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MR. DEMORSE said he concurred in the doctrine of the gentleman from Anderson (Judge Reagan), and thought it was only just that the west should share in the advantages of railroads equally with the east, the north, and the center of the State. He did not care how far the argument went that the public lands had been wasted, he could not vote to deprive those of the use of them who had, in common with other sections, wrung it from their enemies with their blood.

MR. MCCORMICK said he was opposed to land subsidies. He said all of the good lands had been given to corporations for the benefit of the country east of the Colorado, and if there was a single league of good land left he wanted it to go to the school fund.

COLONEL FORD said the last speaker was mistaken. It was a common error to suppose that what was left of the Panhandle and Staked Plains was worthless. It would in time be of great value, while its climate was one of the most salubrious in the world. He asked, in justice to the west, that the system be retained; otherwise, division would be agitated, and, although he should always oppose a division of the State, the voice of one man would be as nothing. He said a meeting would be held immediately representing the interests of the people west of the Colorado, and asked for a postponement of the action of the Convention until the wishes of that meeting could be known.

MR. RUSSELL, of Wood, said that while he was in favor of postponement he was opposed to aiding railroads by giving subsidies of land or money.

MR. F. J. LYNCH, of DeWitt, said that if the land was worth nothing he could not see why delegates were making such a loud outcry against giving it to railroads. He favored postponement.

MR. ARNIM withdrew his amendment, and the Convention adjourned for the day.

## TWENTY-SECOND DAY

THURSDAY, SEPTEMBER 30, 1875<sup>42</sup>

### *The Land Donation Clause*

Section 51 in the proposed legislative article was taken up as unfinished business, the pending question being the adoption of

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<sup>42</sup>The proceedings for this day were taken from the *State Gazette* (Austin), October 1, 1875.

Mr. Arnim's amendment, to amend Section 51, inhibiting the Legislature from granting public lands to individuals or corporations.

MR. STOCKDALE opposed the amendment. He said Judge Reagan had well said that it had been the policy the State since 1854 to foster internal improvements by land donations, and every Legislature had recognized the policy to a more or less extent. Long before land was appropriated for educational purposes, donations of lands were granted by legislative charters to some sections, to encourage internal improvements. At that time there were two policies discussed before the people and in the Legislature, one emanating from Galveston, suggesting that the State, by amendment to her Constitution, become the owner of works of internal improvements, railroads being included in the plan. That plan did not do justice to the whole country, and another was proposed, which was to unite public education and internal improvements. This plan was adopted by loaning \$2,000,000 in United States bonds to railroad companies—these bonds being the proceeds of the sales of lands constituting a fund which had been devoted to school purposes—at \$6,000 per mile on the company's first mortgage bonds, \$1,000,000 to be expended for such purposes east of the Trinity River, and \$1,000,000 west of it, and in addition to that, under a general law, sixteen sections of land to the mile were given to all railroads for every mile of completed road. With this encouragement they had been built. Before that time he thought some work had been done on the Harrisburg road, but the whole system had originated in the loan of this money and the grant of sixteen sections of land to the mile of completed road. The population at that time was just as great west of the Colorado as elsewhere. East of the Colorado was nearer the settlements, and connected more readily with Galveston, hence the donations of land and the whole of the school fund, except so far as was used for other purposes during the war, was used to construct works of internal improvement east of the Colorado, except some twenty-eight miles of railroad built west of it, for which the company received no loan of money. An effort, successful in part, had been made to build a road from the coast to San Antonio. This was the best twenty-eight miles of constructed road in the State. The Confederate Government protected and rebuilt the roads of the east, but they destroyed those of the west.

Since the war immigration had settled up the section east of the Colorado until the great mass of the State's population was to be found there. How was it built up? By means of the railroads which had been constructed. It had been said by those opposed to that view that not a single mile of railroad had been built by donations of land, but he thought the facts clearly controverted that statement. But Western Texas had not been benefited by the lands, except as the overflow of population might reach that section, or as citizens of the east who had sold their lands might locate there. There was now none of the school fund left to lend. He was not in favor of the State putting any more money into railroads, but there were lands she might use for that purpose, and they lay west of the Colorado. The International, which by a compromise had received twenty sections to the mile exempt from taxation for twenty-five years, he ventured to assert, would hardly cross the Colorado. There was no railroad connection with Matagorda, Aransas Bay, Corpus Christi, or the Rio Grande. There was one point between Point Isabel and Brownsville where there was a little road, but that was all. It was said that the public domain west of this river was worthless and could not aid in the building of the railroads, but in his opinion it was as fair a portion as any in the State, either for agricultural purposes or otherwise. The gentleman said that wherever railroads would pay they would be built. He ventured to say that railroads had been built in Texas that did not pay, but they soon settled up the country and finally paid. With the exception of fifty or seventy miles of the Pierce road which had no connections, the people of the west had been utterly ignored in the matter of railroads, while the east had the railroads, the advantages and conveniences brought to the homes of its people.

He asked that the same principle which had supplied the east with railroads be applied to the west, so that it might be placed on an equality with the other sections. He feared that there would be no unanimity on the subject. The Mexicans, when they invaded the country, were met on the frontier by those to whom he had alluded on previous occasions. They were the people who had suffered and had been driven from their homes. The battles of victory had been fought elsewhere. So it had been also in the political history of the west. The battles of victory were fought

elsewhere than on the frontier, and, as the west had been left desolate before he presumed she would still be left in the same condition. It was for the Convention to declare, as was declared in the platform framed by the Convention that nominated Governor Coke, whether this policy should cease or continue until the west had received its share of the benefits. The east had not been cut off from its advantages. Then, why should the best be? Because the Convention might have the right or power to do it did not make it proper, and because the benefits of the system were no longer to accrue to the east constituted no reason why the other regions of the State should be deprived of them.

MR. H. C. KING, of Kendall, followed with a speech in opposition to the amendment.<sup>43</sup>

Mr. King said: "Mr. President, I have been content to cast my vote on most of the matters coming before the Convention without expressing my views. The question before this body this morning, however, seems to me of such importance to the whole State, and more especially to that section which I have the honor in part to represent, as to require at least a brief statement of the reasons which shall govern my vote.

"The proposition is to prevent the Legislature from hereafter granting lands in aid of internal improvements. I unite in the thanks expressed by the delegate from Calhoun, Governor Stockdale, to the delegate, Judge Reagan, from Anderson, for the spirit with which he opened this discussion. That spirit of justice manifested in his remarks is highly appreciated by western members on this floor, in view of the peculiar position occupied by Western Texas, as compared with other sections of the State, with reference to facilities of inter-communication and transportation.

"The first question that presents itself to my mind in this subject is as to whether there is a principle involved in the proposition embodied in the amendment of the delegate from Lavaca—to inhibit any further grants of land for purposes of internal improvements. Is there any principle of government or ethics, political, commercial, moral, or social in it? I presume, Mr. President, that no man of ordinary intelligence will undertake to say that there was originally any such principle whatever involved. The public lands belonged to the Republic—afterwards the State of Texas. It was a great domain, unoccupied, unsettled, a wilderness. It was the property of the people of Texas, to do with as they saw fit in their

<sup>43</sup>Kendall County was a frontier county in 1875. Mr. King's remarks are taken from the *State Gazette* (Austin), October 10, 1875.

own best interest and that of posterity. There was a question as to what use could be made of it, so as best to promote those interests. This was the question up to the year 1854, when it was resolved (and most wisely, I think), to inaugurate the policy of encouraging the construction of railroads by grants of this public domain. Thus, as a matter of expediency, this plan was adopted, and its wisdom being vindicated and sustained by public opinion, it has continued with but a temporary interruption under the Constitution of 1869, until the present time. But, sir, while, as I have said, there was no principle originally involved in these donations of land, this course has been so long pursued as to have become the settled and established policy of the State, and to arrest this policy at this time would be to violate a principle. This I declare to be the principle of good faith and public honesty. The State of Texas, by that course of action, which applies to states as well as to individuals, is estopped from taking such a step backward at this late day. Under the fostering care of that policy nearly fourteen hundred miles of railway had been constructed in the State. These railroads have received something over twenty million acres of the public lands, and today form great trunk lines traversing the State from the Sabine to the Colorado. They constitute now perhaps a sufficient number of thoroughfares for those sections of the State. As that rich and favored region increases, as it is now so rapidly doing, in population, wealth, and prosperity, and capital accumulates from the industry of the people, tap and branch roads will be built without more State aid, to meet their growing demands of agriculture, commerce, and inter-communication. How is it west of the Colorado?

“There are about one hundred and fifty miles of railroad now constructed west of that river. Beyond here, the vast territory known as Western Texas, having with it capacity sufficient to make several states as large as the country east of the Colorado, now furnished with railroads, is without railroads, with the trifling exception I have stated. With the finest climate on the continent, and with resources of immense wealth, in agriculture, livestock, and minerals, this great region is undeveloped, the greater part of it a wilderness. The people who inhabit that territory call themselves Texans. They are entitled, as citizens of a common state, to equal rights with those who live in more favored sections. They are yet unsupplied with the great modern improvements in travel and transportation so vital to their security and development, and they now turn anxious eyes to this Convention, as they have looked for years, but so far in vain, to this Capitol, for a just recognition of those rights, and of the necessities of their condition which are pressing heavily upon them.

“Then, sir, at the threshold of this question, I ask gentlemen whether they seriously mean to sustain the amendment which contemplates such injustice to the west? I have said that Texas is estopped forever by her long established policy from refusing to us of the west our due share of the public domain to encourage the construction of railroads, and I repeat that a great State like Texas is cannot afford to perpetuate an act of such gross bad faith to a large proportion of her citizens. It would be an infamous betrayal of the high trust which she holds for the benefit of all her people of every section.

“Texas is today the hope of the people of the misgoverned states of the South. She is alike the land of promise to the thousands who desire relief from the inhospitable snows of the north-west. Immigration from these sections of our own country has had a considerable part in increasing our population at the rate of a quarter of a million a year. These people of the old states look upon Texas, as she is indeed, as a state of heroic proportions and history, of good government, and with a hospitable, brave, and just people. Who can estimate the degree to which Texas owes this proud position to her railroad system? Who can calculate the benefits derived from the wisdom of the policy put in motion by the fathers of the Democratic party more than twenty years ago, by which the public domain has been utilized in perfecting this system of internal improvements? Sir, these benefits to the people east of the Colorado are incalculable, and now, forsooth, it is coolly proposed to cut off the west from her just and fair prospect of participation in these blessings! Mr. President, I may be speaking to an adverse majority in this Convention. Be it so, I shall not be deterred from declaring my convictions, nor from the performance of my duty toward those whom I represent here. I say, therefore, sir, in all truth and candor, to this body, that if you pass this measure you will have done more to crystalize that feeling on the subject of a division of the State, which has for years pervaded the west, than will be in your power, or any other earthly power, to undo. I mean this exactly as I say it. The people of the West are not a sectional people. They live under the shadow of the Alamo, among the halls and shades of the early battlefields of the revolution, and they treasure the memories that cluster around the Lone Star flag that at this moment looks down upon this Convention, fit emblem of that unity of purpose and patriotism which secured the independence of Texas, and I hope as well the singleness of justice meted out by the State to all her citizens alike. But, sir, my people cannot live on heroic memories alone. If they are patriotic, they know their rights, and in justice to themselves and their posterity, they will not tamely submit to such treatment. I make no menaces or threats; I have never been an advocate of division; but I tell gentlemen they are

approaching a question that will be regarded as a final test of the temper of the east towards the west, and the weakening cords which bind the two sections together will snap asunder, if a measure which so outrages common justice passes this Convention. Sir, I have spoken only incidentally of the material condition of the people of Western Texas. Let me say that much as they need railroads for the advantages they bring in the enhancement of property values, increase of population, of facilities for trade and travel; in short, for all the innumerable elements of development and civilization which follow in their train, there is not a citizen of the thousand miles of frontier who has not been for years looking to the iron horse as his best and only secure hope of deliverance from the scalping knife of the Comanche, the Kiohwa, and the Apache.

"It is true, sir, that we hope in due time to say to our friends in Virginia, Georgia, Tennessee, and other states, not only that life and property are secure on the Nueces, the Llano, the San Saba, and the Pecos, but that on those lovely streams they will find schools, churches, law and order, and good society. But this must come from railroads, if it comes at all within the next half century.

"I have not referred to the arguments of the gentlemen who have advocated this measure, for I have listened in vain to hear a single reason advanced in its favor. The delegate from Tarrant (General Darnell) says that were he convinced that a single mile of railroad had ever been built by means of land donations, he might be in favor of continuing the policy. Now, sir, I undertake to say that not a single mile of railroad has been constructed in Texas *without* such aid. And I will say further, that but for the policy of land donations, Texas would be today practically without railroads.

"In conclusion, Mr. President, I once more protest against the measure. It is fraught with mischief, and if adopted by this Convention, will, in my judgment, surely affect the integrity of the State."

MR. LYNCH said the opposition might have the strength to pass the amendment, but was it well to use it? They might take the land if they wished, but they could not take the associations connected with it; could not take away the memory of Gonzales, where the first shot was fired for Texas independence, and whose people burned the homes over their heads rather than leave their property for Santa Anna's advancing columns. The people of the east had utilized the lands for their own benefit, but those of the west would share in its historical memories forever. They might even take Gonzales from them, as they had the numerical strength; might also take Goliad, where Fannin and his 450 heroes were sleeping unconscious

of this meditated wrong. The delegates from the east had the strength and power to do it. He only asked for justice for his people; nothing else.

MR. McCORMICK said he differed from the eloquent gentleman who had preceded him. Coming from the west, as he did, he experienced the same degree of patriotism that actuated them, but he differed entirely from them and was decidedly averse to waving the bloody flag before that Convention. He differed as to the sentiment it was said prevailed with reference to a division of the State. He believed that Texas was always to be one and indivisible, and he knew that it should be so. He hoped that gentlemen on that floor would not be influenced by any cry of dismemberment that might come up from either the east or the west. On behalf of his people, he claimed they were as loyal to Texas as those of the east or any other portion of it. They came now to the facts and the argument. It was claimed that the Convention should not donate the remaining lands to public school uses because the West had no railways.

MR. KING interrupted by leave to say that neither he nor any one else had made any such argument. No one objected to the donation of lands for school purposes, as granted in alternate sections.

MR. McCORMICK asked why he objected to donating all of the public lands for school purposes.

MR. KING said it was because they needed the lands to aid in getting internal improvements, and because he thought more benefit would arise from donating alternate sections to the school fund than by another method.

MR. McCORMICK then asked Mr. King why he argued that West Texas had derived no benefit from the donation of public lands.

MR. KING said: "Because she has received no benefit directly in aid of railroads, while the east has them in consequence of land donations."

MR. McCORMICK then asked if he (Mr. King) advocated the land donation because he wanted West Texas to have railroads.

MR. KING answered in the affirmative, and added that the school funds would lose rather than gain by withholding lands from the railroads.

MR. McCORMICK said the opposition claimed that they had not had their just proportion of lands for railroad purposes. A section of

640 acres fetched on the streets of Austin only about forty-one dollars, and that would hardly pay for the survey of the land and its alternate section and incidental expenses connected therewith, but if reserved for a few years for the school fund it would become valuable. Now it was worthless. Give this land to the first company that offered to build a railroad, and where would Texas be then? He was surprised that gentlemen should be so magnanimous of those lands when they amounted to nothing.

MR. THOMAS LOCKETT, from Washington, said he came from the center of the State, but he thought he represented his people correctly when he said that they desired that the same opportunity they possessed should be extended to the people of the west. There was undoubtedly a contract between the east and the West, and it ought to be held as sacred as if founded on constitutional law. It was a subterfuge for enemies of internal improvements in the west to say they wanted these lands for public free schools. The gentleman from Colorado (Mr. McCormick) had said that they might as well attempt to build railroads out of moonshine or Gulf water as out of the land donations. He had to tell the honorable gentleman that if that statement was true it applied equally well to the public schools, for they could not be supported on moonshine or on the water from the Gulf of Mexico. The lands would never become valuable until railroads passed through the vicinity. He not only believed that the west should have land donations, but thought the fund arising from the sale of school lands, if any there were, should be loaned to help build them. Let them help the West, and where the wolf roamed and cactus grew cities would spring up like Palmyra from the desert.

MR. FLOURNOY spoke next and opposed the Arnim amendment, which had been renewed by Mr. German, providing for an inhibition of future land grants to aid railroad construction.<sup>44</sup>

Mr. Flournoy said: "Mr. President, we are a body nearer the people than anything political skill has devised; we are as far as it is practicable to be, the people of the State of Texas, but we are so in a just sense of the word only so long as we express in our action the will of the people. I may be mistaken. Perhaps the sources of my information are not reliable; perhaps I attach too much importance to the recently expressed will of the people, but so far as

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<sup>44</sup>This speech was printed in full in the *State Gazette* (Austin), October 19, 1875.

I am informed, it is the will of the people of Texas that the public lands shall be used in part for the encouragement of the construction of railways. Am I wrong? The Constitution of 1869 forbade grants of land for this purpose. I have heard that Constitution complimented in regard to that point on this floor. The people of Texas, through their representatives in the Legislature, submitted an amendment to the Constitution, and acting upon that idea they have already, since the formation of the Constitution of 1869, incorporated into that Constitution an express provision, for the known purpose, the undisputed purpose, of donating land for internal improvements.

"Thus far I take it, we are capable of judging the will of the people, but is it for the interest of the people? Have the people acted intelligently on the subject? Do we act intelligently in regard to that will, not only as being an expression of that desire, but as founded on a just and conscientious consideration of public interest? Texas has in her borders some fourteen hundred miles of railroad. It was said yesterday that the public lands had done nothing for the construction of railways. The railroads have been constructed; and as to the companies constructing them, the great feature of their credit was the lands donated by the State. The first railroads constructed were in part aided by another mode, by the loan of the school fund upon the bonds of the railroads, looking in the main for the construction of future roads from the land that had been donated to them. I take it, then, that it is not clear that the donations of lands have not assisted in this work; but, on the other hand, as far as human reason can ascertain the causes of results, it is evident that they have been eminently efficient in producing these railroads. But was it wise, and has it been useful to this State? Is there a man within the sound of my voice—and I believe every man here is honest and willing and anxious to serve the people—who would be willing to have every railroad in the State of Texas wiped out of existence today? Would he be willing to have every mile of road, whose construction was promoted by donations of land, destroyed today, and the lands they have received revert to the public domain?

"I know that my friend from Colorado will not say that. If they have been useful, and we think we have been benefited by them, are we intelligent in thinking so? The highest act of statesmanship is that comprehension of the uses of government which so promotes the increase of the subjects, and the values of taxation, that in its legitimate operation its necessities may fall more lightly on the individual taxpayer. The encouragement and consequent construction of railroads have largely aided to reach this result. Don't tell me that this has not been done. Look at the map yonder. It speaks for itself. The world has scarcely known such increase of population as Texas has realized within the past decade. It is argued by

political economists that every man who becomes a citizen is of the value of \$1,500 to the body politic. How many hundreds of thousands of these men have come to Texas within ten years? Did they come because of railroads? I do not wish to make a faulty argument. Some did and some did not, but while we cannot get at the precise motives of the majority of our immigrants, it is fair to assume that they were desirous of coming because of railroads in the State, and the best evidence of that is, that where cheapness of lands would permit, they have congregated on railroad lines. Then I take it that immigration has been greatly induced on account of the existing and prospective railroads in the State. Again, have the lands adjacent to these lines increased in value? Take for instance, the County of Brazos, represented by my friend from Bryan, five, ten, or fifteen years ago, would it have approached within a fifth of what it is today in actual value, if we do not consider the value of the slaves of that day? I take it that it would not. The assessor finds five times the values to tax he did ten years ago, and this is the rule in a measure wherever the railroads have reached their arms across the State. Immigration, development, and wealth follow their lead as surely as does the noon follow the sunrise. I have not spoken of the ease of travel, of the facility of transporting the products of the soil, of the exchange of products for the necessities, the comforts, and the luxuries of life, which go far to make it enjoyable; of the pleasure of families being within easy communication—and yet these are considerations for the statesman—but I have put my argument on that ground which the enemies of the system have chosen, on the material interests of the State in a monied point of view.

“Am I correct in the proposition that the people of Texas desire that some of the public lands shall be appropriated in a legitimate mode for the purpose of increasing the works of internal improvements? Am I right in saying that they have acted wisely and well, and when they have so acted, they have been advancing the material interests of the State? If so, why the argument that the Legislature has squandered the public domain? I have heard that argument here, sir, but I assert that not an acre of the land has parted from her true ownership, unless it has been for completed and operated railway, and not until after completion.”

MR. McCORMICK interrupted to ask, “How about the improvement of the Brazos and other rivers?”

MR. FLOURNOY said he took it for granted that there might be some improvements there and on the Sabine and Nueces, but he was not informed whether they had been beneficial to either the streams or the people. If there had been imprudent legislation there it should be remedied; they should not destroy the great economical

progress of the age in railways, which alone he was discussing, which underlay the progress and happiness of the people, because a measure of useless donations to railroads and ditches, which did not receive the approbation of the people, had not succeeded as well as was desired (or had not succeeded at all). Mr. Flournoy continued:

“I am not an *enemy of railroads*, but I think it is wise to encourage them. I think the secret necessary to their successful operation and the protection of the State, is to keep them now and forever under the political control of the State, to regulate their actions, prevent discrimination, limit freights and fare, and to consider them as a part of the utilized power of the State. It was a part of my convictions when I introduced the railroad resolutions, to put a curb on them, to keep them under the law-making power and amenable to the courts, in such form and with such intelligent design as would protect my people from discrimination, combination, and oppression. I merely desire to state these propositions and answer the argument that the public lands have been squandered, for not an acre has, or could have, passed out of the hands of the State except to completed railroads. I am not informed as to these river matters, and have not read the laws concerning them, and have never deemed such a policy wise; but so far as the railroads are concerned, all this talk about squandering the public domain has nothing in it, because it is not based upon even the shadow of fact, the people having received the blessing before having given the aid.

“Pardon me, sir, if I go a step further. I have discussed it as a question of State interest that addresses itself to me, regardful of the legitimate ideas of progress and material wealth, but there are other questions concerned with it. That great section known as Western Texas has as yet scarcely felt that the State to which it belongs has ever used our wealth on railroads. I am not one of those who condemn the earnest appeals of gentlemen from the West, when they tell us that glorious as has been their history in the past, honorable as has always been their intercourse with us in the common interest, earnest as they are that we should join them in a common brotherhood of progress and go forward with them in a march to empire, which is the future glory and destiny of Texas, yet they fear division if injustice be done that portion of our people. I hate the very thought of division; it is statesmanship to heed the complaint of injustice, and it is wrong to incite ill feeling in any section of a great state. No man here has stated that he would favor division. We have only been warned that the feeling might be growing; that the hand offered us should be taken, and I heed it because I feel that the Gonzales, the Alamo, and the Goliad of today are as necessary to our progress in the future as is their past to our glorious history. We can spare neither. I should dislike to see

the history of Texas mutilated and I trust my children and my grandchildren and my great-grandchildren—should they follow me—will never read the history of Texas divided into two chapters or perhaps three—Eastern, Middle, and Western Texas. I wish them to feel that when they read of Fannin at Goliad, or of the Alamo, or of the men who fired the first guns at Gonzales, that it was their ancestry who had taken part in the struggle and helped to cover it with renew glory. I want them to feel that the Texas their ancestors created shall be Texas forever. The highest motives of political intercourse, the highest considerations of political economy, the sublimest impulses of true patriotism, should respect the law of justice to every section of the State.

“But it is not alone because of the West that we should respect this feeling. I shall not give you other than a correct view of it. I ask you to cast your eye over the southeastern portion of Texas, rich in all the products of nature, buoyed up with the hope that their homes would soon be reached by the railroads and they enabled to send their agricultural products to market, but apart from the line from Marshall to Houston, you find no railroads anywhere in Southeastern Texas. We have a great frontier on the north. Do gentlemen tell me that it is provided for by railroads? Is the Texas & Pacific to be built? The friends of that road have told Congress repeatedly that it cannot be completed unless their bonds are endorsed by that body. The gentleman from Tarrant (Mr. Darnell) told us that with all their energy and struggles, that company cannot complete their road from Fort Worth to Dallas. Yes, it is a lamentable affair that a road that Texas has helped with more liberal donations than any other, that lies right in the midst of live settlements, upon the richest plains of the north, and in the very midst of a prosperous and enterprising people, should languish and die. If the present company should fail, as they may, do not deprive the State of the opportunity to carry out the enterprise. Don't tell me that the hundreds and thousands who settled near that prospective line, in the earnest hope that the iron horse would reach their neighborhood, are to be cut off from aid if the present company fails. Turn the argument as you will, demand retrenchment and reform in the most economical sense, and if you are in earnest about it, increase the number and value of the subjects of taxation, and you will not only increase your revenues, but will bless the people and relieve the burdens of the individual taxpayers.”

MR. ROBERTSON, of Bell, followed Mr. Flournoy in favor of the Armim amendment.<sup>45</sup>

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<sup>45</sup>This speech was published in full in the *State Gazette* (Austin), October 6, 1875. Bell County is in Central Texas.

Mr. Robertson said: "Mr. President, I do not favor the amendment with a view of doing an injustice to a portion of this State and favoring another portion, and should not vote in favor of it, if I did. I believe it will be in accordance with the true interests of the country to insert the clause as proposed. With regard to the 'policy'—as it was termed yesterday by the gentleman from Anderson—the policy of Texas adopted in 1854 was not so objectionable, if it had been properly carried out. The policy of the fathers of this country was to secure actual settlements on the lands donated. That has ever been the policy of the American idea; they coupled it with freedom and our idea of suffrage to make the voter independent. He might probably appreciate the blessings of government. Give him something to defend; identify him with the soil of the country. That was the idea uppermost in the minds of those who opened up this country for settlement. Actuated by such a view the fathers of the country in 1854 consented to a policy, providing that the lands should be taken in alternate sections for the encouragement of works of internal improvement, the alternates to be reserved to the State for educational purposes. This was done, as I said before, not so much to benefit railroads as to induce actual settlement, to induce people to settle upon the lands adjacent to the railroads, to sustain themselves and defend the country from its enemies; and strictly regarding the provisions of that law we today would not be discussing the advisability or otherwise of continuing a policy of donating lands to railroads. That policy has not been adhered to. That policy required a disposition of lands in six, eight, ten, or twelve years, and it was supposed that they would pass into the hands of actual settlers. Further provisions retained the right to control these railroads that were to be incorporated under law, so that each section of the country would be equally benefited along the line. It will be remembered by gentlemen familiar with the history of these railroads that they were all to terminate upon the Gulf coast, on the bays thereof, on Buffalo Bayou, to run centrally through the country from the coast to the mountains, so that each section of the country bordering along the line might be equally benefited. Mr. Reagan said, the gentlemen will remember the fact, that the first charter granted to a railway corporation in the State was to the Southern Pacific in 1854, which was run from east to west and terminate at El Paso, and was intended to mutually benefit the whole section along its entire route.

"One section of the law of January 13, 1854, as found in Oldham and White's *Digest*, page 371, reads as follows: 'And such donations shall be discontinued in every case where the company or companies shall not construct and complete at least twenty-five miles of the road contemplated by their charter, each year after the construction of the first mentioned twenty-five miles of road; and further

provided, that the proviso herein contained shall not extend to any railroad, the terminus of which is not fixed on the Gulf coast, the bays thereof, or on Buffalo Bayou, and that nothing in this section shall be so construed as to extend the duration of *any existing charter*; and further provided, that the certificates for land issued under the provisions of this act shall not be located upon any land surveyed or titled previous to the passage of this act; and further provided, that this act shall continue in force for the term of ten years from the time that it shall take effect, and no longer.'

"Another section reads as follows: 'Any railway company in this State, acquiring lands or other real estate by virtue of the provisions of this act, or by virtue of the provisions of any other act or charter enacted by the Legislature of the State of Texas, by purchase, donation, or otherwise, shall proceed to alienate the same, except so far as may be necessary to the maintenance and running of said road, in six, eight, ten, and twelve years; that is, one-fourth shall be alienated in six years, one-fourth in eight years, one-fourth in ten years, and one-fourth in twelve years from the time of acquiring such lands or real estate in such manner; that the whole of such lands or real estate shall pass out of the hands of such company within twelve years from the date of acquisition; *provided*, moreover, that said lands and real estate shall in no instance be alienated to any other corporation, except so far as may be necessary for the proper uses and the conduction of the business of such corporation.'

"I claim that the people were justified in putting a provision of this character into the charter of the railroad companies to whom they granted privileges. That was the policy of that day and if the fathers who inaugurated it were here today they would vote as I intend to, to stop a policy that is not correct in principle, because it confers no corresponding benefits and possesses separate and exclusive privileges. I do not speak in behalf of one section to the exclusion or injury of another. I know but one Texas, and never by my vote shall there be but one Texas. I know the feeling entertained upon the subject by the west, but I know also the views entertained upon this subject by my constituents and I would be recreant to that duty if I failed to express the views which they entertain in regard to the policy of continuing to donate lands as a subsidy to railroads.

"We have been taught by this system of land donations to corporations from the experience of the past what we may expect from the future. They started out with a very strong law in 1854, and if they had adhered to it strictly no harm would have been done to the country, but it would have been benefited thereby. But extension of time has been granted again and again, until the law has become virtually neutralized, until the people have become firmly rooted in their opposition to the extension of a policy which has not brought the

benefits contemplated by the framers of the measure. They provided in addition to the donation of sixteen sections to the mile that the school fund might be loaned to railroads, as was said by the gentleman from Collin, to complete railroads running east and west of the Trinity, amounting to \$6,000 to the mile. But in a short time this was found to be insufficient, and another demand was made for \$6,000 to the mile of graded, not completed road, and one demand has been made after another until the people have been forced to the conclusion that they must be stopped, because they fail to give that protection to the country its friends claim for it. It has been claimed that it would act as a cordon for the protection of our frontier. Yet we are called upon year after year for appropriations to defend the frontier. Are the railroads doing it? If so, I would like gentlemen who favor the policy to tell us how. No, sir; it is not protected by the railroads, but by the stout hearts of strong men who have ever stood upon the soil of Texas defending her with money and without money against the foe, and never hesitated to cast their lives into the scale when liberty was assailed. No, the record of Texas is found in the patriotism of her sons. No, it was not your railroad system who defended her, but the men of 1836, the men of the Rio Grande, the men of the western border, aided by the men of the middle and eastern portions of the State.

"Our lands are gone; our school funds are gone, and yet we are called upon to extend this thing. I am willing to accord to every section of this State what in justice belongs to them, and I shall not blame any man on this floor for representing his constituency, but I cannot give my consent to trust future Legislatures with the extension of a policy that has been so detrimental to our interests. Past legislation not only granted donations of land, but fastened upon the people of Texas \$12,000,000 in direct taxation, the payment of which has only been avoided by a compromise of lands freed from taxation for a long period of years. It is perhaps owing to this departure from the policy of the fathers that has ruined the system of land donation to railroads and destroyed the interest in them heretofore felt by the people. With such a record in the past, what may we not expect if we leave the people unprotected in the future?"

MR. J. W. BARNETT, of Parker, spoke briefly in favor of a compromise. He favored the donation of lands to one grand trunk line which would run through the West. He said these appeals to the memories of the past on either side was no argument. We came here to make a Constitution for the future glory and greatness of Texas, and should do so calmly and dispassionately. He hoped that

no acrimony would be engendered, as had been done in times past in these very halls. We should rise to the majesty of the occasion, and meet the issues presented as statesmen and patriots. He was a compromise man.

MR. DOHONEY was opposed to the amendment. He said the State should not change her long established policy of aiding works of internal improvement, without good and sufficient reason. He would admit that this right had been abused by the last three Legislatures, but the friends of the amendment should correct these abuses and not strike at the policy itself. He would do all in his power to correct these abuses, but he was not in favor of prohibiting the Legislature from aiding works of internal improvement in a legitimate and proper manner. The policy of granting aid to works of internal improvement, actually constructed, inaugurated in 1854, was a true policy, and one that was wise and statesmanlike.

MR. WEST said he did not think that this Convention could decide this matter intelligently until after the report of the Committee on Education and Public Lands. There was no need of hurry in this matter, and he would, therefore, move to pass over the proposed amendment for the present.

MR. GERMAN was opposed to the motion. He said the members had their minds made up—many of them were determined upon the course they would pursue before they left home. This matter had been discussed on the hustings in the Twelfth, Thirteen, and Fourteenth Legislatures. It was *nothing* new. “Time, time” was always being called for by the advocates of railroad measures. Be careful how you grant time. The fight was the people on one hand, and the railroad rings and monopolies on the other.

MR. RUSSELL, of Wood, introduced an amendment as follows: “Provided this clause shall not be so construed as to prevent actual settlers from preëmption privileges.”

MR. FLOURNOY offered a substitute as follows: “In line 264, insert the words ‘or land’ after the word ‘money,’ and add to the end of the section the following words, “or of portions of public domain for internal improvements, or to actual settlers by general law alone.”