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all over the State, but will carry you out of the State of Texas, and from thence to your native home.

“This is the proud monument, gentlemen, you are seeking to destroy, nay have destroyed, for you have taken it section by section and have destroyed the only bulwark of the Republican party. The last nail has been driven into the coffin which destroys internal improvements in the State of Texas. Have you acted like statesmen? I say you have not. I say that no man who has an idea above that of a swine, who reads of your doings here, but will say that instead of bringing capital here for the building up of your State, you have said to all the world north of parallel 32, you must seek another market besides Galveston, for we will not encourage you here. Tell me that discrimination is not allowed under the article, and I tell you that you are mistaken. I did not desire to see any article passed through this body that I could not go to the ballot box and freely and honestly vote for. But now I may say with the poet,

“Take thou no scorn of fiction born,
Fair fiction’s muse to woo,
Old Homer’s theme was but a dream,
Himself was fiction too.”

and your action will prove the truth of it when the Constitution you have made goes to the ballot box, and we get the sense of the people of this State upon it. Try it and see if your humble servant is not right.”

FIFTY-FOURTH DAY

SATURDAY, NOVEMBER 6, 1875¹⁰⁵

Public Schools—on Final Passage

MR. GERMAN moved to strike out the first clause of Section 4, which reads as follows: “The lands herein set apart to the public free school fund, shall be sold under regulations, at such times and on such terms as may be prescribed by law,” and insert “lands herein set apart to the public free school fund, which are located in any county now organized, and whenever any new county may be organized, shall be placed upon the market and sold upon such terms as may be prescribed by law.”

MR. RUSSELL, of Wood, moved to amend by adding to the section, “provided, that lands shall not be disposed of at a less minimum price than \$1 per acre.” Mr. German accepted the addition.

¹⁰⁵The proceedings for this day were taken from the *State Gazette* (Austin), November 7, 1875.

MR. GERMAN said the object of his amendment was to bring the school lands into the market at once in the counties that were organized and the proceeds of such sales, together with their available funds and their proportion of the revenue, would realize an annual disposable fund for the support of free schools of \$2,500,000, which would run the schools six months in the year.

MR. ALLISON opposed the amendment. He thought the sale of school lands should be left with the Legislature, and not forced to completion in a hurry.

MR. NUNN said the matter had been referred to two committees who had carefully considered it. They had set apart one-half of the public domain and left it with the Legislature to utilize that fund. Now the amendment before the House was not for the purpose of promoting the interest of the school fund, but for the purpose of opening the lands to actual settlement by donating to every actual settler 160 acres of the public domain. He did not think the public school fund ought to be sacrificed in the interest of settlers. He was opposed to an injunction being put upon the Legislature to sell these lands as soon as practicable. Why abridge that power or restrict it? Was it possible they had no confidence in the Legislature, that they must lay down every detail of their line of duty for them? He said he thought the committee had acted wisely, and therefore hoped the action of the Convention would be allowed to stand.

MR. SMITH opposed the amendment.

The amendment was lost by a vote of 15 to 55.

MR. J. E. HAYNES, of Caldwell, moved to strike out the word "more" in Section 3, and insert "less"; also to strike out "one" and insert "two." This would necessitate the setting aside of "not less" than one-fourth of the general revenue of the State to school purposes, and would raise the poll tax to \$2.

MR. DEMORSE called for a division of the subject.

MR. ROBERTSON, of Bell, opposed the amendment. He said it had been the settled policy of the Convention not to increase taxation beyond one-fourth of the annual revenue for school purposes. The condition of the country would not justify anything beyond that. The amendment would increase taxation up to the highest limit. If the amendment passed it would leave with the Legislature the power to go to the whole extent of the revenue for school purposes.

MR. SCOTT said he thought there was a majority on the floor opposed to the bill even as it stood, much less to the amendment offered by the friends of high taxation. He moved to table the first clause of the amendment.

MR. HAYNES said his reason for proposing it was the receipt of two resolutions from his constituency asking him to introduce it.

The first part of the amendment was tabled.

MR. MOORE said the last part of the amendment was not involved in the compromise that had been made on the question. He thought a \$1 poll tax would not be sufficient to establish free schools. Mr. Reagan had intimated that he would willingly vote for a \$2 poll tax, if he were sure it would be collected. He (Mr. Moore) had no fear of its collection, and it would be a relief to taxation on property. He was in favor of the amendment.

GENERAL WHITFIELD said he was opposed to the amendment. It was too great a task on the poor man, yet, if he believed that it would build up free schools, he would vote for it. But the school system was a failure and even with a dollar additional poll tax they would not be able to pay their school teachers more than six weeks in the year. With the county poll tax, which would be half of the State tax, it would run up to \$2.50 or \$3 a year, to come out of poor boys who earned only \$10 a month.

MR. McCORMICK said he had voted for every measure favoring free schools, but would not vote for this one. It would impose an additional tax on the honest poor man, while the man of property might evade it, and yet send his children to the schools. He would not vote for it unless non-payment would prohibit the attendance at schools, or the tax was made a prerequisite to voting.

MR. KILGORE moved to amend by inserting the word "two" in the amendment, "not to exceed," limiting the poll tax to that amount.

GENERAL WHITFIELD moved to table both amendments, and they were tabled.

MR. WADE moved to amend Section 3 as follows: "And the Legislature shall have power to levy an ad valorem tax on all property in the State of not less than one-tenth, nor more than one-fourth of 1 per cent, and a poll tax of \$1 on all male citizens between the ages of 21 and 60." If a general diffusion of knowledge was essen-

tial to the preservation of liberty, he held that that was as little as it could be done with.

MR. SCOTT moved the previous question on the passage of the article.

MR. KILGORE moved a call of the House, and was sustained.

MR. SCOTT withdrew his motion, after some time had elapsed.

Mr. Wade's amendment was lost.

MR. McCORMICK moved to add to Section 6: "And said bonds shall be deposited with the State Treasurer for safe keeping, subject only to the order of the proper authorities."

MR. MURPHY said a similar provision had been adopted, and Mr. Nunn confirmed it.

The amendment was lost.

MR. BROWN moved to amend Section 4 by inserting "provided that actual settlers on said lands shall have the same prior right to purchase as is provided in Section 6 of this article in relation to the actual settler on county school lands."

MR. MCKINNEY, of Walker, opposed the amendment.

MR. DARNELL replied, maintaining the policy of preserving to the settlers the rights accruing to them from settlement.

MR. ROBERTSON, of Bell, spoke in defense of the settler.¹⁰⁶

He said: "Mr. President, the position assumed by the gentleman from Walker (Mr. McKinney) is entirely opposed to the policy that has always attained in Texas. I think with the gentleman from Dallas and the gentleman from Tarrant (Mr. Darnell) that if we mean to make these school lands valuable and of service to the State we must do it by drawing around these lands actual settlers and in encouraging those already there. From the earliest day to the present time the policy has been to encourage by grants of lands and other agencies actual settlers on an almost exhaustless public domain. But the question is asked, how is it that actual settlers have the preference in the disposal of these school lands? I will tell you. That preference arises by virtue of standing guard on the outposts of civilization, by cultivating the soil, and by defending it against your enemies. They are the men to whom you are indebted for quiet and peace in this hall today—the men who drove the savage and the enemy of Texas from the very soil on which this very capital is situated. The actual settler fought for the preference we would give him; he has earned it. He and his family have increased the wealth of the State, and especially of your school fund,

¹⁰⁶His speech is printed in the *State Gazette* (Austin), November 11, 1875.

have utilized it and made it valuable. Yes, Mr. President, and I, as a measure of finance alone, would be willing to divide these lands into eighty-acre tracts, and give every actual settler one of them on condition that he remained on it a given number of years and cultivated a given number of acres of land. Yes, I would that with a fund that I have always regarded as a treasured fund, but as a means of increasing it I would give every acre of the alternate tracts away to actual occupants—to actual settlers.

“These men ask for nothing but what is right. The amendment does not propose to give the settler the land, but only relieve him of paying for the improvements, put there by the hard labor he has bestowed upon it; merely proposes that when it is put on the market at a fixed price, that he shall have the opportunity of buying it, in preference to the speculator who comes from far off states to avail himself of the labors of the actual settler. This is all the amendment asks. The same plan has been carried out with respect to the county school lands, and why not with the school lands of the State? The one bears the same relation to the fund that the other does, and presents the same advantages to the actual settler. The enhancement in the value of property from improvements is no greater in one case than in the other, and if they did not it would make no difference, as the lands are to be valued without reference to the improvements. This is all that is accorded to the actual settler for his toil and labor, and for the post of danger he has occupied and will continue to occupy so long as you guarantee him a home. Therefore, I say it would be a measure of great oppression to drive him from his home when he offers you the same price for your land as the new immigrant or speculator would give. What can be fairer? I trust, Mr. President, that the amendment will prevail.”

MR. NUCENT said he would support the amendment.

MR. NUNN said he was opposed to taking from the Legislature the control of this question, and opposed the amendment.

Mr. Brown's amendment was adopted by a vote of 49 to 19.

MR. KILGORE moved to amend Section 5, after the word “schools,” as follows: “But the Legislature may provide for the instruction of the scholastic population in private schools, not sectarian, in communities where public schools cannot be organized.”

MR. CLINE opposed the Kilgore amendment. He said it would virtually prevent the establishment of public schools in the State.

The amendment was lost by a vote of 43 to 27.

MR. MARTIN, of Hunt, moved to amend Section 2, by striking out the word “one-half,” and inserting “all.” This would give all of

the unappropriated public domain, instead of half, to the school fund.

MR. STAYTON opposed the amendment. He spoke of the great injustice of such a course to the sections which had no railroad facilities. The policy of the State had been to encourage means of internal improvements, but it was proposed to go back upon this. It would prevent any aid being given to encourage the construction of new railroads. It would be an injustice to those who had invested their means in these works. The public domain was the property of the State, and had been used for the aggrandizement of sections. If this amendment passed, a blow at the prosperity of Texas would be struck, from which she could never recover. It would lead to a division in sentiment and feeling of the people of this State, and when they ceased to possess that, it would be well that they remain one people no longer. If that division was to come, let it come, and let those who occasioned it be responsible for it. He moved to amend the amendment by striking out of Section 2, the words "one-half of the public domain of the State."

MR. STOCKDALE pointed out the effect of Mr. Martin's amendment. He said it would nullify the system it was proposed to inaugurate in the article on public lands and land office, for the settlement of public lands by giving to the settler a preëmption donation. This would preclude the donation of lands to that purpose as well as to those indicated by his colleague.

MR. KILCORE said this whole question belonged to the article on railroads and had been unnecessarily *lugged* into this article. He moved to lay both amendments on the table.

MR. STAYTON said there were but 60,000,000 acres of unappropriated public domain in the State. Taking out one-half for public schools would leave 30,000,000, which would be reduced to 15,000,000 by other provisions in the Constitution, and this was all that could be appropriated to works of internal improvement, even this was already monopolized by existing charters, supposing them to be carried out and the roads built.

Mr. Stayton's amendment was tabled by a vote of 47 to 21.

Mr. Martin's amendment was tabled by a vote of 57 to 8.

The article was then passed by a vote of 44 to 27.