this government and to put into the hands of the people their own business, to elect their own officers, and to require those officers to administer their will under the law of this State.

I would not raise my voice for this purpose if our suffrage was to continue as it is. I would not inflict a single county in the State of Virginia with a negro school superintendent or a negro school teacher, or a negro officer of any kind to domineer over the white people, but I understand that we propose to get rid of that element, and that the white people in every corner of this grand Commonwealth will have the force and power to carry on the government for the white people of this State. If it should turn out to be otherwise when the suffrage proposition is determined, if it is ascertained that we cannot do that which we propose to do, then we can correct this, and none would be more willing than I to say "appoint them, yea, appoint them forever, so long as existing conditions continue." But I am going upon the hypothesis and upon the proposition that that element will be relegated, that it will be taken away, that it will be wiped out, and then we will stand before a great white constituency in every county in this Commonwealth. Then why not let our people elect their own officers, especially these local officers who will be responsible directly to them, and when they do wrong the people will turn them out and try to get in honest men or better men.

Why not trust the people? When have they failed to do that which should be done? The people in the aggregate sometimes make mistakes; no human institutions are perfect, but who are readier, who are more willing, or who do correct mistakes more readily than the people when it is ascertained that a mistake has been made. Trust them. If they make a mistake it is against themselves. Scott county may make a mistake. If so, it will not hurt Richmond or Pulaski or Washington or any other county; but they will soon correct the mistake. If Warren county or Rockingham county should make a mistake, it will not hurt the county of Scott or the city of Richmond. We may now and then have mistakes, and gentlemen have admitted upon the floor that this Board of Education has made mistakes, very grave mistakes. So, that is no argument in favor of the appointing power. The argument is the other way.

Mr. PORTLOCK: May I ask the gentleman a question? I do not want to have anything to say upon this subject, however deeply I may feel an interest in it, and I do. You are speaking of making mistakes and of those mistakes amounting to a mere trifle; that they will be individual instances.

I desire to say to the gentleman that the county which I have the honor to represent here has over thirty-five hundred registered negro majority. Unless some radical change shall result from the work of this Convention, those negroes would still be left in the majority in that county. In other words, if the election of a county school superintendent were to occur to-day, notwithstanding the fact that we prescribe against mixed scnols in the Constitution which we propose to make, notwithstanding the fact that we say that whites and blacks shall be educated in separate schools, yet if party lines were drawn in Norfolk county to-day not only the possibility, but the probability would be that although the white children and the negro children are being educated in separate schools, and we propose to provide that they shall be, as is now provided by law, it would not be beyond the question of possibility that we would have a negro superintendent presiding over those white schools. The last time the party lines were strictly drawn in the local elections in that county, it resulted in the election of a negro Commonwealth's-Attorney. The first and only negro Commonwealth's-Attorney elected in this State. I regret the necessity for referring to such a fact in the history of my county.

Now sir, there is the mistake that might be made under the system which the gentleman is advocating and I want to know what his views are concerning such a possible situation of affairs.

Mr. RICHMOND: I thought I had answered that question a short while ago, when I said that if existing conditions were to continue and the negro vote was not eliminated from the suffrage, I would not contend for the election of the superintendent, and I should say appoint and appoint forever. Did you not hear me, my friend? Now I repeat it for you. But we are to eliminate that very vote. You say it is thirty-five hundred?

Mr. PORTLOCK: Yes, sir; thirty-five hundred registered majority.

Mr. RICHMOND: How much is the actual majority when the vote is cast? By how much do they carry your county?

Mr. PORTLOCK: On the State ticket it goes Republican by from eleven to fifteen hundred. In the last State election that majority was reduced to about five hundred, I am glad to say.

Mr. RICHMOND: How much in the county?

Mr. PORTLOCK: I speak of the county.

Mr. RICHMOND: Are you connected with Norfolk?

Mr. PORTLOCK: Norfolk county?

Mr. RICHMOND: I mean with the city of Norfolk?

Mr. PORTLOCK: No, sir. I have not the city in my district.

Mr. RICHMOND: Are Norfolk county and Norfolk city in the same election district?

Mr. PORTLOCK: No, they are separate and distinct.

Mr. RICHMOND: You do not belong to the Fusionists?

Mr. PORTLOCK: I belong to any party or to any faction in the party which will result in white domination. I would say to the gentleman that I have never voted any other than a Democratic ticket in all my existence, nor have I ever bolted a Democratic convention. (Applause.)

Mr. RICHMOND: Yes, but it happens to result under your plan of fusion in all sorts of white domination—negroes and whites. I am a Democrat pure and simple, and no mixer of any sort. I do not fuse with negroes or with Populists or with anybody else. I vote a straight ticket on principle—Democrat or nothing. My friends, some of you, love office better than you love your country, I think. You go a little too strong with the negro and defeat the regular white ticket.

But, as I said, if we should be unable to eliminate the negro vote, we can correct this. This Constitution will be here until it is finally acted upon and there is a final revision, and it will be n the power of the Convention to control it. I go upon the hypothesis and the doctrine that they will be out of the way, and then there will be nobody to vote but the white people, and let the white people control. Then that other ticket would be elected—the regular straight Democratic ticket.

Now, Mr. Chairman, when I got up I had no idea of detaining this Convention more than a few minutes to give these statistics, but I get warmed up a little sometimes and go longer and further than I expected or intended.

I want gentlemen to consider this question seriously. When this Constitution is framed, when it is completed and ready to be reported to our people for their ratification or rejection, they are going to be jealous of their rights. I told the people that so far as I was concerned whatever power there was in me should be exerted in favor of electing the county school superintendents by the people. First abolish it, if I could, and if not let them say who should fill the office. There are going to be many delicate questions considered by the people when it comes to a ratification of our work. I mention that one as showing the necessity of making this measure as popular as possible, by allowing the people to participate to the fullest extent in the administration of this, their government. Gentlemen have hooted me, saying that they were not hunting for popularity. The gentleman was hunting for his own idea. Well, gentlemen, I always hunt for right and hunt for popularity as well. The man who hunts for the right, if the people do not see it that way has his goose cooked, and cooked for all time to come.

I say it is a wrong principle for any man to entertain the idea that he is independent of the people who sent him here or that this Convention can do as it pleases without regard to the wishes of the people and without regard to their judgment and their notion. I have just come out of the wilds of the Southwest, the two counties represented by my distinguished friend from Wise. I had occasion to meet the people face to face, and I want to say that they were the largest crowds I ever had in my life, and I have been there for twenty years in every important election. They were interested in the outcome of this Constitutional Convention. They came from both parties, in full force, to hear what I might have to say, as it had been charged there and was being charged by the Republican candidates that the Democrats, notwithstanding their protestations of friendship, were going to disfranchise every poor white man in the whole country. I met it, and so far as I was able in the time given me to meet the people, I met it successfully. If I had only more time or had gone a little sooner, instead of their being a Republican from that county we would have had a Democrat.

I had to draw the grandfather clause on them, though, let me tell you. They were giving us hail Columbia, except the old soldiers, when it came to the property and understanding clauses; but when I drew out that little resolution, a very timely thing, which I had printed and which I took along with me, and explained to them, pointing out how many could register without more being said or done, where one had been a soldier of the United States Army or in the Navy, or in the military service of Virginia, and was now resident in the State of Virginia, it carried a certan element. Then I explained that if a man or his wife owned $250 worth of property, real or personal, he could vote. One Republican put a question to me in respect to what would happen if a man did not have it. I knew his status. He did not have anything in the world in his own name, and never will, but he married a woman who had, and his wife has it. I told him "every white man is to vote. That ought to be satisfactory to yourself. I know you could not fulfil the qualification personally, but your wife can, and we will allow her to vote you." (Laughter.)

Then when the grand-daddy clause was drawn on them, and it was shown that every man who voted at any time prior to the date of the present Constitution, and his descendants, should have a right to register and vote, the whole house would rise up and say, "That is sufficient."

In all crowds where I spoke I said: "If these three propositions do not cover every white man in this audience, I want you to rise and let me see you, so that the Democratic party may be true to its pledges, and we will prepare a separate paragraph for you and bring you in anyhow." "Well," they said, "what about the understanding clause?" I told them "that is put in there for a purpose. It is in there to reach the negro vote. It is not intended to apply to any white man, but our friends from the Black Belt must have some means to get rid of the negro." I said: "I am ready to support that measure or any other measure they want that will take them from the sphere of negro domination."

I am going to support the south side of this State, the Black Belt, in any measure that you want, gentlemen, that will save you from threatened negro domination, provided you let us take care of our white people. If that is not a fair proposition, I should like to know what is fair. So much by way of digression, Mr. Chairman. But I believe that in Committee of the Whole you can discuss anything you want, whether it is germane or not.

I am not going to detain this Convention any longer. I am not able to do it. I have not been able really to say what I have said, and I should not have done it. I hope the question will be considered, and when we come to cast our votes help us to help the people, and let us go home and tell our people: "We put this in your hands. There are your children; it is your destiny; it is your right; control it in your own good way."

As to my friends who live in the cities, I hear it said with one accord that they want their city school superintendents appointed.

Mr. MEREDITH: Yes, sir.

Mr. RICHMOND: Let us have a division of the question, and I will vote as you want with respect to cities, because it comes as I understand unanimously. There is no desire to change it. Then do good for good. You help us and we will help you. You tickle me and I will tickle you, and I will tickle you first. If you do not like to be tickled, then I will vote against you and try to make your cities elect by the people their superintendents. (Laughter.) If it does not please you to be tickled, I will not tickle you.

Mr. MEREDITH: I do not like you to take revenge on me, either.

Mr. RICHMOND: I would not take revenge. I am not of a revengeful nature. I have always been accounted good-natured, and I have always tried to get along with my fellow-men well, to meet them joyously, to part with them friendly; and if I have occasion to dun any of them for money to write to them politely. (Laughter.)

Thanking you, gentlemen, for your kind and patient attention, I will detain you no longer.

Mr. AYERS: Mr. Chairman, I do not intend to discuss the amendment at any length. I rise more to refute some of the very personal charges that my distinguished brother-in-law, the delegate from Scott (Mr. Richmond), has made against the school superintendent of that cunty.

Soon after I became a resident of that county thirty years ago I became acquainted with a young man, whose father had been killed in front of Petersburg, a gallant Confederate soldier. He was working in the summer time bearing off bricks, getting money enough to support him so that he might go off to school during the winter. I watched the careeer of that young man until, by dint of industry and hard work, he had educated himself. He was a teacher in the public free schools, and he had educated a brother and helped a mother.

I watched his course, until sixteen years ago I had the pleasure and the privilege of nominating him before the Board of Education, of which I was then a member, for appointment as superintendent of schools for Scott county.

At that time, Mr. Chairman, in that county there were not more than eight or ten good school-houses—school-houses that met the requirements of the regulations of the Board. This young man entered upon the discharge of his duties, and immediately began to build up the free school system in the county. He visited every neighborhood. He stirred up and created an enthusiasm in favor of public free schools that led to the tearing down of old school-houses and the building of new. He continued that work. He has been successively reappointed from that day down to the present.

Scott county to-day has more than one hundred good school-houses, valued at something over $75,000. The public free schools interests of the county have steadily advanced in the character and attainments of the teachers, the number of attendants at school and the general cause of education in the county has steadily grown, as an evidence of which I will say, Mr. Chairman, that some two or three years ago at one of the State Normal Institutes held in the city of Britol there were in attendance from the county of Scott 105 teachers, when there were less than 100 public free schools there, and from the county of Washington, in which the Institute was held, there were less than half that number, although they could have sent probably double.

I desire to say that this man is regarded in the community in which he lives and all over Scott county as an honorable man, as a benefactor to the people. While he has in the past been an active, political worker for his party, he has never permitted that to interfere with the discharge of his duties as school superintendent.

You may go to the records in the office here and ask for his record as made, and they will tell you that he ranks, if not the first, among the first superintendents in having properly discharged every duty imposed upon him by the Board of Education.

Now, my friend charges him with being a ballot-box stuffer. He can make that charge here, under the protection of his membership in this body——

Mr. RICHMOND: Will the gentleman allow me to interrupt him?

Mr. AYERS. Certainly.

Mr. RICHMOND: I do not need any protection, when I made eighteen speeches and charged this in the county of Scott, right in his presence, under the gentleman's nose. I do not need any protection from this body.

Mr. AYERS: I suppose the gentleman made those charges; he says he did; but I never heard him make those charges. He makes the charge that Mr. Smith is a ballot-box stuffer. He is not a judge of election; he is not a member of the electoral board; he is neither county chairman nor a member of the Democratic county committee. Just how he would stuff a ballot-box I should like to know.

Mr. RICHMOND: One more question.

Mr. AYERS: The gentleman may——

Mr. RICHMOND: Allow me?

Mr. AYERS: Certainly.

Mr. RICHMOND: Was not his brother-in-law a member of the electoral board, quite a young man, and clerk of the board?

Mr. AYERS: Mr. Minnich?

Mr. RICHMOND: Yes, sir.

Mr. AYERS: I think so.

Mr. RICHMOND: Is not Mr. Coley another one, and one of his regular pets, who would do anything——

Mr. AYERS: I do not know whether he is a regular pet. He is another fatherless Confederate boy. His father was killed in the Confederate Army. He is a young boy. I should think——

Mr. RICHMOND: Coley——

Mr. AYERS: I should think that a Confederate soldier——

Mr. RICHMOND: Coley died right there in Gate City, a mile and a half from town.

Mr. AYERS: I should think a Confederate soldier would seek to throw the mantle of charity over the fatherless boy of a comrade rather than to hold him up to the scorn and execration of all the good people of the State. (Applause).

Now, a few words, and I will conclude. My friend made all these charges before the present Board of Education of this State. Mr. Smith, who, according to the records of that office, was entitled to reappointment first of any upon the list, was made to stand aside. His name was postponed. Every school superintendent in the State was appointed and his name was held up in order that there might be a full investigation of the charges which were made. They were investigated by the Board of Education consisting of the Governor, the Superintendent, and the Attorney-General.

Mr. RICHMOND: Every one of which was——

Mr. AYERS: The charges were heard before that board. The gentleman was fully heard on more than one occasion, to explain and present all the evidence he could, and upon a full and final hearing upon all matters the board, but a few days before this Convention met, determined that the charges were groundless, and that Mr. Smith was entitled to be, as he was, reappointed, by the unanimous vote of the board, superintendent of schools for Scott. I will say for him that there is no better, no higher, no truer, no better husband, no better father, no better friend, no man who has the good of his fellow-men more unselfishly at heart than W. D. Smith, county school superintendent for Scott county. (Applause).

Mr. RICHMOND: Mr. Chairman, just one moment. As a question of veracity has arisen between myself and my distinguished brother-in-law—I respect everything he has said—I promise at an early day to bring here the records and we will see who is right. I will lay them before this Convention before many days have passed.

Mr. AYERS: I will meet you there.

Mr. JAMES W. GORDON: Mr. Chairman, awhile ago the gentleman from Scott (Mr. Richmond) elicited some applause by the statement that every man is free to choose his own family physician, and then followed it up with the statement that the matter of education was a local affair, a matter in which the counties were interested and not the State.

I have just examined the report of the Auditor of Public Accounts for the year 1900, and find that in that year the county of Scott raised for district and county school purposes the sum of $2,819. In the same year it received from the State of Virginia at large the sum of $11,282 for school purposes.

Now I say, Mr. Chairman and gentlemen, that no system under which that state of facts exists can be called a purely local system. We are here not to do what is best for the county of Scott or the city of Richmond or the city of Norfolk, or the county of Pulaski, but for the State of Virginia. We have in this State a literary fund which is apportioned amongst the counties and cities on the basis of school population, and it is our duty not to look at what is best for this county or that county, but what is best for the whole State and the whole system. If we look at it in that way, I believe we will become convinced that the selection of these county superintendents in the manner proposed by the committee is far superior to any local elections in the counties, which would drag them into the sphere of politics. I merely wished to say this in reply to what the gentleman has said as to its being a local question.

Mr. WADDILL: Mr. Chairman, I feel that in the consideration of this report we have reached the parting of the ways, and that the value and efficiency or the worthlessness and inefficiency of this system depend upon the vote we shall take in a few moments. As I consider this question there are but two points involved in it, that is, the success of the system and the removal of the school system as far as possible from the sphere of politics.

Now, gentlemen, we have provided for a State Board of Education, and that board will be charged with the direction, the management and the success of this system, and as a part of its duties in order to make it a success, that board should be charged with responsibility for the local agent, on whose efforts it must depend in a large measure to make it a successful system. What principal would engage in a system where his agents were to be appointed by some one else and who are not under his control or direction?

I think, sir, that we should not undertake such a task; that we should reflect long before we should embark on any such enterprise. If we make the superintendent of county schools elective by the people we draw the school system necessarily into the sphere of politics, and it will cause a heated controversy to be had in every county and city of the State from the Alleghanies to the shores of Accomac and Northampton.

Who is best able to judge of the qualities of a school superintendent, the men who have that system in charge, the men who are trained, the men who have devoted their lives to those matters, or the people at large?

Sir, when it is a difficult matter to make buckle and tongue meet, it will cause a contest to be made and waged in every county and city in the State. You see, as is done frequently in other cases, that some man who has been unfortunate will offer himself as a candidate for the superintendent of schools of a county, and because he is unfortunate the people will take him up and elect him to that position without regard to his qualifications. Their sympathies are aroused and they take that oportunity of helping a fellow-man; but the school interests necessarily must suffer from such a course.

I do not believe, Mr. Chairman, that there is any demand on the part of the people of this State for the election of the superintendent of schools by the people. The argument that is made here for it is that the duty of his selection should be devolved upon the parents of these children. If we submit it to the people, do the parents of the children decide it? No, it is submittd to the whole body of the people and every man is entitled to vote for it, whether he is a parent or not. Every young man, every bachelor, takes a part in the election, and I suppose the interests will become so aroused in these political contests that the single ladies will take a hand in it and influence the election as far as they can. So the parents will not be represented in a popular election for this office.

I am afraid, gentlemen, the argument we hear about electing the school officers by the people has some little claptrap and an attempt to gain popularity in it. I have no cause to complain of the people, but I have never stood on the housetops undertaking to sing their praises. They generally ascertain and know very well who is for, and who is against their interests.

I am afraid the gentleman from Scott (Mr. Richmond) has been influenced in his remarks on this floor by the fact that the school superintendent of which he speaks in the county of Scott may have used his efforts against him. If he did those things he is charged with doing, where were the members of the electoral board that they did not control him? After every argument that the gentleman makes to submit it to the people this will be the result in the case of such a man as he has depicted. If he is such a man as he charged him to be, he will come before the people and by his efforts and the control of the machinery, be elected to the superintendency of the schools.

If the appointment of this officer is placed in the hands of the State board you will be far more apt to get competent men for this place than if you submit it to the body of the people to elect them. In the discharge of their duties, and they have important duties to discharge, the superintendents must necessarily at some time or other incur the disapprobation of the people, and the people will go to the polls and vote against them because they happen to differ with them. We should not subject them to such a state of affairs as that. They must necessarily take the time they should devote to other duties in electioneering for this place.

Gentlemen, we may gather wisdom in our conduct here in the appointment of these officers from the fact that in the Underwood Constitution when these officers were first created it did not provide for their election by the people, it provided that they should be appointed by the State Board of Education, and that system has continued down to this day.

I have no hostility to the public school system of this State, but unlike the gentleman from Scott, I have my children in the public schools of the State. I trust it will not be the pleasure of this body to make this officer elective by the people, because it will result, as I said a while ago, in some man who has the party whip in his hand getting the machinery and have himself elected, and that is just what we want to guard against.

Mr. HANCOCK: Mr. Chairman, I do not intend to oppose the report of the committee. I desire to state that while I am always in favor of elections by the people, I think an election by the people does not always mean an election by the people in their individual capacity, but an election by the people either in their individual capacity or in their representative capacity. I have always believed that the superintendent of schools ought to be elected by the people in their representative capacity and not in their individual capacity.

Mr. WYSOR: May I interrupt the gentleman?

Mr. HANCOCK: Certainly.

Mr. WYSOR: In what capacity do you think the people ought to elect the judges?

Mr. HANCOCK: When we come to electing judges we will decide that question. We do not propose in this Constitutional Convention to decide questions until they are ready for decision. What is the use of deciding questions which are not before the Convention? When the gentleman here last night took over two hours to convince this body that he had any suffrage plan at all (laughter), and every bit of the plan that he presented to the members of the Convention was somebody else's plan instead of his own, why does he come here now and ask this Convention whether it is to elect judges by the people when we are talking about the election of superintendents of schools? I thought he was a wiser man. (Laughter.)

As I said on the floor in discussing the question about the commissioners of the revenue, whenever any technical knowledge is required the people ought not to exercise their individual capacity of voting, but they ought to transmit it to their representatives to decide for them.

I did not agree entirely with the distinguished gentleman from Richmond (Mr. Meredith) when he said that expert men were the only men suitable to slect men to conduct educational affairs. According to his view it would take an expert to select an expert. That is carrying it a little too far. I think when the gentleman goes to buy his clothes he does not ask anyone who is the best clothier in the city of Richmond; he can determine that question for himself; and I do not suppose he knows anything about making a suit of clothes.

I think that is carrying the principle too far; but I do think when we come to the election of a superintendent of schools we ought to let the people elect him in their representative capacity.

Now, I happened to be the recipient of the honor of an election as superintendent of schools by the Board of Education as constituted in 1870. Suppose at that time you had had the election by the people, instead of a white man as superintendent of schools in every county in the State you might have had a negro or an ignorant white man to be superintendent of schools in many of the counties of the Commonwealth, and that would have been a wrong and an injury that the people would not have submitted to.

We do not know what the electorate is going to be. We have not yet determined what the electorate is going to be. Are we going to vote here so that in Greensville, Sussex, or Nottoway counties, some of the counties of the circuit over which I have the honor to preside, there shall be the possibility of electing a negro or an ignorant white man superintendent of schools. It is not right, and it is not just that it should be done, and I hope the Convention will sustain the committee's report.

Before I take my seat I wish to say that I am opposed to the Board of Education as constituted by the committee in their report and I wish to go on record as being opposed to any self-perpetuating board. I am not in favor of a life tenure board. I have no opposition to a man holding office all his life if the people desire his services, but I have an objection to having an office a life tenure office. I want the officer to go before the people and get a new endorsement and a new commission every term instead of letting him hold an office in defiance of the people so that the people cannot assail him or remove him if they should so desire.

Now, take this board as constituted and what have you? You have the chairman——

Mr. GLASS: If my friend will permit me, he said awhile ago that we ought to discuss matters which are before the Convention, and I agree with him. The committee has already passed upon that question, but I assure my friend that it is willing to give it further consideration, as has been stated twice on this floor, and we are willing to hear anything in the world he has to say upon a reconstruction of the board. But I do beseech him not to prejudice the pending proposition by a criticism of what the Committee on Education has already done and what the Committee of the Whole has sustained.

Mr. HANCOCK: The gentleman from Lynchburg generally talks as he pleases on all subjects, and I propose to follow his example. (Laughter.) I say this board as it is constituted is a board that is contrary to democratic principles and I do not intend to endorse it. I do not want to place a board in existence that we cannot reach by the legislative power of the Commonwealth. I do not want to place a board in power that when the Legislature of Virginia assembles here it has no power to remove them nor to elect their successors.

Here you have upon the Board the Chairman of the Faculty of the University of Virginia, and if a part of the report of one of the other committees is adopted that man is there and you cannot remove him, because you cannot take away the appropriations from the University of Virginia. He is there not for a life tenure, but perpetually; it will take another Constitutional Convention to remove him; it will be a long time, I think, before the people will vote to assemble another Constitutional Convention here. (Laughter.)

I do not believe that men who are so high up in education and know so much about biology and about philosophy and about all of the ologies and all of the various theories that are in the air are the best men to select the county superintendents of schools. I think they are first-class in their sphere, and I have no criticism to make on them, but there is much to be said against allowing them to elect superintendents of schools for the cities and counties of this Commonwealth. I remember one of the professors, it may not have been one of the professors of these institutions, but a professor was called to a primary school on one occasion to speak to the children. He said to them, "Dear little children, what you need is an organic foundation upon a fundamental basis." (Laughter.) That is what the children needed, but I do not think they ever found out their needs from the speech of the learned professor. I think this technical knowledge and information sometimes gets a man so far away from the people that it prevents him from having that practical knowledge which is necessary for him to have in order to give to the people what they want and really need. I wish to say the public schools in the counties are not so bad as they are represented here. The gentleman from Lynchburg said the public schools in Lynchburg were so good that no private schools could find support within twenty miles of the city. What is the reason? The reason is because they have so much money there that they are able to run their schools for nine months in a year and get the very best teachers which can be secured in the Commonwealth. If you will have more money for the county schools and pay your county superintendents more salary and have better teachers and pay them more salary and extend the time for the terms of the schools in the country to nine months you will have just as good teachers and just as good schools in the country as you have in the cities.

The city people are no better and no wiser than the country people, while I am endorsing this plan of standing by the committee to select the county and city superintendents of schools by the Board of Education, I am doing it with the distinct understanding that I intend to vote to abolish that board as now proposed to be constituted and to constitute a board in its stead, a majority of whose members shall be elected by the people and put enough technical knowledge in it by appointing two learned educators as additional members of the board. This will be a wise combination of practical common sense and technical information. But still, if it is ascertained that these men of technical knowledge are of no benefit to the system of public education, I desire that the General Assembly shall have the power to remove them.

The CHAIRMAN: The question before the committee is upon the substitute offered by the gentleman from Culpeper (Mr. Barbour) for the amendment of the gentleman from Fluvanna (Mr. Pettit).

Mr. BARBOUR: Let it be read.

The CHAIRMAN: The Secretary will read both amendments.

The SECRETARY: The member from Fluvanna (Mr. Pettit) proposes the following amendment to the first sub-section of section 4:

"Strike out all after the word 'First,' in line 3, and insert:

"A county and a city superintendent of public free schools shall be elected by the voters of the respective counties and cities for a term of four years, and their duties shall be prescribed by the State Board of Education, subject to legislative control, and their compensation fixed by law."

The substitute proposed by the member from Culpeper (Mr. Barbour) is as follows:

"First. It may in its discretion divide the State into appropriate school divisions and, subject to the confirmation of the Senate, appoint all superintendents of schools for such divisions and prescribe their duties, and may remove such superintendents for cause and upon notice to the incumbent, provided no such division shall comprise less than one county or city, nor shall any county or city be divided in the formation of any such division."

Mr. GLASS: I merely wish to make the statement that the committee accepts the substitute presented by the gentleman from Culpeper (Mr. Barbour), as it more succinctly embodies the real intent of the committee's report.

The CHAIRMAN: The question is first upon the substitute offered by the gentleman from Culpeper (Mr. Barbour). (Putting the question). The ayes appear to have it.

Mr. PETTIT: I call for a division.

Mr. GLASS: As I understand, the question just put was on the substitute offered by the gentleman from Culpeper.

The CHAIRMAN: Yes; on his substitute for the amendment offered by the gentleman from Fluvanna. A division is called for.

Mr. HATTON: I ask that the question be stated again.

The CHAIRMAN: The question is upon the adoption of the substitute offered by the gentleman from Culpeper (Mr. Barbour) to the amendment of the gentleman from Fluvanna (Mr. Pettit).

Mr. GLASS: And it is understood that the committee accepts the substitute of the gentleman from Culpeper.

Mr. PORTLOCK: So I understand, but I supposed there was some substitute offered ahead of that, and I voted against it. I want to vote for it.

Mr. GLASS: Those who wish to sustain the committee's report will vote for the substitute.

Mr. Barbour's substitute was agreed to, there being, on a division, ayes 52, noes 17.

Mr. HUBARD: I desire to state that I was paired with the gentleman from Richmond (Mr. Wise). If he had been here he would have voted "aye" and I should have voted "no."

The CHAIRMAN: If there is no further amendment to this subsection, the Secretary will read the second sub-section of section 4.

The Secretary read as follows:

"Second. It shall have, regulated by law, the management and investment of the school fund."

Mr. McILWAINE: I will just state that that is the same provision which is contained in the present Constitution. I suppose there will be no objection to it at all.

The CHAIRMAN: If there is no amendment to the second sub-section, the Secretary will read the third sub-section.

The Secretary read as follows:

"Third. It shall have authority to make all needful rules and regulations for the management and conduct of the public free schools, which rules and regulations, when published and distributed, shall have the force and effect of law,