PROCEEDINGS OF THE CONSTITUTIONAL CONVENTION.

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which would to some extent protect the cities of five thousand population and over in the State from a more expensive system of selection than they otherwise might have. The Board of Education, in other words, might make such a provision as this: that all book companies that propose to offer any line of books for adoption in any of the public schools of this State, should file with the Board of Public Instruction a list of such books and the contract price at which they would be willing to deliver those books. It does seem to me that this board could in that way protect the cities from unusual and unreasonable charges.

It seems to me that gentlemen who are willing to have the whole provision stricken out rather than to have the last clause left in, cannot defend their position. They would then leave the matter absolutely to the Board of Education. The committee simply proposes that the Board of Education shall have a right to prescribe certain rules and regulations under which the city school boards will have to conduct themselves. If it is proper for the board of Education to have the absolute right to dictate what the counties shall do, then does it not come with bad grace from cities, when all is conceded to them practically for their own selection, for them to come forward and say that they must not be in any sense amenable to rules and regulations that may be adopted by the State Board?

It does seem to me, gentlemen, that this opposition on the floor to this very reasonable provision, as we regard it, is one that should not be entertained by the Convention.

Mr. STEBBINS: Mr. Chairman, I have listened with a great deal of interest, with close attention, and I hope with profit, to the discussion that has been going on in regard to this sub-section of the report of the Committee on Education and Public Instruction.

If there is one department of the government of this Commonwealth in which I feel a deep interest it is that of the public schools, for I realize that in a government like ours, where the right of self-government rests with the people, there must be universal intelligence among its citizen for the proper exercise of that right. I realize the great benefits that have accrued to the people of Virginia and especially to those of the humbler and poorer classes, from the free school system. I believe that I echo the sentiments of every member of this committee when I say that it is our earnest desire to increase the efficiency and enlarge the benefits and raise the standard of the public free schools of Virginia.

Mr. Chairman, we are engaged now in devising a system of public free schools for the whole State of Virginia, not in devising one system of public schools for the counties and another system for the cities, but beginning at the bottom, at the primary schools, and building up a system through the high schools that shall fit the pupils of those schools for entrance into the higher institutions of learning of the State.

In order that this system shall be efficient, there must be some central power exercising authority and control over it and directing its administration. This central power and authority, according to the report of the committee, is vested in a Board of Education, and I cannot see why this Board should exercise authority over the counties of the Commonwealth in the selection of the text-books of their schools and then remit or delegate this authority absolutely to some other party in the cities of the Commonwealth for like purposes.

I cannot see that in the system the cities of the Commonwealth stand upon a different basis from the counties of the Commonwealth. It is said that the cities have schools of higher grades; that they have high schools. Do not some of the counties also have high schools, and shall we except the counties having high schools and leave to the county boards of those counties the selection of the text-books for those high schools?

Nor do I see that this authority which is vested in the Board of Education to formulate rules and regulations for the city boards in the selection of text-books would work any hardship on those boards. I have no idea that the Board of Education would be arbitrary, dogmatic or tyrannical in the exercise of this power, but I believe they would allow the city school boards the greatest freedom in the selection of their text-books, subject to certain limitations that were proper and just and for the best interests of the public schools.

I can conceive, Mr. Chairman, that the school boards in some of the cities might want to adopt books which might be considered improper to be taught in the public schools, and that it would be eminently proper and right that the Board of Education should exercise its prerogative and say that those books should not be introduced into the public schools.

Nor do I conceive, Mr. Chairman, that there is more virtue and intelligence in city school boards than in country school boards. The same influences that would sway one might sway the other. Therefore, there must be some restrictive authority upon their action, so that they may not go beyond what is proper and right and what is for the best interests of the schools in the selection of their text-books.

Mr. Chairman, while I am not particularly impressed with the constitution of the Board of Education as reported by the committee, I believe that the men they have designated are men whose duties are educational and who will be familiar with the character, the value and the worth of the various text-books that may be taught in the public schools, and their information and superior knowledge would be a great advantage to these boards in the selection of text-books. I do not see why the cities should be relieved from this supervision of the State Board of Education, which seems to me to be eminently proper and right.

Mr. HATTON: Mr. Chairman, I simply desire to trespass upon the time of the committee for one moment, in order to advert to some remarks of the gentleman from Bedford (Mr. Brown).

The gentleman from Bedford accepted, apparently on behalf of the committee, the challenge to tell this Committee of the Whole what specific meaning was to be attached to this qualification. I have listened in vain to hear him tell that specific meaning.

Again, the chief reason which the gentleman from Bedford gave for vesting this power in the State Board was that expert advice might be given in the matter of the selection of these books. I would like to remind the gentleman from Bedford that all expertness in school matters is not confined to the State Board of Education. I should like to ask, if the city boards, and, if you please, the county boards too, are to be entrusted with the selection of the teachers, who are to teach these very text-books, why in the name of reason can they not be trusted with the selection of the lesser, namely, the books themselves?

Ought not these two boards to go hand in hand? Is it not logical to say that the same power capable of selecting the teachers is capable of selecting the books that they are to teach? If they are capable of selecting the teachers, why should they not be capable of selecting the books themselves? I should like to have that question answered?

The gentleman says further that after all the State Board of Education would consult and be governed largely by what the local board said in the matter. If that be the case, are you not vesting the power in the city boards after all? Is not that the ultimate result of it? If that be the indirect result, why not do it directly?

Again, I ask where rests the expense of constant changes in school books? Where is that expense borne and by whom? By the parents of the children. If the power to change those books is vested in the State Board the parents of the children are so far removed from the members of that Board that they have no facility for reaching them to make a protest, whereas if the selection is vested in the city boards the parents of the children have an opportunity to appear before those boards and make known their objection.

The educational systems of the larger cities of this Commonwealth are no longer in their swaddling clothes. They have grown up; they are strong, and they are able to protect themselves. The principle embodied in the amendment of the gentleman from Petersburg gives an element of local self-government which the Convention should be pleased to grant, and I hope they will grant it. I ask them to grant it to the cities, and if the counties want it I am willing to vote to give it to the counties.

Mr. JAMES W. GORDON: Mr. Chairman, I believe it is the desire of every member on the floor to secure a system for the selection of school-books that will be most efficient, with the least possibility of abuse. I desire to call attention to an amendment to this section offered by the gentleman from Fairfax (Mr. Moore), which I believe will more nearly accomplish that object than anything else now before us.

The CHAIRMAN: The Chair will state to the gentleman from Richmond that the gentleman from Fairfax withdrew his amendment.

Mr. JAMES W. GORDON: I did not understand that he had done so.

Mr. R. WALTON MOORE: I will state that I withdrew it after some conference with the chairman of the committee, who thought the purpose I had in view would be sufficiently accomplished by the language the committee has reported. My impression at the outset accorded with that of the gentleman from Richmond, that it would be better to leave the matter as to the cities with the State Board, just as it is proposed to leave the matter of the selection of books and appliances for the use of the counties.

Mr. JAMES W. GORDON: If it should be necessary, I would myself reoffer that amendment in order to bring it before the committee, because I believe it embodies the correct principle and is the correct solution of this problem. The language of the first clause of the fourth sub-section of the report seems to me to make it mandatory that the power of selection shall be in the Board of Education, and shall be exercised by them. As amended by the gentleman from Fairfax it would read in this way:

"It shall control and regulate the selection of text-books and educational appliances for use in the public free schools of the State."

The question is whether it is better that this Board of Education, having control of the whole system with the interests of the people at heart, should have this power of selection or of regulation and control, or whether it should be submitted to the local authorities in every county and city in the Commonwealth.

I have heard, and I have no doubt it is true, that the system of local adoption has been greatly abused, not only in this State, but in other States. In fact, gentlemen have told me that the most disgraceful condition of affairs has existed throughout some of the Southern States under the plan of local adoption, where not only the School Trustees and the County Boards, but the teachers themselves, have been dragged into the contests over school-books, and where undue influences had been brought to bear upon the teachers to get them to influence the selecting power. I say if it is possible to do away with the probability of such a condition of affairs in the State of Virginia we ought to do it.

In the second section of the committee's report the general supervision of the public free school system of the State is vested in this Board of Education, and the peronnel of the board as fixed by the committee is such that I do not believe they will ever be subject to any but the purest motives in the selectio nof the school-books of the State, and in all of the action which they may take as a body for the advancement of the public school system. There may be in the future, here and there, some unworthy member of the Board, but I believe the wisdom of the committee in the constitution of the Board will be vindicated in the history of the public school system in the future. I say there are no better hands to which we can submit the control and regulation of this whole question than this Board of Education composed, as it is.

Now, what will be the effect? We do not say to the Board of Education, "You shall select the books;" we say, "You shall control and regulate the selection of the books." That would give the power to this Board of Education to give to each city, if it chose, the selection of the books. As long as the power conferred by the Board of Education upon the local authorities was exercised in a proper manner, the Board would continue to allow the city to exercise the power; but if the local authorities in any case showed a disposition to abuse the power then the Board of Education could take back the prerogatives into their own hands and adopt some other method of selecting the books.

Now, we have got to trust this Board of Education. As I said, it will be composed of men of the highest attainments and highest character, and we cannot conceive that it will be influenced by anything but the very highest motives for the welfare of the public school system as a whole. I believe that we can confide to this Board with absolute safety the working out of a system for the selection of school books, and that we can more safely trust them to do it than we can trust ourselves here upon the floor to do it.

Some of the gentlemen in the course of the debate have advocated local adoptions on the ground that a mechanic or workman is best qualified to choose his own tools. That is true, Mr. Chairman, in only a very limited sense. You cannot find any great mechanical shops in this country in which the tools that are used by the mechanics are not chosen by experts for those workmen, and not by the workmen themselves.

Another gentleman has said that in the course of the campaign which will be carried on in every county under the local adoption system, the agents of one book will point out the defects in the book represented by another agent. I remarked to one of my friends here on my right that that was very much like one insurance agent pointing out the defects of the plan of his competitor in the insurance business. It is not always a very trustworthy criterion.

The gentleman from Portsmouth (Mr. Hatton) has asked if these local authorities cannot be trusted in the selection of books, why should you trust them to select teachers? I think there is a complete answer to that question, and it is this, that in the selection of teachers we have an examination, and there are not the same influences brought to bear upon the trustees of the local authorities to secure the selection of teachers as there are to secure the selection of particular books under the local adoption system.

At first I was inclined, like the gentleman from Norfolk (Mr. Brooke) to favor the fourth sub-section of the committee's report as it came from the hands of the Committee on Education, but I am now convinced that the last clause of the sub-section makes the proviso practically null and void, and I should not be willing to vote to give to the cities the power to select their school-books coupled with this last clause.

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

Mr. JAMES W. GORDON: Certainly.

Mr. MEREDITH: Did I understand you to offer just now, as a substitute for sub-division four, the proposition that it shall control and regulate the text-books and educational appliances for use in the public free schools of the State?

Mr. JAMES W. GORDON: Yes, sir.

Mr. MEREDITH: You offer that as a substitute.

Mr. JAMES W. GORDON: That the Board shall control and regulate the selection of text-books and educational appliances for use in the public free schools of the State.

Mr. MEREDITH: That is what you are willing to take.

Mr. JAMES W. GORDON: I am willing to take that.

Mr. MEREDITH: If you cannot get that, then you want the cities to have absolute control?

Mr. JAMES W. GORDON: Yes, sir, if I cannot get that, because I do not believe in ever giving anything to anybody with a string tied to it. I say if you are going to give the cities any power, give it to them and let the Constitution say so, and if you are not going to give it to them, do not give it to them. But I would prefer to see this power of gift confided here by this committee to the exercise of the admirable Board of Education which has been recommended by the Committee on Education and adopted by the Committee of the Whole.

Mr. Chairman and gentlemen, do any of you on this floor have any idea that a Board of Education composed as this one is would undertake to make a selection for the county of Russell or the county of Norfolk or any of the cities or counties of the State without conferring with the local authorities in those various communities? I have no idea of it. I say the very principle of the advantages of local adoption can be secured by the State Board of Education in conference with the local authorities, and at the same time the local communities can be relieved of the canvass that is being made every few years by book agents for local adoption.

For these reasons, gentlemen, I trust that you will allow this whole matter to rest in the hands of the State Board of Education, and give them the authority in their wisdom to control and regulate the selection of the books, giving to this community or taking from that community this power, as their wisdom may dictate. I believe that that is the safe and middle course to pursue in this matter.

The CHAIRMAN: Will the gentleman from Richmond write out his amendment

Mr. JAMES W. GORDON: Yes, sir.

Mr. PORTLOCK: Mr. Chairman and gentlemen of the committee, I desire to offer to the fourth sub-division of the committee's report an amendment which may not be in regular order to be submitted at this time and which, perhaps, I should defer until the vote is taken upon the pending amendment relating to cities.

The CHAIRMAN: The Chair will state to the gentleman from Norfolk county that there are two amendments pending now.

Mr. PORTLOCK: That is what I understand, but I wish to suggest another amendment.

The CHAIRMAN: The gentleman can give notice of his purpose to offer such an amendment.

Mr. PORTLOCK: I wish to state my purpose. My amendment relates to counties, and inasmuch as the same argument in favor of the amendment which I propose to offer relating to counties would apply in many respects to the amendment relating to cities which has been offered, I felt that the amendments might be argued together and that we of the counties would get perhaps some help and vaulable assistance from the gentlemen who are advocating the amendment with reference to cities. In other words, if I may be allowed at this juncture to offer the amendment, I believe that time will be saved in the argument and in the debate relating to this matter, because both amendments could be debated and argued at the same time. For that reason I ask to be allowed at this time to offer an amendment relating to counties, upon the pending question relating to the selection of text-books for the public schools of this State.

The CHAIRMAN: The gentleman can indicate what his amendment is, and argue it.

Mr. PORTLOCK: My amendment is to add, in line 25 of the fourth sub-division of the second section, after the word "more," the words "and of counties of a population of 30,000 or more," so that my amendment would make this sub-section read:

"It shall select text-books and educational appliances for use in the public free schools of the State; provided, that the school boards of cities of a population of 5,000 or more"——

Now comes my amendment——

"Or of counties of a population of 30,000 or more, shall choose the books and appliances for their schools."

If I may be allowed to do so at this point I will submit this amendment.

The CHAIRMAN: The gentleman from Norfolk county can indicate his amendment, and he can argue it at this time.

Mr. PORTLOCK: Very well, sir.

Mr. Chairman and gentlemen of the committee, I, of course, am aware that the whole object of this committee and of each individual member thereof is to arrive at the best possible solution of the question involved in the fourth sub-division of this section of the committee's report. I have failed to appreciate any argument on the part of the gentlemen of this committee which would even tend to establish any difference whatever between counties of large population and cities of a population amounting to as small a number as 5,000 inhabitants. How can there be any difference in principle as between cities and counties in the matter of selecting text-books? I say I have utterly failed to appreciate it, and I must confess that I have been wholly unappreciative of any argument adduced upon that score in support of that position. It must be admitted, as a matter of fact, that no such difference exists. If the same conditions obtain in the larger counties in this State as those which relate to the cities in the conduct, management and importance of the public free schools—and the same conditions do exist—if the same ability and efficiency is to be found in the case of the county school officials as may be claimed for the city public school educators (and such is undoubtedly true), then how can it be argued that the cities, however small and unimportant, shall have the right through their school officers to make their own selection of the text-books and that the counties, however large and populous, are incapable of making such a selection through their school officials, but that the central board must do this for them.

Mr. Chairman, I appreciate that the State Board is composed of the very best material which could possibly have been decided upon by the very able standing Committee on Education. I have no reason in the world for objecting to the selection of the text-books by that board, if it should appear that that is the best body that could be obtained for the selection of the books, nor do I see any serious objections, or in fact any objection at all, to the selection of the books by the cities and the counties. But whichever body may be chosen and decided upon by this committee as the proper body to make the selection of the text-books to be used in the public schools, I want the counties and the cities put upon the same footing. Certainly do I think this should be the case in a county as large and important as the county which I have the honor to represent in this Convention.

I have been surprised to find that so many gentlemen representing numerous counties in the State are willing to concede that the cities are more capable of selecting text-books through their local authorities than are the school officials in respective counties. I have been utterly unable, sir, to appreciate their position in this matter with reference to the capacity of the people who constitute the local boards in the various counties represented by these gentlemen upon this floor.

However that may be, if their local boards are incompetent, if it be true as suggested by them that influences may be improperly used on their local boards because they are boards which represent the county, and that those same local influences cannot be so improperly used upon the city boards, then my amendment will strike out at least a large number of such counties, and we come down to counties, as I provide in this amendment, of a population of 30,000 or more.

Mr. Chairman, I must confess that, while my purpose here, as far as in me lies, is to place provisions in the Constitution with reference to the State at large, I am constrained frequently to refer to my own county in my work upon this floor because of the peculiar conditions existing in that county. That county is differentiated from all other counties in the State of Virginia as to those conditions. In the first place, we talk of cities of 5,000 or more having the right to select their own text-books. Sir, I would state here that Norfolk county has a population second only to the city of Richmond, and larger than any other city in the State of Virginia except the city of Richmond. The location of Norfolk county is as convenient to the outside world, it is as accessible from all sections of the country, as are the cities of Norfolk and Portsmouth or the city of Richmond or any other city of the Commonwealth.

In my county we have a superintendent who is a most efficient and capable man, a gentleman who has the schools of his county at heart, and a man who has the capacity and the education to measure up to the full responsibilities of the duties which devolve upon him as a county school superintendent. This gentleman, Captain John T. West, is a man of high culture and of most excellent educational advantages and attainments. The public free schools of my county have constituted his life works, and his long service in that capacity and his energetic and painstaking efforts in this most laudable work bespeaks for him a capacity and an efficiency second to no superintendent in this State. That gentleman has surrounding him as his aids in the several districts of that county the very best men who could be selected by the school board of the county.

In addition to that, we have a population which gives rise in the towns and villages adjacent to the cities of Norfolk and Portsmouth to schools of higher grade than are usually found in smaller counties. They are building now a magnificent school in the town of Berkley, a public school, which is to be a high school, a graded school, a building which will prove a credit to the county and an ornament to the community in which it is located; and we want the same regulations for this and similar schools in the county as shall be provided for similar schools in the cities, and there is no reason on earth why we should not be accorded this right and privilege.

My objection to this sub-section is that whatever provision is made by this central board here in Richmond will be made for all counties alike, and while that provision may answer in a large majority of the counties of the State, I say to you, Mr. Chairman and gentlemen of the committee, the conditions in my county, populous as it is, progressive as it is, enlightened as it is, are the same as obtain in the city of Richmond and in the cities of Norfolk and Portsmouth and the other smaller cities in the matter of public school education.

If that be the case, why should we be subjected in Norfolk county to a general provision which applies to all the smaller counties throughout the State at large? Why should we be subjected to this general provision and cities of 5,000 inhabitants, with scarcely enough population to justify even a graded school, be allowed to select their own text-books, while Norfolk county with nearly 52,000 people, is subjected to the general provision which applies to the smaller counties in the State, counties which in no sense compare with the county of Norfolk?

Mr. CLAGGETT B. JONES: Will the gentleman yield for a question?

Mr. PORTLOCK: Certainly, sir.

Mr. CLAGGETT B. JONES: What proportion of that population are negroes?

Mr. PORTLOCK: I should say that over half the population are negroes. We have approximately 20,000 whites in Norfolk county.

Mr. CLAGGETT B. JONES: Are there not a number of counties in the State that have a white population as large as or even larger than Norfolk county?

Mr. PORTLOCK: I think the gentleman is mistaken about that. I do not think he can justify that statement by the facts in the case at all, because we have necessarily a large white population in Norfolk county. There are one or two counties with a larger white population. The county of Rockingham has a larger white population.

Mr. CLAGGETT B. JONES: What is your white population?

Mr. PORTLOCK: I could not tell you accurately, sir; but I should say that we have approximately 20,000 white population in Norfolk county.

Mr. CLAGGETT B. JONES: I think you will find that there are counties in the State with a white population equally as large as that of Norfolk county.

Mr. PORTLOCK: I wish to say that the white population has nothing to do with this question. Go into the gentleman's county and I venture to say the gentleman reckons the population by the entire population of his county, both white and black.

Mr. CLAGGETT B. JONES: Certainly.

Mr. PORTLOCK: The population of the city of Richmond and of the cities of Norfolk and Portsmouth embrace the entire population, white and colored, and my argument and my contention here is based, and properly based, upon the entire population of my county.

I will say to the gentleman from King and Queen (Mr. Jones) that upon referring to the statistics here, I find that Norfolk county has by long odds more white population than his county has white and negro population combined.

Mr. CLAGGETT B. JONES: I will state to the gentleman that the only reason why I asked the question was that in his argument a day or two ago in connection with the election of school superintendents he wanted to eliminate the negroes. He was looking at the question only from the standpoint of the white population of the county. That is the reason why I asked him the question as to the proportion of the white and negro population in his county.

Mr. PORTLOCK: As a matter of course, I want to eliminate the negroes so far as the vote is concerned, but when it comes to a question of the population of the county and of the facts and the argument to be based upon that population, and the rights relating to that population, of course it is but natural and proper that I should refer to the entire population of my county for the purpose of my present argument; in other words, Mr. Chairman, as suggested by the gentleman from Richmond on my right (Mr. Gordon), I want all that is coming to me, such as may be claimed upon a basis of population.

Mr. Chairman, as I said in the outset, I have no special objection to the central board making a selection of the text-books for the several counties and cities in the State of Virginia, and I must confess, I can see no such objections to the provision, as urged by several gentlemen upon this floor, to the selection of the text-books by local authorities.

Dr. Ruffner, in treating upon the subject of the selection of the text- books by a central board, discusses matters which the provisions made by this committee have rendered nugatory. In other words, Dr. Ruffner has stated that the great trouble about the selection of text-books by central boards is that those boards were usually composed entirely of political and of business men; that their time and talents were given to politics and to business, and to the professions relating to their daily life, and not to the selection of text-books to be used in the schools throughout the State.

But I am frank to admit that that argument does not apply to the provisions of this report as it formerly did. Heretofore the board has been composed of gentlemen who were in political office and who had the duties of those offices to attend to, which duties did not relate in any sense to the necessity for the examination of text-books to be used in the schools and to be recommended by them for that purpose.

But now under the provision as contained in this report with reference to the composition of this Board, we find that the best educators in the State are placed upon it, whose duty it will be to examine into, and who can intelligently pass upon the text-books proposed by the various publishing companies in this country. But I am frank to say that the same argument applying to the former Board will apply to some extent to this. It is not in the line of the duty of these gentlemen, these college professors and officials, to be examining primary books which will be used in the public schools of this State. They will in fact have to go as much out of their line of duty to examine these books as these other gentlemen, except I must admit that the examination of text-books is more in their line generally than in the line of the officers who have heretofore composed this central board.

Now, Mr. Chairman, I contend that if these local boards, which are chosen for their intelligence, and for their standing in the several communities and counties of this State, are as capable of attending to their duties at all as members of the Board, if they are capable of performing the high functions which devolve upon them as members of the school boards, certainly they, in connection with their county superintendent, who should himself be an intelligent man in order to occupy that position in his county, should be able to make proper selections, and I have no doubt they would make proper selections of the books in the future as they have done in the past.

The gentleman from Bedford (Mr. Brown) has stated that the city educators should have the right to control the selection of the books. I want to ask the gentleman from Bedford why he, coming from the county of Bedford, as he does, makes this distinction between a city containing five thousand people and his county of Bedford, with a very much larger population? I fail to understand how he can take the position that the educators in a city of five thousand inhabitants, or of a larger population, are more capable of selecting the text-books for that city than the school officials of his county are capable of doing for themselves.

Mr. BROWN: I will say to the gentleman that I was orginally opposed to all of the latter part of the section beginning with the word "Provided," and was i nfavor of leaving everything with the State Board of Education.

Mr. PORTLOCK: It appears that the gentleman from Bedford was originally in favor of that, but latterly and now he is in favor of entrusting to a city of five thousand inhabitants what he is not willing to entrust to the educators of his own county. Now, sir, I must confess that I believe, from what I have seen of Bedford county and its citizens, that the gentleman did not mean to take that position with reference to his own people. In fact, sir, I am aware that no gentleman in this body guards more carefully the interests of his people than does my friend Brown, and I am aware that he did not intend any such conclusion as this from his position in this matter.

Mr. Chairman, I say this exception in the case of counties containing more than 30,0000 population ought to be conceded in view of the statement I have made of the condition of affairs in my county. Even the gentleman from Danville (Mr. Withers) has agreed heretofore to make exceptions in the case of counties of thirty thousand, in his efforts to cut down expenses and offices.

Mr. WITHERS: May I interrupt the gentleman from Norfolk county?

Mr. PORTLOCK: Ye, sir.

Mr. WITHERS: The gentleman from Danville, though, does not agree to the exception this time, and he comes from a county with four thousand less people than Norfolk and six thousand more white people than Norfolk.

Mr. PORTLOCK: Norfolk City?

Mr. WITHERS: Norfolk county.

Mr. PORTLOCK: The gentleman comes from a city, as I understand it.

Mr. WITHERS; And he hopes that that city will be included within a like rule, providing that the State Board of Education shall control its text-books.

Mr. PORTLOCK: Mr. Chairman, the gentleman did not wait to hear me through. The gentleman from Danville comes from a city very much smaller than the county of Norfolk, and yet the city of Danville, under the plan here, is to be allowed to select its own text-books, and the county of Norfolk, with a very much larger population, is to be deprived of that privilege. It is this very injustice of which I complain. I hope, Mr. Chairman and gentlemen, that the smaller counties will concede this, and I hope the cities, if they have the privilege, will not undertake to deny this same privilege to counties, at least of the size of thirty thousand or more. I feel that it is important, Mr. Chairman and gentlemen of the committee, that the same provision should apply, for the reasons I have stated, in my county. There we cannot be subjected to the same provision which may apply to the entire State at large. We cannot adopt the same provision in the case of Norfolk county that we apply to the smallest counties in the State, because in that county we are as progressive in the matter of public education and we are as much up to date in that direction as any community in the Commonwealth. In view of the fact that we have now, and are to continue to have, higher and graded schools, I think for that reason alone this committee ought to see the propriety and the absolute necessity of giving us different provisions from those provided only for the smallest counties in the Commonwealth.

Mr. CLAGGET B. JONES: I should like to say to the gentleman before he takes his seat that I was not mistaken in my supposition that there were a number of counties in the State of Virginia that have more white population than the county of Norfolk. I find that Norfolk county has a white population of 19,113 and a colored population of 31,600. Rockingham county has a white population of 30,853, Pittsylvania has a white population of 25,605, and I even find that Accomac county, in my own Congressional district, has a larger white population than the population of Norfolk county, and Pittsylvania has a larger white population. There are a number of counties in the State of Virginia which have a larger white population than the county of Norfolk, of which the gentleman speaks as having the largest population of any county in the State.

Now, my object in making that statement was simply this: I have observed upon this floor that when it is to the interest of some gentleman to eliminate the colored population they are disposed to be rid of it, but when it is to the interest of those gentlemen to count the colored population they speak of their counties as having the population which they represent. Now, I think that they ought not to blow both hot and cold. Either they ought to eliminate them or they ought to count them all the time.

Mr. PORTLOCK: In the first place, I will state that I am very much obliged to the gentleman for the statistics on this matter, but I should like to ask the gentleman if, in counting his population for any purpose, business, legal or otherwise, he has ever eliminated the negro population.

Mr. CLAGGETT B. JONES: No, sir; but I understood the gentleman to do that himself the other day when he was discussing the election of school superintendents by popular vote.

Mr. BROWN: Mr. Chairman, I understand the gentleman from Norfolk county has offered an amendment providing that this matter of text-books and school appliances shall be left in the hands of the county authorities. Am I correct in that?

Mr. PORTLOCK: In counties of more than 30,000 population.

Mr. BROWN: I do not intend to detain the Convention. I have in my hand a verbatim statement, which I have just taken down, from the secretary of the Board of Education in this State, dealing with one firm and with one transaction, for the sale of a certain class of school appliances; and I think it is proper at this point to lay this information before the Convention. I will read this, as it is a verbatim statement from Mr. Brent:

"R. O. Evans and Company organized a scheme in Chicago for making charts which they sold for $37.50, said by competent judges to cost about $4. Their plan was to have an army of agents overrun the State; get warrants for money and then discount their warrants and leave the State. The Superintendent of South Carolina, in his report, exposed them and showed how this one firm had swindled the State of South Carolina of $20,000. In the fall of 1898 they organized for work in Virginia; had an agent who went to Franklin county and attempted to bribe a trustee; was promptly arrested and by false pretenses secured bail in $500. This is a matter of record. He fled the State; forfeited his bail and was never seen. On faith of these facts and information both official and private the Department of Education of this State issued circulars of warning against this and other similar companies to all the superintendents and trustees in the State, warning them against buying such charts. In spite of these publications this company continued to try to do business in this State, employing two agents right in Richmond. They were discovered at work in the county of Henrico, attempting to do business by questionable means. Summary methods were resorted to to drive them out of this State, both by publications in the press and by official circulars of the Board."

A letter written to them in 1900 in response to their complaint of the Board of Education I have here:

"April 12th, 1900.

"R. O. Evans & Company,
"Chicago, Illinois.

"Dear Sirs:

"Your letter of the 2nd instant was duly received.

"I should have sent you an earlier reply but for the fact that for the past ten days I have been confined to my room by illness or engrossed with official business that could not be postponed. I did tell Mr. Friend that the State Board of Education would not permit your company to do any business with the public schools in this State. The general reputation of your company as ascertained from school officials in States where your agents had been operating as well as from confidential sources that I have every reason to regard as reliable, together with the doings of Clarence Walcot in this State, where he sold only your goods, as far as I have been able to learn, and where he had your goods in his possession when he was arrested in Franklin county for attempting to bribe one of the trustees to aid him in selling a set of your charts to the school board, and the sweeping denunciation of your company and your agents in the last report of Superintendent McMahan, of South Carolina, certainly justified me in saying what I did to Mr. Friend; and I am sure that a company that rests under the sweeping denunciation of State Superintendent McMahan for having swindled the people of that State out of twenty thousand dollars ought not expect to do business in Virginia till the charge is deprived beyond the peradventure of a doubt. I gave Mr. Friend a copy of the report of the South Carolina Superintendent. If you have not seen it, I would advise you to get a copy and read it. I have no desire to do you an injustice, and if you can show me that I have done you any wrong I shall be swift to repair the damage. But before I can consent to believe that I am doing wrong in using my influence to keep your company out of this State you must disprove what the State Superintendent of South Carolina has said in his printed report about you, and you must prove it in court. I might make mention of the attempt of your agents to secure the adoption of a certain Robertson's Historical Chart by the State Board of Education of Virginia last January one year ago, when I was confined to my home by serious indisposition, and when I returned to the office and assured the agent that I had serious charges against your company, he said the chart did not belong to you, but to the maker of it, who lived in West Virginia. I then and there told him what I thought of your company and what we knew of your agents or men who had been operating unlawfully with your goods in the State, and he did not attempt to defend or justify these transactions, but finding that he could not do any business in the State without running the risk of exposure and prosecution, he left and has never shown himself to us since. I am sure that upon this very imperfect statement of all the facts in my possession, you will not think me unreasonably diligent in keeping your company from doing business with the public schools of Virginia. I may add that this Robertson Chart, for which your agents were going to charge $37.50, is, in my opinion and in the opinion of some of the best teachers, totally unfit for the public schools of the State and not worth one-third of the money you were going to charge for it. In other words, to have turned your agents loose in this State with permission to sell this chart to our country schools would have been equivalent to giving you permission to loot the school fund in every district where the trustees could have been induced to buy this showy, but worthless piece of school furniture.

"I am very truly yours.

"Frank P. Brent."

To this "they replied they denied that the men were their agents."

It is from practices such as these that your committee ask you to protect the people of this State, and they simply ask, in relation to cities, that the Board of Education shall have some general supervision, by rules and regulations, as to what class of people shall operate in this State in respect to school matters.

Mr. KEEZELL: Mr. Chairman, I do not propose to make a speech upon this question, but in reply to the proposition of the gentleman from Norfolk county I want to say that I represent upon this floor a county of more than 30,000 white people, and I do not want the selection of the school books put in the hands of the local authorities in that county.

I am one of the school board in that county, and I want it distinctly understood that so far as my associates upon that schol board are concerned they are high-toned gentlemen, men of affairs, men who have at heart the best interests of the schools, but they, like myself, are not experts in modern educational methods, and for that reason are not the best persons to select up-to-date books and appliances for our modern schools.

Mr. QUARLES: Will the gentleman permit me? Have you good teachers in your county?

Mr. KEEZELL: We have good teachers in our county.

Mr. QUARLES: Could your board appoint a committee of teachers who would be capable of examining and selecting school books?

Mr. KEEZELL: I prefer that a properly constituted board, where we have the experience of the best educators of this State, shall do it rather than that the teachers in the counties shall do it.

Although the board of trustees of the county does consist of men who are men of affairs and men who have the best interests of the schools at heart, they are not experts along the line of text-books. Most of them are——

Mr. QUARLES: Dr. Ruffner says that they are experts and the best experts for selecting books.

Mr. KEEZELL: I have a right to my opinion as well as the gentleman from Augusta has to his, and if he will let me go on without interruption for a few moments longer I will give him the reasons for my opinion.

Mr. GARNETT: If the gentleman will yield, I want to say, in reply to what the gentleman from Augusta has said, that Dr. Ruffner was speaking of the Board of Education as then constituted; but he says if there is a board of experts or of gentlemen who are experts are upon the board—

Mr. W. A. ANDERSON: I make the point of order that the gentleman from Rockingham has the floor. I would not do that, but interruptions interfere very much with the discussion. I make the point with the greatest kindness to my friend from Mathews.

Mr. GARNETT: I want to say, in defense that I asked the permission of the gentleman from Rockland to reply to the question of the gentleman from Augusta.

Mr. W. A. ANDERSON: I think it is very unfortunate to have these interruptions.

Mr. KEEZELL: I prefer very much to proceed.

The CHAIRMAN: The Chair thinks it is better to go along properly, with some regard to parliamentary rules. When a gentleman wants even to ask a question of another, he ought to address the Chair, and let the Chair inquire whether the gentleman having the floor yields.

Mr. GARNETT: I desire to say that I have fallen into the common action of gentlemen of the Convention generally in asking the speaker to allow me to interrupt him, and with no desire on my part not to follow the parliamentary rules.

The CHAIRMAN: The Chair is aware of that fact. The Chair did not intend to reflect upon the gentleman from Mathews at all, but thinks that it is best to proceed in the way indicated. Then there will be no further trouble.

Mr. KEEZELL: I know that the board in my county will measure up in intelligence and in interest in the public schools with the board of any other county in this State. Our public school system measures up to that of any other county. We have in our county more than twenty graded schools, and in many of those schools young men are prepared to take a course at college in two years, and yet I believe that a properly constituted State Board of Education is the best board to select the text-books and the appliances to be used in those schools.

Mr. Chairman, I do not want to have a lot of book agent perambulating around the county of Rockingham and using their devious methods in undertaking to corrupt the school trustees and to get into the schools of that county their particular text-books. If, as has been suggested upon this floor, this is done, and I am not prepared to deny that it is attempted, I prefer to relieve the good people of Rockingham as far as possible from those influences.

I will give you an illustration along the line pointed out by some gentleman in his remarks, about the propriety of having one book agent pick out flaws in the books of a rival concern. We have had a little experience in Rockingham along that very line. Some three years ago, I think possibly it was, the representative of a certain book, a geography, came to the county of Rockingham. He went around to visit the various school trustees and presented the claim of his book. He picked out a great many flaws in the book that was used by the school authorities of that county. A meeting of the School Board was assembled, and there was hurried through that board a proposition to adopt the book proposed by this concern. Such a protest came up from the patrons of the schools of the county that the superintendent reconvened the board, and at a full meeting, after careful consideration, it reconsidered its action in adopting this particular book, which had been adopted, as it was supposed, after a great many flaws had been found in the other book.

The result of this action was that the county of Rockingham was involved in a law suit. The representatives of the concern, acting under a law passed by the General Assembly of Virginia, which prohibited a change in text-books oftener than once in four years, brought a suit to enforce the contract which they claimed they had with the school authorities to Rockingham to put their series of geographies into the schools.

The result of it was that the School Board had to defend a suit in the Circuit Court of that county, a suit, however, which Judge Letcher decided favorably to the school authorities upon the ground that the text-books had not passed into the hands of the patrons, and, therefore, the School Board had a right to reconsider its action. An appeal was taken from his decision to the Court of Appeals of Virginia, and there the decision of Judge Letcher was affirmed by the Court of Appeals.

That is one of the difficulties that comes from picking flaws in books by rival concerns, and there is no manner of question but that, after a careful and full examination, one must conclude that the geographies which were then used and are now used in Rockingham are better than the one undertaken to be forced upon those school authorities.

I want to leave this matter in the hands of a State Board. I do not want to have temptations brought before the school trustees, who, from the very fact that they are not experts along that line, are often influenced—I do not mean improperly—by these shrewd, sharp fellows who go around making that their business to do things they ought not to do.

I do not see any reason for making an exception in favor of cities. I believe cities should be put upon the same plane as counties. I can see no reason why we should go to work here and pick out a board of experts, a board which all of us are willing to concede are men who ought to be trained in literary affairs and in school affairs, and then deny to the cities any of the advantages of the supervision of that board. I think it would be making a discrimination against cities and in favor of the countes. I think we ought to allow the board to have the same sort of supervisory influence in selecting the best and most modern appliances for use in the city schools that we give them as to the county schools.

I can see no logic whatever in allowing a school board in a city any more province in the selection of these books than we do a school board in the county. I do not know so much about the character of school boards in cities, but I take it they are made up very much as the school boards in the counties are, of business men, of men who are not experts along educational lines, good, honest men who want to do right, to do their best, but who are lacking in expert knowledge in matters concerning the schools.

I hope that the report of the committee in substance—I am not wedded to the language of the committee's report—will be adopted, and that we will not make an exception in favor of the counties containing more than 30,000 or any other number of population, nor in favor of the city schools, but leave the whole matter in the hands of this board to be controlled and regulated by a proper regulation of the board. I should not object to, and I intend to vote for, the amendment of the gentleman from Richmond city (Mr. Gordon), because I think that leaves the whole matter in the hands of the State Board. I think it is probably plainer and more direct than the recommendation of the committee, and in no wise conflicts with it.

Mr. McILWAINE: Mr. Chairman, the matter of granting this privilege to cities has been one of the most prominent before the committee during the entire session. The very morning of the day when the committees were announced I met two educators of this city who impressed upon me most earnestly the desirability of cities in the Commonwealth having the privilege which is granted them in this report, and so far as I have heard from the cities there has been but one opinion on the subject.

Now, it was the intention of the committee, I am sure, to grant this privilege to the cities without any impediment at all, and I do not think it was ever dreamed that the words which are objected to here, at the close of sub-section 4, "subject to such rules and regulations as the State Board shall prescribe," would interfere with the cities at all. It was not thought that there would be any primary interference on the part of the Board of Education in any event, but that this would furnish that supervision of the board which in certain cases, as has been shown on the floor this morning, might be of great importance and if immense value. That was the opinion which the committee held.

Now, another point was that in conference with the city boards of the different cities of the Commonwealth the State Board would find out what books they wanted, and generally they would have the same books in the different cities of the Commonwealth, and they could make contracts for them and get them at a much cheaper rate, and thus save the poor people in the cities a very large amount of money.

There is one suggestion that has occurred to me to-day which seems to be of some value (I believe that some gentleman on the other side suggested it) and that is that wherever a city board has introduced a book which is hostile in its teachings to the welfare of the State, the State Board shall have authority to eliminate that book. I will give you an illustration.

Mr. GLASS: Would it not have authority to do that under the committee's report?

Mr. McILWAINE: I am now arguing for the committee's report, sir, as hard as I can. Listen to me. (Laughter).

Mr. GLASS: I will say that I was not alone in the belief over here that you were not.

Mr. McILWAINE: I am arguing for the committee's report as hard as I can.

Mr. MEREDITH: May I interrupt the gentleman to ask him a question?

Mr. McILWAINE: Yes, sir.

Mr. MEREDITH: I want to understand whether, by the language of the fourth sub-section, you intend to allow the city school boards to make the selection of the books for themselves?

Mr. McILWAINE: Subject to such rules and regulations as may be adopted. That was the idea.

Mr. MEREDITH: What I want to get at is as to the extent of that language.

Mr. McILWAINE: They are to do it.

Mr. MEREDITH: They are to have the power to select?

Mr. McILWAINE: Yes, sir.

Mr. MEREDITH: Then I shall have to vote against the committee's report in this particular.

Mr. McILWAINE: That was the idea of the committee unquestionably, subject, however, to these rules and regulations.

I was going to give an illustration as to how it might be necessary in some cases for the State Board to intervene and to say that such and such a book should not be taught in the schools. Gentlemen will recollect that some three or four or five years ago there were introduced by some means, I do not know what, some histories into the State schools that were found, on investigation, to be very offensive. It might happen sometimes that a city board might be composed of individuals who were hostile in sentiment to the people of this State in reference to certain transactions about the war, and they might introduce certain books that would malign the ancestors of the children who attend the schools, and they might think they were doing right. There are two cities in this State where that might possibly occur; certainly one city. If any such thing ever did occur, the State Board of Education would have the right to come in and expel such a book. It has a supervisory power which is one, I think, sir, of real value. When I first looked at it I did not think there was much in it. As to its offering any impediment, I do not believe it will ever do that at all.

Mr. MEREDITH: Mr. Chairman, I would not say a word except that I feel that I am in some antagonism to the representatives of some of the other cities of the Commonwealth. On yesterday when I said that I hoped the words "subject to such rules and regulations as the State Board

(CONTINUED ON PAGE 9.)