Documents

EDUCATIONAL PROVISIONS OF THE CONSTITUTION
OF INDIANA

The Manuscript here reproduced was written by John I. Morrison in 1880. It was found among some papers in the State Library dated 1882, and sent to the Editor by Dr. Christopher B. Coleman, Secretary of the Indiana Historical Society. Mr. Morrison, a Democrat of Salem, Indiana, was a member of the constitutional convention of 1850-1851. He was the founder and editor of the Washington County Democrat. Article 8 of the Indiana Constitution which includes the provisions relating to Education are inserted here for the convenience of readers.

[Section 1. Knowledge and learning, generally diffused throughout a community, being essential to the preservation of a free government; it shall be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual, scientific, and agricultural improvement; and to provide, by law, for a general uniform system of Common Schools, wherein tuition shall be without charge, and equally open to all.

Section 2. The Common School fund shall consist of: the Congressional Township fund, and the lands belonging thereto;
The Surplus Revenue fund;
The Saline fund and the lands belonging thereto;
The Bank Tax fund, and the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana;
The fund to be derived from the sale of county seminaries, and the moneys and property heretofore held for such Seminaries; from the fines assessed for breaches of the penal laws of the State; and from all forfeitures which may accrue;
All lands and other estate which shall escheat to the State, for want of heirs or kindred entitled to the inheritance;
All lands that have been, or may hereafter be, granted to the State, where no special purpose is expressed in the grant, and the proceeds of the sales thereof; including the proceeds of the sales of the swamp lands, granted to the State of Indiana by the act of Congress of the twenty-eighth of September, eighteen hundred and fifty, after deducting the expense of selecting and draining the same;
Taxes on the property of corporations, that may be assessed by the General Assembly for common school purposes.

Section 3. The principal of the Common School fund shall remain a perpetual fund, which may be increased, but shall never be diminished; and the income thereof shall be inviolably appropriated to the support of Common Schools, and to no other purpose whatever.

Section 4. The General Assembly shall invest, in some safe and profitable manner, all such portions of the Common School fund as have
not heretofore been entrusted to the several counties; and shall make pro-
vision, by law, for the distribution, among the several counties of the in-
terest thereof.

Section 5. If any county shall fail to demand its proportion of such in-
terest, for Common School purposes, the same shall be reinvested, for
the benefit of such county.

Section 6. The several counties shall be held liable for the preserva-
tion of so much of the said fund as may be entrusted to them, and for the
payment of the annual interest thereon.

Section 7. All trust funds, held by the State, shall remain inviolate,
and be faithfully and exclusively applied to the purposes for which the
trust was created.

Section 8. The General Assembly shall provide for the election, by
voters of the State, of a State Superintendent of Public Instruction; who
shall hold his office for two years, and whose duties and compensation
shall be prescribed by law.]

A FRAGMENT OF THE INSIDE AND UNWRITTEN HISTORY
OF THE
CONSTITUTIONAL CONVENTION
John I. Morrison

1850 1880

Nearly thirty years have elapsed since the convention met, that
formed the present Constitution of the State of Indiana.

Of the one hundred and fifty delegates who composed that body,
but a mere remnant has been spared to the present hour.

To notice the many reforms grafted into the policy of the State by
the new Constitution, is not proposed at present. This may be done at
another time. All that will be attempted now, is to refer, briefly, to
some of the provisions in Article VIII entitled Education and to give a
little of its inside and unwritten history, as it was moulded by the Com-
mittee on Education, before it was reported to the Convention, and
adopted as part of the New Constitution.

The standing Committee on Education, selected by the President
chiefly on account of their well known sentiments in favor of free schools
and liberal education, was announced in the following order. Messrs.
Morrison of Washington County, Bryant, May, Hitt, Foster, Stevenson,
Nofsinger, Milligan and Blythe.

This committee went to work immediately, elected Col. James R. M.
Bryant of Warren County, Secretary, and resolved to hold stated meet-
ings weekly, and daily when necessary to compare views, collect in-
formation and take action upon all subjects of special reference by the
Convention. Without exaggeration it may be added that every member
was fully impressed with a deep sense of the heavy responsibility that
rested upon him, and long and earnest were the conflicts, before the
general principles were settled, which should be embodied in the final
Indeed the first section of the Article, which in the main was copied from the old Constitution, gave rise to many warm and exciting discussions. A close comparison, however, will reveal differences, vitally important to the success and efficiency of the whole scheme.

By the New Constitution a general and uniform system of common schools is established, wherein tuition shall be without charge and equally open to all. Under the Old Constitution, all was chaos and uncertainty, and the legislature was authorized to act, "as soon as circumstances will permit." By the New, every provision is mandatory. The system cannot remain inert, it must be put in active operation; it must have motion; it must move everywhere and at all times; and it must be uniform.

While every word in this first section was submitted to the severest scrutiny, there is none that was canvassed with more care and diligence than the word "uniform." One member of the committee contended, with great zeal and pertinacity, that "equitable" was the proper word, but a wiser and better judgment preponderated, and this term was allowed to stand.

The second section, which particularized what the principle of the Common School Fund shall consist of, was adopted in committee after much labor and painstaking, especially the clause which makes the funds to be derived from the sale of county seminaries and the fines assessed for breaches of the Penal Laws of the State and all forfeitures that may accrue, a part of the principal of the Common School Fund.

It was earnestly contended that all moneys arising from such sources should be regarded as so much annual income and be applied as fast as it accrued, to defray the current expenses of tuition. But a majority of the committee would entertain no proposition which did not contemplate a constant addition to the principal of the Fund, an ever swelling tide to such extent as would, within a limited time, produce an income amply sufficient, without any supplement from taxation, to educate every child of suitable age in the State.

This point being settled, the way was opened for the adoption of the third section, without much debate, with the exception of a little sharp criticism on the redundancy of the phrase, "to no other purpose whatever", in the second clause which reads as follows, "and the income thereof shall be inviolably appropriated to the support of common schools, and to no other purpose whatever." Although the retention of this phrase was said to be in deference to the wishes of the Chairman, yet in the light of experience, its necessity has been fully vindicated and it is believed that no true friend of common schools can be found at the present day so hypercritical as to extract, if he could, this clause from the Constitution.

The sixth section which held the several Counties liable for so much of the fund as may be entrusted to them, and for the payment of the annual interest thereon, met with very formidable opposition, when first suggested in committee, but when it was shown that this section was an exact copy of the law already on the Statute books, all opposition was
withdrawn.

This section has done its full share in preserving the integrity of the principal, and securing the payment in full, of all the accruing interest.

For the seventh section, which makes all trust funds remain inviolate, the State is indebted to the late Hon. John Pettit—not a member of the Committee but one of the ablest delegates of the Convention.

For the eighth section, which provides for the election of a State Superintendent of Public Instruction, the Chairman of the Committee must alone be held responsible. By a majority vote in committee, this section was stricken out from the final report. The potent argument used to defeat the measure, was the creation of an additional State officer, and the consequent expense of maintaining such an office.

The news of the decision of the Committee in rejecting the section was received with very great alarm by its friends on the floor of the Convention. It was regarded as a fatal blow against the State's undertaking to educate the children of the State, without a sentinel to guard the public funds from pillage and misappropriation, as well as a head to guide the general system, and mould it into proper form; it was believed that the whole system would soon become a wreck as certainly as the richly laden vessel when deprived of a Captain to keep its reckoning and control its helm. In the midst of general despondency the Chairman, having found a few sympathizing friends who proffered their support, determined to submit the rejection to the tender mercies of the Convention. To his great relief, after a somewhat stormy debate, the additional section was adopted, and was ordered to be engrossed by a vote of 78 to 50, and added to the New Constitution.

To satisfy any regrets that the term of office was not made four years instead of two, it may suffice to add, that the aid referred to was promised on the express condition that the term of office should be limited to two years.

The following reminiscences were furnished by Miss Florence Coffin of Long Beach, California. The family of her mother, Mrs. Annie Morrison Coffin (writer of the second and shorter reminiscence), formerly lived at Salem, Indiana. The father of Mrs. Morrison and her brother Captain Theophilus Wiley Morrison (writer of the first and longer reminiscence) was John I. Morrison whose manuscript relative to the constitution of 1851 is printed above. Captain Morrison was born in Bloomington, Indiana in 1842, during the period when his father was a teacher of languages in Indiana University. The Captain's narrative was written at Fort Concho, Texas, on March 10, 1884. That of his sister, Annie Morrison