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OF THE

CONSTITUTIONAL CONVENTION

OF THE

STATE OF NORTH-CAROLINA,

AT THE

SESSION 1868.

RALEIGH:

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1868.

opinion properly come before them, and ask to be referred from its further consideration, and suggest that the same be referred to the Committee on Corporations other than Municipal.

Mr. Heaton arose to a question of privilege concerning an article published by the *North-Carolinian*.

The following report of the Committee on Education, was taken up and passed first reading:

REPORT OF THE COMMITTEE ON EDUCATION,
COMMON SCHOOLS, UNIVERSITY AND THE
MEANS OF THEIR SUPPORT.

The Committee appointed to prepare and report to the Convention an Article on Education, Common Schools, University and the means of their support, respectfully submit the following report:

ARTICLE —

EDUCATION.

SECTION 1. Religion, morality, and knowledge being necessary to the good government and happiness of mankind, schools, and the means of education, shall forever be fostered and encouraged.

SEC. 2. The General Assembly at its first session under this Constitution, shall provide for a general and uniform system of Public Schools, wherein tuition shall be free of charge to all the children of the State between the ages of five and twenty-one years.

SEC. 3. Each County of the State shall be divided into a convenient number of Districts, in which one or more Primary Public Schools shall be maintained at least four months every year; and any County which shall fail to comply with the aforesaid requirement of this section shall be liable to indictment.

SEC. 4. The proceeds of all land that have been, or be

may be, granted by the United States to this State, and otherwise specially appropriated by this State, or the United States: also all moneys, stocks, bonds, and other property now belonging to any fund for purposes of Education: also the net proceeds of all sales of lands and other property and effects, that may accrue to the State from sales of estrays, from unclaimed Dividends, or from fines, penalties and forfeitures: also the proceeds of all sales of the swamp lands belonging to the State or of any other public lands which may have been, or may hereafter be, paid over to this State, (unless forbidden by Congress:) also all money that shall be paid as an equivalent for exemption from military duty: also, all grants, gifts or devises that have been, or may hereafter be made to this State, and not otherwise appropriated by grant, gift or devise, shall be securely invested, and sacredly reserved as an irreducible educational fund, the annual income of which, together with so much of the ordinary revenue of the State as may be necessary, shall be faithfully appropriated for establishing and perfecting in this State, a system of Free Public Schools and for no other purposes or uses whatsoever.

Sec. 5. The General Assembly shall make such provisions, by taxation or otherwise, as will secure a thorough and efficient system of Public Schools throughout the State.

Sec. 6. The University of North-Carolina, with its lands, buildings and franchises, is the property of the State, and shall be held to an inseparable connection with the Free Public School system of the State.

Sec. 7. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also, that the property which has heretofore accrued, or shall hereafter accrue from escheats to the State, or distributive shares of the estates of deceased persons, shall be appropriated to the use and benefit of the University.

Sec. 8. The Governor, Lieutenant-Governor, Secretary of State, State Treasurer, Auditor, Superintendent of Public

Works, Superintendent of Public Instruction and Attorney General shall constitute a State Board of Education.

SEC. 9. The Governor shall be President, and the Superintendent of Public Instruction shall be Secretary of the Board of Education.

SEC. 10. The Board of Education shall succeed to all the powers and trusts of the Literary Board, and shall have full power to legislate and make all needful rules and regulations in relation to Free Public Schools, and the Educational funds of the State; but all acts, rules and regulations of said Board may be altered or amended, or repealed by the General Assembly, and when altered, amended and repealed they shall not be re-enacted by the Board.

SEC. 11. The first session of the Board of Education shall be held at the Capital of the State, within fifteen (15) days after the organization of the State government under the Constitution; the time of future meetings may be determined by the Board.

SEC. 12. A majority of the Board shall constitute a quorum for the transaction of business.

SEC. 13. The contingent expenses of the Board shall be provided for by the General Assembly.

SEC. 14. The Board of Education shall elect Trustees of the University, as follows: one Trustee from each County of the State, whose term of office shall be eight (8) years. The first meeting of the Board shall be held within ten (10) days after their election, and at this and every subsequent meeting ten (10) Trustees shall constitute a quorum. The Trustees at their first meeting, shall be divided, as may be, into four (4) classes. The seats of the first class shall be vacated at the expiration of two (2) years; of the second class at the expiration of four (4) years; of the third class at the expiration of six (6) years; of the fourth class at the expiration of eight (8) years; so that one-fourth may be chosen every second year.

SEC. 15. The Board of Education shall be *ex officio* members of the Board of Trustees of the University, and shall, in addition, elect three (3) other Trustees to be appointed by the Board of

ices, constitute the Executive Committee of the Trustees of the University of North-Carolina, and shall be clothed with the powers delegated to the Executive Committee under the existing organization of the Institution. The Governor shall be *ex officio* President of the Board of Trustees and Chairman of the Executive Committee of the University. The Board of Education shall provide for the more perfect organization of the Board of Trustees.

Sec. 16. All the privileges, rights, franchises and endowments heretofore granted to, or conferred upon, the Board of Trustees of the University of North-Carolina by the charter of 1789, or by any subsequent legislation, are hereby vested in the Board of Trustees, authorized by this Constitution, for the perpetual benefit of the University.

Sec. 17. As soon as practicable after the adoption of this Constitution, the General Assembly shall establish and maintain in connection with the University a Department of Agriculture, of Mechanics, of Mining, and of Normal Instruction.

Sec. 18. The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the Public Schools during the period between the ages of six (6) and eighteen (18) years, for a term of not less than sixteen months, unless educated by other means.

S. S. ASILEY, *Chairman.*

W. T. J. HAYES,

JNO. READ,

J. W. HOOD,

G. WILLIAM WELKER,

WM. T. BLUME,

A. W. FISHER,

W. H. LOGAN,

ALLEN ROSE,

JOHN R. FRENCH,

W. H. S. SWEET,

Majority of the Committee.

On second reading, section 1st was adopted.

Mr. Ashley amended section 2d by inserting in third line after provide, "by taxation or otherwise."

Mr. French, of Bladen, moved to strike out "six," in fifth line, and insert "five."

Not agreed to.

The section, as amended, was adopted.

Mr. Ashley amended section 3d by inserting "Commissioners," after "County."

The section, as amended, was adopted.

Section 5th was, on motion, stricken out.

Mr. Durham offered the following as an additional section

"The General Assembly shall provide separate and distinct schools, for the black children of the State, from those provided for white children,"

When Mr. Ashley offered the following amendment:

"It being understood that this section is not offered in sincerity, or because there is any necessity for it, and that it is proposed for the sole purpose of breeding prejudice and bringing about a political re-enslavement of the colored race."

After some discussion, the previous question was called and sustained.

The amendment was adopted.

The new section, as amended, was rejected, yeas 11 nays 36.

Those who voted in the affirmative are:

Messrs. Bradley, Durham, Ellis, Etheridge, Graham of Orange, Hare, Hodnett, Holt, McCubbins, Merritt and Sanderlin—11.

Those who voted in the negative are:

Messrs. Abbott, Andrews, Ashley, Aydlott, Benbow, Blume, Bryan, Carey, Carter, Candler, Chillson, Colgrove, Congleton, Cox, Dickey, Eppes, Fisher, Forkner, Franklin, French of Bladen, French of Rockingham, Fullings, Gahagan, Gallo way, Garland, Garrett, George, Graham of Montgomery, Grant of Wayne, Gully, Gunter, Harris of Wake, Hayes, Hayes of Robeson, Hayes of Halifax, Heaton, Highsmith, Hobbs, Hoffer, Hollowell, Hood, Hyman, Ing, King, Lincoln, Kinney, Laffin, Lee, Legg, Logan, May, Mayo, Mc

shall, McDonald of Chatham, McDonald of Moore, Moore, Morton, Mullican, Murphy, Newsom, Nicholson, Parker, Parks, Petree, Peterson, Pierson, Pool, Ragland, Ray, Renfrow, Rich, Robbins, Rodman, Rose, Smith, Stilly, Stilwell, Sweet, Taylor, Teague, Tourgee, Trogden, Tucker, Watts, Welker, Williams of Wake, and Williamson—86.

Section 6th was adopted.

Section 7th was verbally amended and adopted.

Sections 8th and 9th were read and adopted.

Section 10th was read, verbally amended and adopted.

Sections 11th, 12th, 13th, and 14th were read and adopted.

Section 15th was read and amended by Mr. Ashley, by adding the President of the University to the Board of Trustees.

The section, as amended, was adopted.

Sections 16th and 17th were read and adopted.

Section 18th was read.

Mr. Graham, of Orange, offered the following amendment:

“Provided, That there shall be separate and distinct schools and Colleges for the white and colored races.”

Mr. Tourgee offered the following substitute:

“That separate and distinct schools may be provided for any class of citizens in the State: Provided, That in all cases where distinct schools shall be established, there shall be as ample, sufficient and complete facilities afforded for the one class as for others, and entirely adequate for all, and in all districts where schools are divided, the apportionment to each shall be equal.”

The amendment and substitute were rejected.

Section 18th, as read, was adopted.

The entire report, as amended, passed its second reading, by the following vote, yeas 88, nays 12:

Those who voted in the affirmative are:

Messrs. Abbott, Andrews, Ashley, Aydlott, Benbow, Blume, Bradley, Bryan, Carey, Carter, Candler, Cherry, Chillson, Colgrove, Congleton, Cox, Dickey, Duckworth, Eppes, Fisher, Forkner, Franklin, French of Bladen, French of Rockingham, French of Chowan, Fullings, Gahagan, Galloway, Garland, Garrett, George, Glover, Graham of Montgomery, Grant