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he would work for as high a school tax as any man in the country. He wanted it left to the Legislature. He wanted gentlemen not to generalize on the subject, but to come up squarely and toe the mark. At the proper time he said he would move to refer the entire matter to the Legislature.

FORTY-SEVENTH DAY

FRIDAY, OCTOBER 29, 1875⁹⁸*Education*

The report of the special committee came up under the head of unfinished business.

MR. ARNIM spoke against the amendment offered by the special committee, favoring the original minority report.

MR. MOORE said none had yet spoken in favor of the report of the special committee. He said it was useless to say that not a single member heartily endorsed it. Members of the Convention seemed inclined to range themselves as partisans. Constitutions should not be arbitrary or consist of abstractions, but rather of something concrete, to meet the various independent minds in the Convention. A Constitution was in itself a compromise, and so was the report a compromise, so that their work might conform to the opinions of a majority in the Convention. He claimed that the issue had not been fairly made. The issue was simply whether the Convention felt authorized to destroy or promote a system of free schools, or would it pursue the more conservative course and leave the question to the people of Texas. The report was never intended to devise a system of taxation for that purpose, beyond the poll tax of \$2. He estimated that the available fund from all sources would amount annually to about \$720,000. According to the vote of the Convention they would have no Superintendent of Public Instruction. The amount specified would be sent to the various counties to apply to educational purposes, and would soon be augmented by their own county funds. The object of the committee was not to establish a school system, but to keep one alive and give it an opportunity to grow in proportion to the growth of the wealth and prosperity of the

⁹⁸The proceedings for this day were taken from the *State Gazette* (Austin), October 30, 1875

people. He denied that the school system was a failure. They had had losses in the executive and judicial departments, but there was no reason why they should not be kept up. He thought the same could be said of the school system. He was opposed to the idea of considering the school lands in the light of charity. Education in Texas should be as cheap as it was possible to make it.

MR. ROBERTSON, of Bell, spoke next against free schools.⁹⁴

He said: "Mr. President, it is not my intention to enter into a discussion of the advantages of having all the people of Texas educated. The question as it presents itself to me, is this, was I sent here to increase the taxes on the people, or to tax them for other purposes than the regular expenses of the government? Is it a tax they are willing to assume for the great benefits to be derived from education? However it may address itself to other gentlemen on this floor, it is for them to determine, but it is for me to determine what my duties are in acting upon the question now before the Convention. I have come here, Mr. President, to levy no taxes on the people except such as are legitimate and necessary to carry on the ordinary administration of the government. This tax for school purposes, among others that have been levied upon the people, as I have said before, was regarded as an extraordinary tax. They looked upon it as an extraordinary tax in the past, and it was so regarded when the Convention first met. They still regard it in that light, and have not changed their opinion since I made the canvass among them. When I last held counsel with them their cry was 'relieve us from the road tax and from this iniquitous school tax, and keep the expenditures of the government to its proper administration of public affairs.'

"The question does not present itself to me as to whether we shall inaugurate a system of public free schools, but in the present aspect of public affairs the question is, however right it may be, are we able to sustain them? I take the ground that, however beneficial they may be in the end, the facts and figures will not warrant us in presenting to the country a system of free education, such as would be satisfactory to the friends of education on this floor, without increasing the tax to one-half of 1 per cent on the taxable values of this country.

"Let us go to the record. We have today as intelligent and efficient a Superintendent of Public Education as we are ever likely to have, not only qualified for the office, but thoroughly conversant with the duties of a teacher, and as well qualified to give advice and counsel in regard to the wants of free public schools as any one we may

⁹⁴His speech was printed in full in the *State Gazette* (Austin), November 7, 1875

find through the ballot box, or any other source. In his report for 1874 you will find that a system to meet the wants of the country will require one-half of 1 per cent, and over, and he further recommends that superintendents be appointed over each county in the State, and to employ men not to keep school, but to teach it. Your low priced teachers will not give that attention the country demands. I repeat it, your superintendent says that you may get low priced teachers to keep school, but to teach it is a very different thing. This is honest and true, and when we adopt a system of education let it be one sufficiently beneficial to meet the wants of the country, something that will last throughout the coming years. This cheap teaching ruins many a scholar, and they have all to unlearn when they get into the hands of a competent teacher. It is much easier to take up a proposition originally and learn it from a teacher competent to illustrate and explain it than it is to unlearn the faults engrafted in the mind by bad teaching. This view of the case I believe addresses itself to every intelligent gentleman on this floor.

“Much has been said with regard to the poverty of Texas, with respect to her capacity to sustain a system of free education. If we do attempt it, let us sustain it in an efficient manner, such as will meet the wants of the people; let there be no delusion about it; let us not deceive ourselves with a fraud, nor build up a system of instruction here that will not give a guarantee of education, and which will at the same time paralyze the individual enterprise that has sustained the schools and colleges of Texas by their own private means and energies up to this time. Let us not strike down the system we already have, nor disregard the desire for education that has been built up in the manly hearts of the people of this country. When the day arrives that this country is in a prosperous condition, and is able to pay the taxes that will guarantee an efficient system that will give a substantial education to every child in the country, I shall be prepared to support such a measure heart and soul. But I hold that we are now not able to do it, and that it is idle to force on the country a system that cannot be maintained, for as has been well observed by your efficient Superintendent of Education, you cannot sustain a system of public free schools without money. What is it proposed to do? Shall we give away all the money we have and that has heretofore been set apart for educational purposes and derived from taxation? Not only this, but it is proposed to empower the Legislature to levy a tax of not more than one-fourth of 1 per cent, and I believe their bill goes so far as to say that they may levy as much as one-fourth of the annual revenues to be devoted to this purpose.

“This matter is easy of calculation. According to the report of our present Superintendent of Education, we have 339,000 scholastic population in the State. I will assume that not more than

one-half of that number attend school, and that will give us 169,500 children to be educated. That number will require over a million of dollars to be levied on the people annually by direct taxation, less the amount received from the public school fund. Our Superintendent of Public Instruction says that the increase in the scholastic population from 1873 to the first of May, 1874, was 43,610. In the calculation I had made, I had estimated the proportionate increase in the scholastic population at 25,000 to 30,000, but it seems that 43,610 was the actual number. With this enormous increase in population, are we prepared to say that we will fasten upon the people of this country a system false in its theory and principles, that will levy one-fourth of the revenues of this State, and which, even if it meets the demands of the system now, must be increased from year to year, in order to keep pace with the annual increase in the scholastic population. That increase is largely in excess of the increase in taxable values; it is equal to four to one, and the whole system resolves itself into this single question, how long will the people of this country be able to stand perpetually increased taxation without being sold out by public free schools?

“There is another little thing in connection with the amount of revenue which gentlemen propose to raise to carry on this system of public free schools to which I wish to call attention. Now what are the taxable values of the State of Texas? Let us say that they run to \$250,000,000, but some gentlemen on this floor put it as high as \$275,000,000. I do not so understand it, but estimating that there are \$275,000,000 worth of taxable values in this State, not less than \$139,596,000 of that amount was given in as real estate values. These values, it will be well to understand, are imaginary values, relative values, far beyond anything they would actually realize. Not only is this a fact, but there is an additional one in the fact that the real estate in Texas pays the owner less and he is able to realize from it a less sum to meet his taxes than is to be obtained from any other class of property. I apprehend, Mr. President, that it could be shown from the records of the Comptroller’s Department, as compared with statistics from other states, that there are more land owners in Texas in comparison to the number of inhabitants who pay taxes, than in all other countries in the world. All the land in England today is owned by about 3,700 men. The \$139,000,000 worth of land in Texas renders this people poor indeed. The people are willing to meet the ordinary expenses of the government, but beyond that they are not willing to go. If you accept this system to be efficient, you must have the money. Hence, if we are bound to have the money to sustain it, let us have such a system as the people can meet readily. Prompt assessments and prompt collections must be had at the hands of the government, says your Superintendent of Public Education, if you are to carry on this

system, and without money you cannot carry it on at all. To raise sufficient revenue from the people for such a purpose is utterly impossible without amounting to a practical confiscation of all the property in the State. These are the facts and figures that should address themselves to our intelligence as practical men working for a system out of which it is proposed to derive some good.

"Then, Mr. President, it appears that we have only about \$111,400,000 worth of property that yields revenue, and a good deal of that does not really yield it; but, for the sake of argument, I will assume that it does, and this reduces our amount of values fully one-half. We came here, sir, pledged to *reduce taxes*, and especially in the matter of schools. As the gentleman from Lavaca said yesterday, even with one-fourth of 1 per cent for schools, the people would be dissatisfied. They have complained of that. My object is to get something better still. I do not propose anything at this stage of the discussion. The question is whether we shall tax the people for the support of the free schools, or whether we shall cherish the fund we have already, to nurse it, for the purposes of education. I am willing to meet gentlemen on this floor on the ground of a compromise, but it must be one that our people can accede to willingly. When you give control to the Legislature in this matter, and say that not less than one-tenth shall be appropriated to educational purposes, you open the door of the Treasury wide, and they will be sure to spend that amount and more. I prefer a bill that would say not more than one-fourth. That is what we came here with. But I prefer something even better than that."

MR. MOORE interrupted to say: "There is no addition to that one-fourth. You recognize that provision in the Constitution of 1869, which demands that no further taxation should be imposed on the district. The minority provision required no less than one-sixth of 1 per cent on the \$100."

MR. ROBERTSON continued: "I am not here to get up a discussion on the policy of 1869. It is no part of my purpose. The question is whether we shall be taxed now in 1875 and whether we shall say so in our organic law. Perhaps the country was prepared to do in 1869 what it did do; but we are sent here to prepare a Constitution for the present people of Texas, one that will be sustained fairly and freely. And we shall fail, I am afraid, unless we offer them such a Constitution as they can approve with regard to taxation. There is nothing they cry more loudly for than low taxes, and they will accept almost any Constitution that guarantees protection to life and liberty; but low taxes they *must* have. It is a necessity. Are we prepared here today to support a policy that insures an increase annually of taxation of 20 to 30 per cent, for such will certainly be necessary if you sustain your policy of educating all the children of the State? This question appeals to each

and every one of us. I can speak only for myself and those I represent, and I trust this Convention is not prepared for an innovation of this sort or to fasten this burden on the country. I shall vote against the substitute of the gentleman from Franklin with a view of getting the substitute offered by the gentleman from Lavaca."

COLONEL CRAWFORD urged the necessity of free schools and, while admitting the extremely high cost, said he thought the State could not afford to be without them.

MR MCLEAN replied to Colonel Crawford. He admitted the necessity of free schools as an aid to democratic government, and suggested that the proposition of his colleague, Mr. DeMorse, might be renewed, that freeholders of the various school districts should be authorized, where practicable, to tax themselves by a majority vote, to pay for a free school system.

The substitute of Mr. Johnson, of Franklin, was lost by a vote of 27 to 46.

The substitute of Mr. Russell, of Harrison, providing for a tax levy of one-sixth of 1 per cent, in addition to a fund of not less than one-fourth of the general revenue to be set aside annually by the Legislature, failed by a vote of 14 to 59.⁹⁵

MR. WRIGHT replied to his colleague, denying the right of the government to tax one man to pay for the education of the children of another, and especially attacking the most vital clause of Mr. Dohoney's substitute—the right to tax property holders in a precinct, with a special tax for free schools, though this tax should be levied with the consent of the freeholders. He said he believed in no taxation without representation. He thought it would be outrageous to tax a man for the schools on land in a precinct where he did not live and could not vote

GENERAL WHITFIELD'S substitute, proposing one-tenth of the annual revenue for schools, aided by such poll tax as the Convention might assess, failed by a vote of 36 to 40.

GENERAL WHITFIELD then offered as a substitute for Section 3: "The Legislature may provide for the levying of a tax for educational purposes, such fund to be annually distributed among the several counties, according to the scholastic population of each."

⁹⁵This was the most generous plan suggested for the free schools. Only two Democratic delegates joined the solid Republican delegation in voting for it.

MR. WAELDER offered to amend by striking out all after the word "levying" and inserting, "and the collection annually of not less than one-tenth of 1 per cent of all taxable property, and a poll tax of not more than \$2, and if hereafter the tax of one-tenth should be more than necessary, the Legislature might reduce the tax accordingly."

MR. WAELDER spoke to his amendment, and denied that Texans were in that abject poverty which would send them out to the world as beggars. It was not the present system, he said, that the people objected to, but the way it had been administered under a former administration. He had never heard any objection to the apportionment of one-fourth of 1 per cent, but the people had objected to the 1 per cent tax to build school houses which were never constructed, and the money for which went no one knew where. If the people wanted public schools why should the Convention hesitate to give them assistance as was within easy reach, and such as the people were willing to contribute to? One-tenth of the revenues would be \$300,000; a poll tax of \$1.50 would be \$300,000; there would come from the bonds of the school fund, \$150,000; or a total of \$750,000, which would keep up the public free schools four months in the year, according to the scholastic population, at \$5 a head for that period.

MR. STOCKDALE referred to the remarks of Mr. West, as published in the *Gazette*, and also to the remarks of Mr. Russell, of Harrison, in which the latter had attributed sentiments to him which he, Stockdale, said he had never uttered. He said he had no idea that either of the gentlemen had intended to place him in a false position, and he wished only to put himself in the right light with the Convention. The remarks he referred to were as follows: "Why not say like the gentleman from Galveston—their present chairman—and the gentlemen from Calhoun and Williamson, that it was unjust, unlawful, and a crime."

MR. STOCKDALE contended that what he had said was that the original form of natural government was in the family; that nature made the government; that it made it in the family, and that the head of the family was the ruler of the family. Those who did not believe in the Almighty said that nature had done it. He believed

that the Almighty had established the government, and that it was the only form of government he had established since the theocracy. He would say again that whenever that form of government was invaded for any other purpose, except for the punishment of crime, or to prevent the infringement of anybody's else's right, that it was tyranny. He had never believed, and never should believe, in the absolute sovereignty of the people. They were sovereign for the purpose of establishing civil government, but to say that all except one might perpetuate sovereignty over that one, he denied it. The first form of government he had reference to was the family, established by nature and, except so far as the state had the power to aid it, it had no authority to interfere in management of the family. Apply that principle to the subject of education, and he asserted that while education was a question of which the state must take cognizance, its duties originated in the necessity of the case and its powers were measured by its duties. Its duties were to give an opportunity for an education to every child whose parents were unable to do it, and when this was done the state had performed every duty and accomplished all the functions rightfully possessed by it.

The State of Texas might, as others had done before and continued to do, educate her indigent children out of the fund it had created for school purposes; but he denied that they could go further than that and educate all the children in the State. This being the logic of his argument, he deemed it fortunate that they had not had the means to establish an iron-bound system of education that would educate all the children of the State in one mold and make a unit of the people. He neither wanted to allow his children—if he had them—to be taught to despise the views of Confederate history, nor to teach the children of other people to admire them. He thought it was fortunate for Texas that she did not have the means to establish such a system as the Prussian. He would prefer to take the boy off the prairies with the moral education his mother would instill, for he was just as likely to make a good man and citizen as one educated under the boasted system of Prussia or Massachusetts. Massachusetts had a reputation for every vice repudiated by every principle of the decalogue, and, as was shown by statistics, there was less regard for those things held sacred by

husbands and wives, who should be the parents of children, than anywhere else on the continent. It might be said that this was not the result of education. Perhaps not, but it was contemporaneous and must be remembered in connection with it when Massachusetts was held up for admiration as a model state. As regarded Virginia's support of free schools, it was the act of Judge Underwood, whose name stunk in the nostrils of the people, and not the acts of the people themselves, which established public education in that state. Mr. Stockdale replied to the arguments in favor of free schools, and said he was averse to putting the hand into one man's pocket to obtain money with which to educate the children of another man.

MR. WEST said he had not read the article referred to by the gentleman, but his own explanation had gone so far beyond anything he (Mr. West) could make that he did not feel disposed to retract any of his remarks. He said he had intended his remarks as a compliment to Mr. Stockdale and Mr. Flournoy, and not as a reflection on either. Let them make the issue as it had been presented. Let them engraft their views in the Constitution. Either let them have an apology for free schools or something tangible. They did not want something that was neither pig nor puppy; but if it was fish, flesh, or fowl, let them say so in the Constitution, so the people might know what they really meant. He did propose to put his hand in the rich man's pocket to educate the poor man's children, but what sort of a government was it that required the services of the poor man to protect the rich man's property from invasion, but formed a gulf between them when it came to asking to contribute to the support of free schools, that his children might be put on the same level as his own? He wanted no uncertain sound on that question, and hoped the Convention would let it be one thing or the other.

COLONEL FORD said that Mr. Stockdale was correct in saying that the family was the first institution of which we had any knowledge, but that his deductions therefrom were incorrect. He had spoken of the patriarchal system, but he had forgotten to tell the Convention that the patriarch had complete control of the family throughout the whole period of his existence. That form of government ceased when the family became too numerous, and another form

had succeeded it. The gentleman had not carried out his deductions properly; he had left them too soon. He had told the Convention that the father had complete control over his children, that he had obtained from the law of God. He would direct his attention to the earliest system of which they had any knowledge, the laws of Moses, which required the circumcision of the child at the age of eight days. This fact showed conclusively that the government had some supervision of the child even at that early period. If the father was the head of a family by the law of God, it could not be alienated, and he would like to ask Mr. Stockdale by what right the child was taken from the care and protection of his father, and how and by what means it acquired that right. How could the law of man supersede the law of God? If the father had complete control of the child, how was it that the state could demand his services at the age of 18 years, and send him to the battlefield? Was the argument worth anything?

COLONEL FORD said he had yet to learn of any system of education where the parent would be denied the right to select the teacher, and this in turn regulated the right to select the books by which his children would be taught. He admitted that crime might be on the increase in Massachusetts. He thought it had been on the increase in all the states, North and South, and that it was mainly the effects of the Civil War, thousands of men having been unfitted by that struggle for the walks of peace. With mental culture there must be moral culture, and with the two combined man was made as nearly perfect as it was possible to make him. What it was proposed to do was to establish a system of education to give the necessary mental training and to leave the moral culture to be instilled in the sacred precincts of home. If it was not right to take money out of the pockets of the rich to pay for the education of the poor man, why was it right to take their money for the support of the deaf, dumb, blind, and insane, who might be said to have passed beyond the reach of the law and had ceased to be useful members of society? If so why could they not take the public money to teach the children of the poor man and to make them good citizens; for it would not be denied that that was a useful purpose. He believed that it would be admitted by all that education was the life and soul of republican government. He believed that the citizens who voted without

a due regard to his rights, to that extent injured the perpetuity of free institutions. It was imperative to the making of good citizens just as morality was to the making of good neighbors. It had been said that it was not the intention of the men of 1845 to encourage taxation for the purpose of education. If they did not mean it it was a lie. But they intended what they had done to constitute a fund for the support of free schools, they intended to make education common and that it should take its place in and form a part of the government.

MR. BRADY spoke at length in favor of the Waelder amendment.⁹⁶

He said: "Mr. President, so far I have been content to sit here and cast a silent vote, but on this question I cannot obtain my own consent to longer remain silent and especially since the declarations of gentlemen on this floor with reference to a system of education are so astounding. It has been asserted here—and I believe by men who were honestly convinced of the truth of the statements they made—that the public free school system is immoral in its tendency, and two of the honorable delegates to this assembly have cited Massachusetts, which has the most perfect system of free schools in this country, and have attempted to prove it by her criminal statistics, since that declaration was made—and I was so astonished at it that I could scarcely credit my ears when I listened to it—I have attempted to collect the criminal statistics of Massachusetts, to analyze them and to find where the crime comes from, for all of which gentlemen seem to hold the free schools responsible. In reply to this I read from the report of the United States Commissioners of Education. I find that in Massachusetts 80 per cent of the crime committed within her borders is committed by parties who have no education whatever. So that of all the criminals of that state but barely 20 per cent come from those who have been educated at all and 15 per cent of this class are those who can barely read and write. Following out the idea that public free schools are immoral in their tendency, I have taken the trouble to collect the criminal statistics of all the states where those schools exist, in addition to the statistics of Massachusetts, and find that in all these states the most alarming proportions exist between ignorance and education, so far as crime is concerned. In New York and Pennsylvania, we find that the system works in this wise: Taking 10,000 of the population of either of these states, there will be, according to the census of 1870:

⁹⁶His remarks are taken from the *State Gazette* (Austin), November 5, 1875.

People	10,000
Illiterates	400
Estimated prisoners	40
Prisoners illiterate	35
Others	5

The "others" mean only a very common education.

"And now, lest it should be thought that the public free schools have failed in their duty, I will state that the statistics show in Massachusetts that 75 per cent of the crime is committed by foreigners and for whose education and morality Massachusetts is in no way responsible, and for the benefit of those who hold that public free schools are immoral, I will state that about 60 per cent of the above number have been taught the Roman Catholic faith, taught morals in that church; that is, taught morality, but without receiving any mental training. I state as a principle, which cannot be controverted, that education and morality go hand in hand together, and that if you raise the mental standard of the citizen you will elevate his moral standard in exactly the same proportion.

"Take the criminal statistics of France, a country controlled by the Mother Church, and whose people are taught morality by that church, and what do we find? We find that the same proportion of illiteracy to crime exists there only to a greater extent, than in this country, as follows:

Whole number of persons under arrest from 1867 to 1869	444,133
Number unable to read	442,194
Average number of convicts from 1866 to 1868	18,643
Number unable to read	16,015

"In regard to another point of this question—if it is attempted to be proven that the public free school system is immoral—I will state that it is shown by the criminal statistics of the country that those states which have the best free school systems have the smallest proportion of crime—educated crime—crime committed, for whose criminal acts the system may be held responsible. I say go anywhere in the world, not only in New York, Pennsylvania, or Massachusetts, but in any of the Western States, and you will find that a large proportion of all the crime is committed by foreigners, who come to this country educated in the Roman system, but who have received no mental education, and I must say that I cannot conceive that it will be honestly contended by gentlemen on this floor that public free schools or any other system of mental education is immoral in its tendency.

"It must be conceded that education does not elevate the citizens and make society more prosperous and better adapted to attain the ends for which it was formed.

Public Free Schools versus the Private System

“As there can be but two systems in education in existence, the one where the state assumes control of the education of its citizens, and the other where education is left to private enterprise, I will compare the statistics of Massachusetts in regard to illiteracy.”

MR. SANSOM: “Will the gentleman confine his statistics to whites, leaving out the negroes?”

MR. BRADY: “That is exactly what I propose doing. I think this comparison is a fair test of the two systems, because the free school system has prevailed in Massachusetts for 200 years, while the private school system has prevailed in Texas from its first settlement down to the year in which the United States census from which I quote, was taken. In Massachusetts I find:

Total Population	1,457,351
Native born	1,104,032
Foreign	353,310
The illiterate of this State being:	
Total over ten years who could not read and write	97,742
Native	7,912
Foreign	89,830

“I imagine that the gentleman from Williamson will raise his hands in holy horror at a system which allows so many of its people to go uneducated. It will be seen by these figures that taking the native born population of Massachusetts, there is but one out of 140 who could not read and write. Turn now to Texas and how is it? We have as follows:

Total population	818,519
Native	756,168
Foreign	62,411
Colored	253,475
Native white	502,289
We find the illiteracy of Texas to be:	
Total over ten years who could not read and write	221,512
Of these there were, colored	150,617
Foreign born	18,369
Native white	52,576

“We find that one out of every nine of the native white population of Texas could not read and write.”

MR. SANSOM: “I find the negro population in that year was 225,000.”

MR. BRADY: “I quote from the census of 1870, and that puts it at 253,000, and I leave the gentleman from Williamson to dispose of it, if he can. These statistics show over 52,000 illiterates born

in this country, for whose ignorance Texas and the private school system are responsible. If the gentleman desires it, here is a census itself, it having been handed me by the gentleman from Cameron (Colonel Ford). Go to any state where the public free school system exists and compare the native white illiteracy of that state with that of any Southern state where the private system has always prevailed, and you will find the same proportion in favor of the free school system. You will find that wherever the private system has predominated there is the same vast army of ignorance to be overcome, while in those where the public free school system is in force the proportion of illiterates is so small that it may almost be overlooked."

In answer to Judge Reagan, of Anderson, Mr. Brady stated: "The census gives more than 150,000 colored who cannot read and write, it gives more than 52,000 native whites who cannot read or write; there are something over 500,000 native whites in Texas and this makes the illiterates one to every nine of the native whites."

MR. KILGORE: "Were they all natives of Texas, and why did you take Massachusetts as a basis?"

MR. BRADY: "I will reply to the gentleman from Gregg that I stated that this was the result of the private school system which has been in existence not only in Texas but in every state south of the Mason and Dixon line, and that it is the system of private schools I am attacking. I hold that system responsible and I make this proposition since I find that the United States census is in the House, that you may take any state where the public free schools have been in force and compare it with any state which adopted the private system and you will find the same proportion in favor of free schools. Take for instance Ohio and South Carolina, Indiana and Georgia, and you will find the statistics in favor of the states where they have free schools."

JUDGE REAGAN: "Do you find that there were about 250,000 negroes in Texas in 1870? I know that there were 212,000 blacks in Texas in 1860, and that there must have been over 100,000 more in 1870, and if we could get at the truth we should find that the number in the illiterate class must embrace a large proportion of those not taken in the census."

COLONEL FORD: "There were 182,000 negroes in Texas in 1860."

MR. BRADY: "Put it any way you please and it leaves something in the neighborhood of five to six hundred thousand whites in the State, and I take it that if there is anything wrong in the United States census, it touches other states as well as it does Texas. And now, to take up another question.

Sparse Population and Public Schools in Texas

"It has been argued by honorable gentlemen—the gentleman from Titus, Mr. McLean, I believe was the first—that Texas is too sparsely settled and the people too poor to keep up a system of public free schools. In answer to that argument, I propose to submit a few statistics from three states, Indiana, Iowa, and Kansas.

"Indiana has an area of about 34,000 square miles. In 1820 her population was 147,178, or between four and five to the square mile. In 1830 her population was 343,531, or between nine and ten to the square mile. In 1824 her public free school system went into operation and has never ceased from that day to this. Iowa has an area of 55,445 square miles. In 1840 her population was 43,112, or less than one to the square mile. In 1850 her population was 192,214, or between four and five to the square mile. Her public free school system went into operation in 1846.

"Kansas has an area of 81,318 square miles. In 1860 her population was 107,206, or between one and two to the square mile. Her public free school system went into operation in 1859.

"Now Texas has an area of 274,356 square miles, but the Commissioner of the General Land Office says there are over 107,000 square miles of our lands unlocated and unpatented. Deducting these lands, we have an area of 164,000 square miles left. Our population in 1870 was over 800,000, which would make our average between four and five to the square mile; while our population today is about 1,200,000, which would make our density of population between seven and eight to the square mile, and either is equal or superior to the densities of these three states I have mentioned at the time they put their systems into operation. It is objected to that the people of Texas cannot bear taxation, because they are an agricultural people. What in God's name, I ask, are the people of Indiana, Iowa, and Kansas, letting alone what they were in 1824, 1846, and 1859? But it is said that our population on the frontier is so sparse. Then, I say, make your system so flexible that it will work equally well in Galveston, Houston, and Comanche, or any other frontier county. It is easy to do this because it has been done in every state north of Mason and Dixon's line that has been admitted into the Union.

"The gentlemen say further, in reference to a system of public free schools, that a few years ago we had one and it taxed our people to death to sustain it. I admit that they were taxed too much for the benefits they derived from it, but I tell you, gentlemen of the Convention, that it was the cheapest system that has ever been in operation in this State, and that it was cheaper and better than the system of today. Go to the report of the Superintendent of Public Instruction and you will find that in the year ending August

31, 1872, the cost for the year for each pupil enrolled was \$9.23, while the cost for the year for each pupil in regular attendance was \$14.30, or \$1.43 per month for each pupil in regular daily attendance. Well, the mistake of that system was in attempting to keep up schools in every neighborhood throughout the State for a period of ten months. This deprived that system of flexibility. If gentlemen will turn to the reports of different superintendents of education they will find that the average school term varies in each state, the highest being Maryland, with nine months and two days, and the lowest Tennessee, with one month, Massachusetts having an average term of five months and six days; this shows that her system is elastic, adapting itself equally well to the crowded cities and the most thinly settled rural districts.

"Another objection gentlemen make to a public free school system is that it resembles the Prussian system.

"I am compelled to say here that I have been surprised to find that no one who has attacked the Prussian system had any real knowledge of that system or of its workings, but seemed to think it some huge machine intended to crush out the liberties of the people. It is true that it is a state system, that the state has full control of it. General Hazen, in his work entitled 'The School and the Army in Germany and France,' says: 'Here (in the public schools) are taught the elementary branches including reading, writing, and the ground rules of arithmetic, and the history and geography of Germany. Religious instruction is also given.'

"This does away with the morality objection to that system.

"Mr. Kay, an English writer, says: 'There is nothing more untrue than that the central authority has all to do with the schools, that there is no local liberty of action, and that there is no union between church and school. The generally supposed oppression of the government in school matters has not the slightest foundation in fact. It is this simple parochial system which has been abused and vilified in every possible way. It has been called tyrannical, illiberal, irreligious, and has been stigmatized by every opprobrious epithet that ignorance and bigotry could invent. But the truth in the end will conquer, and Germany will one day be lauded by all Europe as the inventor of the system, securing in the best possible manner her education, guided by the best intelligence, fostered by local activity, local sympathy and the cordial sympathy of the Christian religion.'

"The gentleman from Williamson has stated that there is no state system of education in England and that she was more careful of the liberties of her subjects than we are of our citizens. Now from 1836 to 1869 there was over \$1,000,000 expended annually by England in the cause of education in England, Scotland, Ireland, and Wales. Her system is not so perfect, it is true, as is the Prussian

system or the American system, yet she is advancing; she has already adopted a compulsory law applying to London and other great cities.

The Cherokee Nation Ahead of Texas

“I do not believe, Mr. President, that the people of this great and glorious State, as it is so often termed by enthusiastic gentlemen on this floor, want to be or ought to be outdone in the matter of education by that territory whose citizens are the descendants of those aborigines, who but a few years ago wandered through our forests and roamed over our prairies as savages. Yet it is even so. I read from the Educational Yearbook of 1873: ‘Just as we are going to press, we get our official returns from the Cherokee Nation. We have also the annual report of the superintendent of public schools, Mr. S. S. Stephens, to his excellency Louis Downing, principal chief of the Cherokee Nation. The Nation has one chief, Mr. Stephens whose address is Talequah, C. N.’

“I think it would be a good plan for this Convention to write to him and get his ideas on education. The report says further: ‘The Nation numbers 15,529, and the pupils in the schools 2,249. The annual school fund is the interest on \$596,140. The superintendent of Choctaws—LeFlore—reports the total number of schools in the three districts, 69; the total number of scholars is 1,487. The Seminoles had in 1869, three schools in operation, with 169 scholars.’ The Cherokees don’t propose to abolish their superintendent of public instruction, as we so summarily did.”

MR. MCLEAN: “How and from what is their school fund derived?”

MR. BRADY: “From the interest on their school fund.”

MR. MCLEAN: “The fund was derived from the general government, I suppose.”

MR. BRADY: “Well, we have a fund derived from the general government, and a pretty use we have made of it so far.

“Another objection that has been made by the gentleman from Galveston, Mr. Flournoy, and by the gentleman from Williamson, Mr. Sansom, is that the system of public free schools will do away with private schools.

Public Free Schools no Injury to Private Schools

“I deny the proposition that public free schools are any injury to private schools. The history of every state where the public free schools have been established disproves the assertion. In these states the primary schools are free to all, as they should be, but the higher schools, colleges, and universities, are controlled by private parties. It would be better, I admit, if they were managed by the state, but this is not the case. Now, these institutions, so far from

being injured by the free schools, receive fresh accessions from them every year. Indeed, it may be truthfully said that these institutions of higher education are fed and supported almost wholly by the free schools. And now when a great war is going on in other states over the public free schools, we appear to be of the same opinion as the Governor of Virginia in 1670. In that year the Royal Colonial Commissioners addressed to the Governors of the various English colonies a series of questions, among which was one concerning education in the colonies. The Governor of Connecticut answered that there was one-fourth of the annual revenue of the colony set aside for the support of free schools. Thus, over two hundred years ago, Connecticut laid the foundation of that admirable system of free education, which has had such a happy influence over her citizens that she has been called from time immemorial the 'land of steady habits.' The reply of the Governor of Virginia was: 'I thank God there is neither free schools nor printing here; I hope there will be neither these hundred years.' And his hope was well nigh fulfilled, for over two hundred years passed by before a free school existed anywhere within the borders of the commonwealth. And if this Convention does it work on this matter as well as it seems to be trying to do, it will be two hundred years before Texas will have free schools."

JUDGE REAGAN: "It might be that it was not indispensable to her prosperity that she should have them. In that hundred years ago she did more than any other state to illustrate the wisdom and fame of her citizens and of the country."

MR. BRADY: "This was a question I had hoped to avoid, but since the gentleman has made the issue, I am ready to meet it. There is no gentleman on this floor who feels prouder of the splendid record of Virginia the 'Mother of Presidents' than I do. There is none who acknowledges more freely and cheerfully her greatness and the wisdom of her sons; her unparalleled services during the War of the Revolution which secured American independence, but of late years she has produced none worthy to stand side by side with Washington, Jefferson, Madison, Monroe, and their compeers."

MR. McCORMICK: "May I ask the gentleman where he hails from?"

MR. BRADY: "I hail from Indiana and am like the gentleman from Colorado in this, that I am not ashamed of my birthplace. I know that it is a common boast that nearly all of the great men come from south of the Mason and Dixon line. I know and admit the fact frankly and gladly that the South has, in spite of her private system of education, produced some of the most eminent statesmen, soldiers, and divines, that this or any other country can boast of, but there she stops. Never has she produced a great poet or historian, and only one man of science. Outside of him and the other walks of life I have mentioned, she has never produced a single, solitary great

man. Why is this? It is the fault of the system of education adopted by the South. The public free school system of the North has produced as great statesmen, as illustrious soldiers, as eminent divines as the South, and in addition to all these, all the poets, all the historians, and all the men of science, save one, who have a national or European reputation; and we are told by writers on mental science and philosophy that the commonest forms in which the human mind develops itself are of war and statesmanship, of politics, or whatever name you chose to call it, and that the higher branches of mental labor are those branches in which the private school system has utterly failed to produce one worthy of the name."

MR. MCCORMICK: "Was that the reason why the gentleman himself went into politics?"

MR. BRADY: "Certainly it was. The same reason brought me here that brought the gentleman from Colorado—because I got votes enough, and I don't know any other good reason why either one of us is here."

MR. GRAVES moved to close the debate on the pending question, which carried.

Mr. Waelder's amendment was lost by a vote of 33 to 43.

General Whitfield's substitute was lost by a vote of 34 to 42.

FORTY-EIGHTH DAY

SATURDAY, OCTOBER 30, 1875⁹⁷

MR. FERRIS offered the following as a section in the article on education: "Until the available school fund, including the fund derivable from taxation, shall appear sufficient for the maintenance of a system of free schools, such fund may be used for the support of public schools, which shall afford free tuition for pupils whose parents or guardians are unable to pay for tuition, in such manner and under such regulations as may be provided by law."

MR. FERRIS spoke briefly in favor of his amendment. He said he had been in Texas twenty-seven years. His children had been born in Texas, but had to be educated elsewhere. It had been promised him when he came to the State that education would be provided for the children, but twenty-seven years had elapsed and they were as far from obtaining education in Texas as ever before. It was

⁹⁷The proceedings for this day were taken from the *State Gazette* (Austin), October 31, 1875.