Mr. Wade presented a substitute for Section 4, and made an able speech for the public schools.

Mr. Ramey reported the engrossment of the article on executive department.

THIRTY-FIRST DAY

MONDAY, OCTOBER 11, 1875

The Free School Question

Mr. Sansom submitted the following as a substitute for Section 3: "That there shall be set apart not more than one-tenth of the annual revenue for school purposes and a poll tax not to exceed $2, and no person shall be allowed to vote at any election in this State unless he has paid such poll tax."

Mr. Sansom's motion was tabled by a vote of 52 to 26.

Judge Ballinger proposed as a substitute to Section 3 a tax of one-fourth of 1 per cent on all taxable property of the State, or so much of said tax as together with a poll tax of $2 per annum and the other funds provided for school purposes as should be sufficient to educate all of the scholastic population four months each year, and making the payment of a poll tax a condition precedent to the exercise of the suffrage. He said he thought the State was able to make such a provision and that it would accomplish more for the well-being, and would add more to the wealth and prosperity of the State than any other means that could be adopted. If members of the Convention failed to pass some such provision they would be failing in a great public duty.

Mr. Robertson, of Bell, said this would increase taxation one-fourth of 1 per cent over and above the ordinary expense of the Government, and he protested strongly against it. He said he had come to Austin with a view of obtaining a reduction of the expenses, and not of increasing them, and of levying no tax beyond what was necessary for the ordinary expenses of the Government. His people were not able to bear further taxation. Until they could determine the capacity of the people to pay, no attempt ought to be made to increase their burden.

66The proceedings for this day were taken from the State Gazette (Austin), October 12, 1875.
Mr. Allison said that so far as he knew his constituents they would oppose any increase of taxation for the purposes set forth in the Ballinger amendment. There were three parties in the Convention on the question before them—one against all taxation, one for small taxes, and one for something like the Ballinger substitute. He thought the people were opposed to that or any other magnificent school system. He thought that in time a magnificent common school fund would be had; but he thought that for the immediate future one-tenth of the general revenue would be sufficient to encourage and build up a good system of public schools.

Mr. Brown said the amendment just read involved the same principle which had been discussed several times and repeatedly voted down. He said he could not subscribe to the feature of incorporating the payment of a poll tax as a condition precedent to voting in the Constitution. It was, he thought, only another feature of registration, and that registration had, above all other causes combined, caused the people of Texas to condemn their Government and cry out for a change. He was in favor of all wise reforms, but there was one thing sure, that their expense of Government were seven times greater than they had been before the war, and that was the great evil to be remedied by the Convention. There was no fact more patent than that the people were not as able as they had been before the war to bear the burdens of taxation. Before the war a person might have traveled all over the State and he would not have found one man in want, one man who did not own a home. Now, if one went all over the country what would he find? Hundreds and thousands who had come to Texas since the war had no homes at all. They were men who had sought refuge in the State.

Mr. Kilgore moved to amend the substitute by striking out "one-fourth" and inserting "one-eighth." His motion was lost.

Mr. Russell, of Wood, moved to table the whole question, and it was tabled by a vote of 49 to 29.

Mr. Dohoney proposed as a substitute for Section 7, the appointment of the Governor, Comptroller, and Treasurer as a school board to apportion and distribute the available school fund among the several counties, and if this were insufficient, to provide for four months education each year for the scholastic population.
between 9 and 15 years of age; that county courts should have the
power to levy a poll tax on every male citizen of 21 years and over,
to be supplemented by an *ad valorem* tax on taxable property of
not more than one-sixth of 1 per cent.

Mr. Scott said he wanted to know if delegates were to be
required to vote every day on that subject. Was there to be no
end to it?

Mr. Dohoney replied that it was an entirely new proposition.
The special order—the legislative article—was postponed until
the next day.

Mr. Dohoney said his proposition went as far as they could
go in compromising. If the Democratic party was in favor of free
schools it could not do less than what he had suggested. He ex-
plained the difference between his substitute and the majority report.

Mr. DeMorse offered the following as a substitute for the sub-
stitute: "It shall be the duty of the Legislature by the use of the
available school fund including a poll tax of $2, which shall be used
for educational purposes, to establish and maintain free public
schools for such period of the year as the fund may be sufficient to
accomplish, and the Legislature may authorize each school district
in every county to levy and collect such a tax as a majority of the
freeholders of the district may determine not exceeding one-fourth
of 1 per cent. The available school fund hereinbefore provided
shall be distributed among the several counties of the State accord-
ing to scholastic population, the distribution to be made by the
Comptroller." An additional section to come in as Section 8, was
as follows: "Each county shall be laid off in school districts by
the County Commissioners thereof, and one county superintendent,
who shall have the examination of teachers, who shall be elected
by all the qualified electors; and a board of school trustees for
each school district, shall be elected by the qualified voters of the
district."

Mr. Johnson, of Collin, moved to amend Section 7 by striking
out all of the section down to the word "year" in line 44, and insert-
ing, "the Legislature shall establish free schools throughout the
State as soon as practicable and shall provide by law that the
available school fund, herein provided, shall be equally distributed
among all the school population of the State."
MR. DEMORSE asked members of the Convention for a calm consideration of his substitute. He thought it would be found entirely free from any tangible objection. It contained the views he advocated during the canvass in his district, and he had never heard one person object to it. The difference between it and the report of the committee was substantial. The committee said that at some future day they would establish a school system. To this he wished to reply that they ought at least to keep some sort of semblance of a school system, and not push it off into the future and say, "we may establish a system when the school lands shall have acquired value." He admitted that the land endowment was the most magnificent in the world, but he was opposed to its sacrifice now, because it would be extremely valuable in the future. The system he proposed would at least give the poor boy, who could otherwise get no schooling, perhaps three months in the year.

GENERAL WHITFIELD said delegates had come to Austin with their minds made up in advance upon the subject of common free schools. They had ever been the idol of his heart. He had wished to see the great State of Texas enjoying a system of public education perfect and liberal. But finding in the Convention a great disparity of views, he had been willing to compromise upon the majority report as giving the best system that could be attained for a time. The committee, containing members of various views, had been content to agree upon the majority report. The majority had become convinced that one-tenth of 1 per cent was as far as the Convention was willing to go. The question was, he thought, the greatest that had come before the Convention. He thought the poverty of the people was too great for them to build up an adequate system of free schools just then. He wanted schools as much as any one, and had had one last year on his farm, to which others had subscribed $55, while he paid the remainder of $125.

MR. CLINE spoke next in favor of an adequate school system. He said: "Mr. President, I consider this the most vital, the most important question to be disposed of by this Convention. I think it is a great mistake to say the people do not want a public school system. That objections to it exist on account of local abuses cannot be denied. But from all parts of the State the cry

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His remarks are taken from the Galveston News of October 19, 1875.
comes up, 'give us public schools.' I have just received a letter from one of the most distinguished ladies of my county on the subject, and the latter is a wail of despair at the vote the other day against the school poll tax. It is very seldom I ask the attention of the Convention, but I hope I may be indulged today. As to the question of the right to impose taxes, I hold, with Daniel Webster, that it is a police question; that the State should expend money for the support of public schools for the same reason that it does to build penitentiaries. For the same reason that it builds jails it should have school houses. It is a complaint all over the country that the expenses of trying criminals are enormous. Then look to the character of those who are caught in the meshes of criminal law. They are all ignorant. Nine-tenths of them can't read. This system of public education proposes to carry enlightenment and morality to every child. It is part of the history of the Anglo-Saxon race. Alfred the Great established the first great seat of learning. Lord Bacon says that the Saxons adopted a system of public instruction in 1646, and in Scotland public schools were established in 1696, one school in every kirk; and from that time to this the Scotch people have been an intelligent people in every country, and from low estates have always risen to responsible positions. One-sixteenth of the public lands were donated by the State of Virginia for public schools. Here in Texas munificent landed donations have been made for the schools. The history of the Anglo-Saxon race everywhere is that they mean to provide for their children a system of public education. But here we are met with a great argument that we are too poor. But all the land and property are still here. The land is the basis of our great wealth, and the very fact that we are poor is one of the best arguments in favor of a public school system. If we are poor we cannot pay for private tuition, but we must educate the children of Texas. There are 1,700 of our Texas children being educated abroad. The amount of money expended upon them is almost sufficient alone to educate all the poor children of the State in public schools. There are private schools in Houston in which they charge for a single pupil $15 a month, and here in Austin I find they are paying $40 to $45 for a session of forty-five weeks. I see that we gentlemen are educating our children, but the people are not. Well, sir, we are expending money in that direction selfishly. We send our children abroad everywhere to school in the Northern or Eastern states, or in Europe; and what are they when they come back? Have they got the true spirit of Texas children in them? Do they not turn up their noses at Texas? They grow up with a foreign spirit which is an injury to our country, and when we lie down at last, in our stead the children who have come from other states, educated in
free schools, will take the Government in their hands, to the exclu-
sion of ours, educated in a foreign state or country.

"The fact is, Mr. President, we have a great many children not
going to school whose parents cannot pay any amount of tuition;
but the amount of tuition paid at private schools, the traveling
expenses, costly board and other heavy expenses of children schooled
abroad, would be sufficient to establish a system of public schools
and to educate your children—and mine—to extend even the price-
less boon of education to all the children. All parties have pledged
themselves to common schools. In the last State convention of the
Democratic party, by a two-thirds vote of 800 delegates, it became
pledged to public education. The Republican party is likewise
pledged. But, sir, I think it is outside the domain of politics. We
cannot deny that all parties have pledged themselves. They cannot
deny to the orphan and indigent children this free education. I
want to ask, shall we go on under the proposition made, and build
up out of the common school fund the private schools of the coun-
try? It will not be distributed in the districts where the poor
reside; the money will go where least needed, and those most needing
will get nothing. It is a great argument that we are poor. That is
the very reason why we need in Texas to educate our children. We
ought to husband our money within our own borders and build up a
great system for all. I feel a pride in every bright-eyed Texas
boy and girl. I want my children to be men and women of intelli-
gence. A system of education will be the greatest argument with
intelligent men of other states and countries why they should come
to this State, and these kinds of men add to the aggregate of wealth,
add to the aggregate of best educated labor talent. It will be the
system best calculated to bring them here that can be devised. We
want a system not subject to the control and the whims of its
patrons

"Where is the private school, however pretentious, that is satis-
factory to its patrons? We should establish graded schools in
which all grades of children may be appropriately classed and the
more efficiently and cheaply taught. Now, I am willing to concede
anything for the public schools. Last year there were 313,000
children within the scholastic ages; this year 339,000. The number
is increasing more rapidly than any possible increase of the fund.
If we don't want to pay out of this fund, which none of us want,
than I want some other way provided. I want a poll tax. San
Antonio, New Braunfels, and Brenham all have their public schools
at an expense of about one dollar per month for each pupil. Gen-
tlemen, where can you find the same economy in private schools?
Are we as a state and a whole people to remain unprogressive? It
is a question whether the cities of Texas will go ahead. All the
other states go ahead and we remain standing still. The money, sir,
does not go out from us in the support of public schools; it circles around among the people, from them to the State, then to the teachers, and back where it came from. It does not go beyond our borders, nor after spending it abroad do we have our children coming back to us with foreign proclivities. For a session of four months we have to raise $600,000, or for six months, $800,000. The argument that we cannot stand the tax is an argument in favor of it, for we all have to educate our children, and to do that at private schools costs more than to educate our own and all the orphans and indigent children in the State. If parents will not send their children to school, but in their tender years keep them in the field and draw by hard labor their very life blood out, the State ought to interfere and compel them to do justice. It is not the claim of the poor man or the drunken parent, but it is the cry of the children we should listen to. It is the demand of the child, not the parent. We have nothing to do with the parent, but everything with the child. While I am in favor of the administration of the law, civil and criminal, yet I hold it is the duty of the State also to fit all the children of the State for their proper position in the country. I am for contributing enough for the education of the poor children so that we may cheapen the administration of the laws. Sir, let us appeal in behalf of the children of Texas to the feeling of fatherhood in our breasts. Let us be charitable to those around us. Let us contribute our means if we have to stint ourselves for the benefit of the poor children who have to battle some day for the support of the Government. Let us at once—for one time—rise above a feeling of self and self-interest. Let us confer this boon upon them and educate not only our own children but all those around us and make them better than they are now."

General Whitfield said that he endorsed all that Mr. Cline had said, but he was thirty or forty years ahead of his time.

President Pickett took the floor and read Section 7 of the majority report. He submitted that the effect of that section, if adopted, would be to take away from the Legislature the disposition of the school fund and the control of the public schools. Why? Because they had not provided in the report a system for carrying on the schools four months of the year.

Consequently, the Legislature could not take hold of the fund and make disposition of it, either now or in time to come, because it was evident that the growth of scholastic population would forever keep pace with the growth of the school fund. Would it not be better that some change should be made to take hold of the fund and to make some such provision for schools as the people may
hereafter order? Was it right for them to say in their organic law that the people should not now nor hereafter control this fund? The amendment of Mr. DeMorse and the gentleman from Collin relieved the question somewhat and did not take it out of the hands of the Legislature. It seemed to him more feasible to place the fund in such a way so the voice of the people could reach it through the Legislature.

Mr. Sansom said he desired simply to say that the people wanted no taxes levied for the maintenance of public schools. He said he knew not one taxpayer in his entire county when he canvassed the county who expressed a wish to continue the public schools by taxation. He did not believe the people of Texas wanted to go one step in that direction. It was this school tax that the people had complained so much about. It was the main tax, the main expense and burden, that induced them to call this Convention. They could have borne the other taxes. They wanted the power of the State to tax for such purposes limited by this body. There was hardly a gentleman there but knew that his people complained more of this school tax than anything else. Then should they say to them that they would again put it in the power of the Legislature to impose that odious tax? By that they should say they dared not do what they wanted, but they would throw the responsibility upon the Legislature. The gentleman from Harris had spoken as though they were discussing the English system. Now the English system was that which they should provide, for when they said that the Legislature should pass a sufficient law, that became the English system. "Mark you," he said, "the Government of England gave some one a lease of the service of the child, and did not levy a tax, but simply gave the child under the control of another, under control of somebody to work for and serve for its maintenance and education." The gentleman from Harris had said, as they all had said, that where they did not have public schools they had ignorance and vice. He said the statistics did not show it. He made this statement that the gentleman would find in Massachusetts, where they spent over $2,000,000 annually, that crime was increasing as rapidly as it was anywhere in the country.

Mr. Robertson, of Bell, said that all the amendments which had been presented had been for the purpose of increasing taxation.
He said he had not come to Austin to increase, but to lighten the burdens of the people. They had complained of the enormous taxes and of two classes of taxes, the road and school tax. They had complained that they were enormous and unequal. He wanted to get rid of those taxes. He readily admitted the force of the argument of the great propriety of educating the masses of the children of the State. The objections urged to these taxes drew from the people the general cry for a convention that they might be relieved of those burdens. He said he wanted to call attention to the fact that the great increase in the population not yet contributing any means toward the support of the Government, and to ask was it right for the people of Texas to contribute to educate their children? He said he wanted to tell them it was all they could do to educate and take care of their own households. He wanted to build a wall so high no one could come into the State if they were going to have a regular educational government supported by the taxes of the people. Gentlemen came up there and claimed to have cut down the salaries of officers, saving annually a few thousand dollars, yet when it came to levying taxes to the amount of millions, they became all at once very liberal. Relief was not in cutting down salaries, but in extending even-handed justice to the people of Texas who had stood by Texas.

MR. MCCORMICK said he came to Texas a small boy, when the great war of secession was in progress. He said he was proud to say that he had crossed the Mississippi River under the Lone Star Flag of Texas, and was proud to say he was there when the war was ended, and was broken in body but not dispirited, and then again sought peaceful pursuits. He said he was not proud to know that the rich men were opposed to a small, pitiful tax to educate the children of the heroes who carried their flags during the war. He knew that his children were to grow up in ignorance unless the State of Texas should educate them. How many thousand were like him, looking to the State for that boon? They had also followed the banner of true democracy, had supported its principles through years of trial, and he, for one, would support its principles under the platform of 1873, that induced the people of Texas to put the incumbent State Government into power. He said he would read to the gentlemen who were opposed to public schools, who objected
to a tax of one-quarter of 1 per cent to educate the children of the poor and the unfortunate of the worn, crippled, and maimed Confederate soldier; he wished to read to them the Democratic platform that brought into existence the incumbent Democratic Government and that very Convention.

He stood there as a Democrat, under the platform of the Democratic party of 1873. He said he saw in the list of delegates prominent men who were there in the constitutional convention. But what did they see and hear, now that the Democratic party had come into power? The prominent men told them that their constituents were grumbling at the taxes.

Mr. Waelder said he favored Mr. Demorse's substitute. It did not meet all his views, but he preferred it to the majority report, and hoped that the friends of free schools would support it so as to get it before the Convention and perfect it. If they were forty years behind the age they had better get abreast of it as soon as possible. The majority report itself said that "a general diffusion of knowledge is essential to the preservation of the liberties of the people." He believed in the truth of that declaration, and if it were true, as the committee declared, it was essential that they should commence at once and not put it off for years and perhaps forever. He understood the gentleman from Wood to say that education led to monarchy.

Mr. Russell, of Wood, interrupted to say that he was referring to the Prussian system, the adoption of which system might lead to monarchy.

Mr. Waelder denied that any system of education could lead to monarchy or despotism of any kind. The gentleman of Wood talked very glibly in denunciation of that system, but he could thank God if Texas had the same educational system that Prussia had. It was admitted to be one of the best educational systems ever devised by the wisdom of man, and when men made their exits from their public school they were fitted to make good citizens of that or any other country.

Mr. Murphy said that he looked at the question from an independent standpoint. Gentlemen who opposed the poll tax as a condition precedent to voting as oppression to the poor man were now arguing in opposition to their former convictions. He read
statistics to show that in nine years of crime in Massachusetts the number had increased from 26,184 to 88,637. He did not want them to throw money away upon any foreign system. He cited this to show that civilization did not lessen crime. Show him a good system of education and he would support it, but the present machinery was inadequate to the support of a good system.

Colonel Ford said he was not willing to vote for any measure that would force a man to pay his way to the ballot box. He had always been opposed to disfranchisement in any form. It was proposed, not that they should adopt the Prussian or any other system, but should put machinery in operation that would lead to a public free school education. It was no argument to say that civilization was not a barrier to crime, because crime had increased in Massachusetts. It had increased perhaps in proportion to population or from the hordes of paupers and criminals thrown upon her shores. It was as much an argument to say that a man ought not to be compelled to pay taxes to punish crime in the children of the poor man as to say that a man ought not to be taxed to educate all children in which those of the poor man were included. He said he favored the DeMorse substitute.

Mr. Russell, of Wood, said that he did not believe that education led to monarchy. He was as great an advocate of education as anyone on that floor, only he favored individual instead of national education. He had said that the features of the Prussian system led to the baptism of the child by the state at seven days, to his education by the state at seven years, and a few years later they were taken from their homes and placed in the army of the king. He denied the right of the government to take possession of the children, and to become their proprietors and masters; he denied the right of the State to lay its unhallowed hands on the property of the citizen, except for the maintenance of the legitimate purposes of government, and denied that their view of the question was maintained by all of the political economists of eminence.

Mr. Lockett said that the argument of those who quoted statistics did not carry any force against the school system. If they did they had better go back to savage life and each man hunt his particular buffalo for the wool that was on him. It was ridiculous that in this advanced age, they should go back on the experience
and the light of the past in all people and all countries; that it was not right to educate and elevate the people. Take the natives of Massachusetts, and none would deny that they were not educated in morals, so the pauper and criminal class thrown upon it had occasioned the increase of crime. He was a Southern man so could not be accused of partiality. He testified to the usefulness of the Bonham public schools. The Chairman of the Executive Committee had openly pledged himself to vote against the ratification of the Constitution if they did not provide a system of public education. Some of the gentlemen's arguments would seem more fitted for an asylum than for a constitutional convention.

Mr. Demorse compared his substitute with that of the majority report. The latter said that public schools would be provided hereafter, his proposed to begin at once with such resources as they had, and without burdening any portion of the country. He also pointed out the other features he deemed of an advantageous character in the substitute.

Mr. Nugent said that the people of the State were not opposed to the free school system. His views were well explained in the substitute of the gentleman from Red River. The trouble was that the Legislature had assumed too much power. The people wanted the schools under the proper restrictions. The prejudice against the system arose from burdensome taxation.

Judge Reagan admitted the principle of local taxation, but drew attention to the position of the Convention a day or two back when the proposition was to require the payment of a poll tax as a prerequisite to voting, while it was now proposed to double it. He favored the amendment of Mr. Johnson.

Mr. Russell, of Wood, said he favored the majority report, with the exception of one-tenth of 1 per cent.

Mr. Waelder said he favored the amendment of Mr. Moore, because it was a question in his district and he was in favor of direct taxation for free schools. He believed that the Prussian system originated in Saxony, the birthplace of Protestantism and liberty. Prussia had only carried the system out to its full perfection. Some people condemned the school system because of its connection with radicalism. Some believed that radicalism and
diabolism meant the same. The dying thief on the cross uttered something worthy of the Redeemer's attention.

He did not regard a tax for school purposes as direct taxation. It was taken from the general revenue. The $2 poll tax would go to educate the children and when a man thought of that he would not be apt to grumble much. He had heard the Constitution of 1845 advocated so much that he was surprised that members should be adverse to the one question of taxation.

Mr. Moore spoke in favor of common free schools. The gentleman from Wood (Mr. Russell) had talked eloquently and feelingly of the poverty of his people, and said they were not able to sustain public schools. Did not our fathers before us, in 1845, when the whole country was stricken with poverty, inaugurate public free schools? We must educate our children and not allow them to be straggling all about over the country. It was to their interests in every conceivable manner to build up schools throughout the whole State. Education was a great bulwark of their liberties, and should be encouraged by every legitimate means. His idea was to leave the whole matter subject to the people in the future, to be treated as they desired. He did not think the Constitution should have a word to say in the matter; but let the people control it. For one he was not afraid to trust them with their own affairs.

Mr. McLean said the country was too sparsely settled to maintain a system of public free schools. They had tried it, and made a miserable failure. They had been pointed to Massachusetts for an example. She was 200 years reaching her present facilities in the way of free schools; and they need not, especially in their financial condition, try to imitate her. The effort would bankrupt them. He wished they were so situated that free schools could be had, but saw no chance for the State to maintain them. He paid a glowing tribute to Prussia on account of her beneficent school system.

Mr. Dohoney said he was strongly in favor of public free schools, and thought if the Convention failed to provide some mode that the proposed Constitution would be defeated. He thought that the proposed amendment introduced by Mr. Johnson, of Collin, this morning was dodging the question by leaving the whole matter to the Legislature, but believing that was the best that could be done,
he would vote for it on the ground that “a half loaf of bread is better than no bread”

Mr. Flournoy said he was opposed to any system of public free schools supported by taxation. He contended that no free government could levy tribute on the citizens to force education on the children. Massachusetts and other states had been held up as having magnificent schools, sustained by their respective states. Were those people any happier, wiser, or more virtuous than those of Texas? Nay. He would venture the assertion that there lived no more virtuous, intelligent, and prosperous people than Texans. They were the peers of any people. They had no right to invade the mansion of the parent and take from him or her their bright-eyed child, and turn him over to the State. Whenever they should do that they could do anything. When that was done the science of free government was trodden under foot; the liberties of the country gone.

Mr. Wade said he strongly advocated a system of public free schools. He claimed that ignorance was the mother of nearly all the crime in the country; and that, vice versa, education tended to make one all that was noble and pure.

On motion of Mr. Graves, further debate was cut off, and the Convention proceeded to a direct vote on the pending amendments. The amendments were all voted down by decided majorities.

Mr. Waelder then offered the following as a substitute for Section 3: “The Legislature shall provide for the levying and collection of an annual tax of not more than one-sixth of the per centum of taxable property, real and personal, of the State, and also a poll tax of $2 on each voter of the State, and the taxes so levied and collected, as well as the income from the fund herein provided, shall be annually distributed for the education of all children between the ages of 8 and 14 years among the several counties or school districts according to their respective scholastic populations.”

THIRTY-SECOND DAY

Tuesday, October 12, 1875

Mr. Dohoney offered the following amendment to the amendment “Provided that the taxes raised under this provision shall

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68The proceedings for this day were taken from the State Gazette (Austin), October 13, 1875