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FIFTY-FIFTH DAY

MONDAY, NOVEMBER 8, 1875¹⁰⁷

MR. STAYTON offered the minority report signed by himself and Messrs. DeMorse and Whitehead, on the policy of donating lands to railroads; and as a substitute for the amendment and the section.

MR. STAYTON said he had no desire to take up the time of the Convention on this subject, and, in fact, he might say, that in the attitude which he believed it then stood, as a delegate he felt but little interest in the question. The proposition contained in the substitute then offered, was simply this, that the past policy of the State with reference to grants of lands to railroads to aid in their construction, should cease as to a portion of the State which had before received assistance; and that the policy should only continue with reference to that portion of the State which had heretofore not had the benefit of such donations. Why ask that the policy should cease as to the entire State, and that, too, on the isolated ground that one-third of the State had already received a quantity of land as large as the rest of the State was entitled to receive, a quantity as large as the State could bestow in the future on the remaining two-thirds of this State. There were members who did not, he thought, understand the action that had been taken on the public free schools, and that even the members of the committee did not understand the effect of the passage of the article adopted by the Convention. He understood it in this way, that we had already given away one-half of the public domain to the public free schools. He had always favored the policy of donating lands for public school purposes. Only 15,000,000 acres of the public domain were now left to the works of internal improvements, and as he had said before, if the charters already in existence were carried out not an acre would be left. The question of questions was whether the Convention would as an act of manifest justice do what it could with its remaining disposable domain, towards the construction of railroads in that part of the country. He appealed to their sense of fairness and justice and inquired if they were then prepared to say that one-third alone of the State should receive the benefits of

¹⁰⁷The proceedings for his day were taken from the *State Gazette* (Austin), November 9, 1875.

works of internal improvement, and that two-thirds should be excluded. It would be condemned as an act of bad faith. He had his own convictions and opinions on the subject, and he thought he did not misinterpret the feelings of the people among whom he lived when he said that if they refused them what little they asked, it would be regarded as an act of gross injustice.

MR. ABERNATHY said he felt sympathy for the gentleman who had last spoken, and for his constituency, but thought it impolitic at this time to make large grants of the public domain for a reservation.

MR. NUGENT defended the majority report, and opposed the substitute.

MR. DEMORSE spoke in favor of continued land donations.¹⁰⁸

He said: "Mr. President, this is a question of public justice. It matters not whether the sections of the State, which have had the benefit of donations of lands for railroads, have derived profit therefrom, or whether they have squandered them ruthlessly. It is sufficient that the sections now applying for aid think that these others have had benefits, and ask for a participation in the public domain which belongs equally to all. Mr. President, the people I represent are to receive no benefits from this amendment. They have had their share, but they are a just and fair-minded people, and would scorn to refuse to others the grants they have themselves had. Indeed, sir, I believe that all the people of Texas are just and fair-minded. Sir, it is within my personal knowledge that a large part of the services and endurance which secured the old public domain, was rendered by the people of Western Texas and but for them we should have no public lands to divide. If a demand for the division of the State arises, let there be no cause for such division furnished by our action. In the West the territory to be reserved—a mere reservation on paper, for not a foot but will be subject to location—by any genuine land certificate, this land is of such a nature as will never be settled, or ever become valuable, unless a railroad shall first have been constructed. The Southeast too, which has been benefited little by land grants for public uses, has a wealth of pine timber, now locked up for want of transportation. It is her greatest wealth. Railroads, which would carry this pine, sawed into lumber, to the North, the Northwest, the Southwest, and other parts of the country, would greatly benefit those sections, because it would be their nearest source of supply, and therefore furnish them the

¹⁰⁸His remarks are quoted in the body of the report of the Convention proceedings in the *State Gazette* (Austin), November 9, 1875.

cheapest supply. At the same time it would enrich the Southeast from which it came.

"Mr. President, I have no instruction from my constituency upon this question, but these people only ask that in a possible contingency, if they should desire to build roads, and can find any land not appropriated, they shall have the same public benefits that have been conceded to other portions of the State, and, sir, I should feel that I would demean my constituency if I were to vote against such a proposition."

MR. WEST said that, in addition to being a member of the Committee on Public Lands, there were other reasons why he should speak. He represented in part a large portion of the territory west of the Colorado River, but apart from that the importance of the question itself justified the attention of the Convention to its consideration. In reply to the members from Erath and Camp, he denied that it was proposed to set aside an exclusive reservation of a part of the public domain for the benefit of railroad corporations in the west or to the exclusion of any one who had genuine land certificates. The substitute proceeded upon the principle of dealing equal and exact justice to each and every portion of the State. Nearly two millions of dollars of the school fund had been expended by loan in the building of railroads through Central and Eastern Texas. He made no objection to this, for the intent and design was originally that all sections should alike be benefited. It so happened that both in regard to land and money subsidies that the West, the Northwest, and the Southeast had not received any of the benefits it had been hoped and expected they would receive. It was only asked that those sections should receive some of the benefits of the policy inaugurated twenty years before. He differed from the gentleman from Erath and that gentleman would remember that there never had been any objection to giving subsidies of lands to railroads which were proceeding in good faith in the construction of their roads: but that up to that good hour since 1854, every Legislature and every convention except that of 1869 had perpetuated the policy, and the people condemned the Convention which did not by amendments to the Constitution it framed. Every Democratic convention had affirmed the same policy. Whatever was whispered about fraud and corruption had *not* grown out of land donations to railroads, but on the contrary they had increased the taxable wealth of the State and reduced the amount which the people would have to pay.

Their railroads had also brought into market the public lands and the lands held by private individuals, as well as increasing the value of the alternate sections for the benefit of the school fund. While the people of his district west of the Colorado had set their faces like flint against money subsidies, he believed that they and the people everywhere were unanimous in donations of the soil for the development of the resources of the State. He felt that in common justice to the West they ought to have the benefit of a portion of that which was still left. In order that the murmurs of discontent might be stilled, he hoped that this measure might be passed. He favored this measure together with other measures before the Convention, looking to giving them an equal voice in the administration of public affairs, in providing that the executive might call out the forces at his command to repel invasions from Mexicans and Indian attacks; and also to provide for the use of the Spanish language in the counties bordering on the Rio Grande, and the provisions for the protection of the stock raisers and the stock raising interests. These measures would hush the voice of discord. These measures were evidence that the Convention intended to deal wisely and frankly with the West. The State could well afford to give this land, although it would hardly serve the purpose for which it was intended; but if it was not given, and the West saw the whole of the public domain absorbed without any corresponding benefit to them, naturally they would clamor for something else.

MR. NUGENT asked if the same dissatisfaction had not arisen in the West on the refusal of the Legislature to grant a money subsidy to the International.

MR. WEST said that a portion of the people of the section represented by the gentlemen from Bexar and Hays, while not favoring the money subsidy to the International as an original proposition, regarded it as an act of justice to repeal it, but beyond that immediate section the desire was to put a stop to the money subsidy question.

MR. WAELDER confirmed the statement of Mr. West.

MR. WEST said there was another reason why the Stayton substitute should be adopted. All projected roads were from the East to the West. These would bring West Texas into connection with the eastern pineries, the lumber regions of the East, and supply them

with most needed timber. The West was one of the earliest portions settled, but railroads had peopled the other regions and left them without increase. With railroads it would soon again become the most thickly settled portion of the State. After referring to the historic memories clustered about the West he again expressed the hope that the amendment would be adopted.

MR. STAYTON said that the Southwest was as much opposed to money subsidies as the other sections of the State were.

COLONEL FORD said that the policy of granting land subsidies to railroads had been adopted in 1854, and continued to be the policy of the State Government upheld by the people until 1869, when it was changed; but the people of the State by a solemn act reinstated the system. He referred to the endorsement of the subsidy system by different conventions of the Democratic party. He asked gentlemen who stated that the people had demanded that subsidies should be no longer granted to say when and where they had spoken.

He said that gentleman had insisted that the public lands should be set aside to be occupied by actual settlers. He said that from the earliest settlement of Texas to about 1850, say about thirty years, the policy of granting lands to settlers had been in vogue and what was the result? The census of 1850 showed a population of 212,592, and what had been the result of the subsidy policy? In 1860 they had 604,215 people, in 1870, 818,379, and now they claimed 1,500,000.

In 1854 they had not a mile of railroad, but now they had 1,560 miles, built at a cost of \$64,000,000, thus adding that much to the taxable values of the State. Upon those lines of railroad property of every kind had advanced in value, and industrial pursuits had been encouraged and promoted. Was it not fair to assume that those results had been achieved by the railroad system of 1854?

The gentleman from Erath had said that there was no proof that the building of any road had been expedited by grants of land which had been located in the western part of the State. He had said that the country east of the Colorado had received 25,844 sections of land, and the country west of the river had received 2,009 sections—these were the official figures of Captain Groos of the Land Office on the fourth of October, and since then the number of certificates granted to railroads had been augmented.

He inquired of the gentleman from Erath supposed the railroad companies would incur the expense of paying for the certificates for said sections for surveying and patenting the same, if they were worthless. He said three companies had paid \$69,632.50 for certificates. They had paid, or would have paid, \$167,118 for patents, and \$334,236 for surveying the alternate sections belonging to the State. The total paid, or which would have been paid for completing the title to 27,856 sections of land received up to October 4, 1875, was \$570,716, all of which had gone into the Treasury of the State. In addition they had paid, or would have paid, for surveying 27,856 sections of land the sum of \$334,236. Now, would the gentleman from Erath say, could he say, that corporations would pay out such sums of money for patenting lands which they could not sell or mortgage? Such a thing was hardly probable.

He argued that the railroad companies had found the lands valuable in raising money to build the sections just commenced. They had mortgaged their lands to obtain construction money.

In addition to the 25,844 sections of land, the corporations east of the Colorado had received from the State of Texas as a loan, \$1,816,000. The people from West Texas had been open to the incursions of Mexicans and Indians. They had been murdered and robbed, hence they had not been able to increase in population, and had not been able to avail themselves of the law granting land subsidies to railroads.

The people east of the Colorado had received the full benefits of the subsidy law. Their railroads had been built, they had increased in population and resources; but was that any reason why the West, the Southwest and the Northwest should not receive their share of the public domain, which belonged in common to the people of the whole State?

The West asked for justice. Her people had been decimated by hostile incursions, but was that a reason they should not be fairly dealt with? He would support any measure which proposed to equalize the number of sections of land granted to different portions of the State.

MR. MURPHY called the attention of Mr. Nugent to the fact that the lands of the West would be without value if railroads were not constructed through them. They would not pay for their surveying

for the benefit of the school fund. The good sense and intelligence of the Convention ought not to require an argument on that point. The best portions of the State were already selected. Mr. Nugent had inquired why railroads had not been built by land subsidies, and why money subsidies were not asked for. He (Mr. Murphy) replied that the West might justly ask for money subsidies, but the people could not bear further taxation, which was too high already, and hence they only asked for a portion of the land as a part of the contract they entered into long ago as citizens of this great State. Mr. Murphy then presented the facts and figures showing in what manner and to what railroads the school fund had been loaned to the amount of \$1,816,500 in United States bonds and specie. And yet, with all this money expended in building up the eastern and central portions of the State, gentlemen hesitated about granting the aid of land to the West to construct railroads. It seemed to be held as a reproach that they had not asked for money instead of land. He spoke of the terrible condition of the frontier from Mexican marauders. If they could complete the construction of the railroad from the Gulf alone, it would be the means of saving hundreds of thousands of dollars to the State. Then, if they were to build further roads, they had to ask as a simple measure of justice that the policy of the State should be continued and the substitute of Mr. Stayton adopted.

MR. GRAVES voted against a continuation of the time of the gentleman, and Mr. Murphy resumed his seat.

MR. STOCKDALE said that as far as the section he represented was concerned and the people he in part represented, they had never asked anything of the Legislature and had never received anything which had not been granted to others and in greater abundance. No one from his section had ever asked more than sixteen sections to the mile, while other parts of the State had received more than that. Mr. Nugent had said that this policy had had its incipency in applications to the Legislature by grants to corporations. The gentleman was utterly mistaken in his history. The policy originated when there was not a single corporation in the State that had money enough to buy a single member of the Legislature even at a very small price. It originated with the best men and the best hearts of the citizens of the State, by the Senator from Harris County, the late Judge

Palmer, whose character stood beyond the reach of any shaft the member from Erath or any other gentleman could hurl. He now slept in his grave, but his memory was revered by the best men among those who knew him.

The policy thus inaugurated was supported by statesmen of all parties in the State as divided then and divided since, and was organized for the purpose of putting on foot those enterprises in the hands of our own people and to thus obtain the assistance of the foreign capital necessary to build those railroads. The gentleman was utterly mistaken in supposing that the policy originated in corruption, for at that time, except upon one subject, the word "corruption" had never been applied to any member of the Legislature of the State of Texas. It was only in these latter days that such corruption had been charged, whether justly or not it was not for him to say.

Mr. Nugent had said that land donations and the encouragement the State gave to railroads did not build them, but that it was a settled country which built them. The gentleman did not know that the Texas Central marched in its first stride from Houston, which was a city of four or five thousand inhabitants, for fifty miles before reaching a settlement, and when it had built eighty miles it reached the borders of Brazos County, with scarcely any population at all. That territory now teemed with inhabitants, and its very prairies, which could have been bought then for four-bits an acre, had been made fruitful and alive with people. That road had developed Brazos County, and none could deny it. Cotton was not raised one hundred miles from Houston or Red River on the coast, before the construction of railroads; but now cotton was grown in immense quantities, and in regions which had been looked upon as useless, but which were now as rich as any in the United States.

The only road they had west of the Colorado River had been destroyed by the Confederate Government, while it did all it could to protect, and did protect, the roads east of that river. The owners of the former had since paid the United States Government \$50,000 or \$60,000 for its recovery in bad condition, and for the simple reason that they hoped that it would attract capital and enable them to complete a long line of communication from Matagorda. The immigration there—most of it—came from the coast, and his section

received a fair share of it, but the railroads took it away from them, and having none of their own, they had not received the benefits that other sections had. After the war the policy was inaugurated of donations of land and then of money. Commencing east, as it properly should, it was believed that by the extensions of these roads to the Rio Grande the West would receive her proportionate share of the benefit to be derived from them, but that was stopped by the objection of the people to money subsidies.

By the compromise which was finally agreed upon, the country east of the Colorado acquired all the benefit, and the West none. It was doubtful if the International would ever be constructed west of that river, hence it was very dubious if she ever would receive any benefit from the policy that had so long prevailed, unless the Convention passed the substitute of his colleague. So, in a desire for a spirit of unanimity to prevail among the people of the State, for it is wise statesmanship which leads a government to draw the hearts of its people to itself by equal justice to all sections—he hoped the substitute would be adopted. He referred to the feeling of discontent that prevailed and inquired if it would not be wise to suppress it by doing justice to the West.

MR. GRAVES objected to extending the time of Mr. Stockdale.

MR. STOCKDALE said he had no favors to ask of any member, and resumed his seat.

MR. ALLISON pointed out the fact that the West had been given large donations of land for canals and other purposes.

MR. WAELDER explained that the West did not need canals, since she had no water with which to fill them.

MR. ROBERTSON, of Bell, opposed the substitute.¹⁰⁹

He said: “Mr. President, I do not propose to occupy but a very short time in observations on this subject, as it has been very amply discussed, pro and con already, and at great length. I trust that in the remarks I make and the views I take of the question I will not be regarded as evincing a disposition to do any injustice to any part of the State, nor will I discuss it with the amount of feeling that has characterized the remarks of gentlemen on this floor. I do not regard it in the same light as many gentlemen who have preceded me. I do not regard it as a question pertaining to this Convention

¹⁰⁹His speech was printed in full in the *State Gazette* (Austin), November 20, 1875

as to whether we should do justice to one section or the other, or injustice to one section or the other, but as it addresses itself to me it is a question of whether or not it is for the welfare of the entire State.

The Policy of 1854

“Has the policy inaugurated in 1854 given satisfaction? Has it been advantageous and conducive to the welfare and prosperity of the country? It occurs to me that this is the light in which we should view the issue which is now presented. If it has been a good policy in the past, and is a good policy now, and if its administration has benefited the country, it is for us to say as true men, that we will sustain it. But if it has not met the needs of the country as its friends hoped and claimed it would, if it is a measure calculated to retard the settlement of the country and to throw into the hands of a few individuals a large amount of the public domain of the State, to be held by them in perpetuity; if it shall appear that that line of policy has been detrimental to the best interests of the country, shall we as delegates representing the true interests of the country, sustain it? Let us see if the policy of 1854 has been of the incalculable advantage claimed for it by its friends. That policy, as is well known to every member on this floor, differed from the construction now put upon it by some honorable members. It required the running of railroads through your State on the thirty-second parallel, and communication with the seaboard. Have you carried out that policy by any means? No you have not, but you are running railroads in all directions—into the uninhabited lands of Texas—to obtain lands and draw capital and ostensibly to settle the country. Immense bodies of lands have been appropriated to to aid in building railroads, and still you have not secured the advance and the settlement of the country among the lands thus appropriated to railroad uses.

“You have not settled up the region in the parallel of 32 degrees. You have not settled the requisite number of families in that latitude, because that policy required that the lands should be disposed of in twelve years, the alternate sections being reserved for the State. These alternate sections have no more value now than they had when the road was first chartered, for its neglect to settle the country has rendered them valueless, or at least has failed to enhance their value by bringing these lands into settlement and rendering them susceptible to taxation. Had these roads been run to the seaboard they would have opened up each section alike. The policy was originally a wise one, as I have said before, was well worthy of the men who inaugurated it, and it would have been well for the country if this policy had been upheld. But the disposition to depart from this policy has been constant.

“Railroads have not been compelled to act in accordance with their contracts. Extensions have been granted from time to time up to the present hour. Instead of having a certain number of miles of railway, we have not even our lands, for their control goes with the extensions we have granted to the roads. Yes, Mr. President, if we had carried out that policy it would have redounded to the welfare of the country; but, instead of this, it has relieved this country not only of a large amount of its landed property, but also of large sums of money. The large sums of money expended in the defense of our borders, which would have been unnecessary had the railroad policy been carried out in good faith, is only a small part of the whole. Had this policy been properly carried out, we should have had a large population instead of a wilderness along the thirty-second parallel. Your railroads on paper have never settled Texas. Whence comes the population which settles your country? They come from counties provided with railroad and river transportation. Then why come to a country that is not provided with railroads?”

The Value of Cheap Lands to Immigrants

“It is your cheap lands and advantages given to men to acquire homes for themselves and their children. These are the inducements that settled your country. They did not come for railroad or school systems, for they came from those countries which have both in their highest perfection. Then there must be some other cause. It is your beautiful climate, your fertile lands, and your liberality to the immigrant. That is what is bringing the immigrant to your country, and it is building up Texas today. It is the inducements that have been offered since 1854 up to the present time that have brought a stout-hearted, manly population into this country, which was a wilderness, and had struck back the Mexican and the Indian. They have done good service in defending the soil of your frontier and have watered the soil with their blood, and today their sons stand there defending your frontier, and risking their lives for your welfare. It was for this that the men of 1836 struggled and fought, that those who succeeded them might secure for themselves and their posterity lands and homes in this bright State; not that it should be turned over to a grasping, rasping set of monopolies, inaugurated by those who promised us something and gave us nothing.

The Charges of Injustice

“I call attention of the Convention to the charges of injustice that is said will be done if the Legislature refuses further grants to railroads. It seems to me that in complaining of injustice in this section, gentlemen have not properly estimated the advantages the West has derived from the land donation system. I have not heard

any gentleman on this floor today allude to the amount of land received by the western country."

MR. STOCKDALE: "It has been alluded to by the gentleman from Nueces (Mr. Murphy), and by his colleague (Mr. Stayton). They said that the amount received was about 2,000 sections, against other portions of the country not half as large, which received about sixteen or eighteen thousand sections. The figures from the Commissioner of the General Land Office will bear out the statement."

MR. ROBERTSON: "But I wanted to say a word or two about these charges of injustice claimed to be done to the West, and to see what they contain. Take the International Railroad Company with its exemption from taxation for twenty-five years, an exemption that will more than double and treble the amount of money loaned to railroads in other sections of the country."

MR. MCCORMICK: "How about Red River?"

MR. ROBERTSON: "I do not estimate it in the same way, as that through which it is proposed the other road will have to build on its way to the Rio Grande; but the Texas & Pacific did get four sections to the mile more than other railroads ever got, to say nothing of the manner in which it was forced upon the people. The amendment, I say farther, cuts off other sections of the country who are entitled to its privileges. The country between the Colorado and the Brazos is not represented at all in the amendment. If injustice is to be spoken of here, I may as well mention the fact now, although I propose to close the door of legislation against subsidies to railroads, that the section of country I represent in part has no railroads and has very little prospect of getting any. Particular care has been taken in chartering railroads to leave out my part of the country—as well as a large portion of the country west of us—out in the cold. I inquire, ought this charge of injustice to be made so frequently to people who are not sensible of the advantages that are claimed for the policy, but which they believe are injurious to the best interests of the country?"

"Railroads do not bring our broad acres into cultivation, and will not do so. It takes something more than railroads to till the soil and fight the Mexicans and Indians. If we continue the policy let us see that it gives us those benefits we expected to receive when we first donated lands to railroads. We granted them on contracts that were to be carried out in good faith, and not one of them since 1854 has been carried out in toto, or even in part, in good faith. If they have I would like some gentleman to rise in his place and say when and where. They come up continually asking more time and favors at the hands of the government. They have not helped those who own the soil. The question is whether we shall stop this policy or not. As to the matter of injustice to the people of the

West, I say that none has been done them. It is simply their misfortune, as it is ours, that they have no railroads.

"Railroads will not populate a country. You must give advantages to the tillers of the soil to do that. Increase your commerce and railroads will come. If they do not come, you will make capital in your own midst and be able to build railroads for yourselves, and in God's name leave us free to do it. Don't tie the hands of our people in the interest of foreign corporations. It is injurious to the railroads themselves. Let us nourish them through our immigration to the borders. Grant to the settlers headrights, guarantee to them the soil and they will defend the soil. This is the way to encourage railroads and to lessen the burdens of taxation—which become heavier year after year—and at the same time to defend your northern and western borders.

"I would not cut off any privileges that railroads are entitled to, and I say to the gentleman from Calhoun, that the people want a government they can live under. They say to this Convention, 'Give us equal chance with the lands and equal protection, and don't rob us of our birthright; but if you do rob us, do it in the interest of our own people, and don't open the door to foreign corporations to rob us.'"

MR. WAELDER: "I would like to ask the gentleman why the people of Texas do not build their own railroads."

MR. ROBERTSON: "I will answer the gentleman. They do not have it in their power to build railroads, and if they did, they would not do it. Public sentiment is adverse to internal improvements of this character being constructed at the expense of the government, and the people are not able to do it themselves, and that is the reason why we do not build them. It has come to be regarded as a matter of course that we have got to give our lands away, and that we have got to hunt up somebody to take them. Such a policy did not obtain among the early settlers. They won it and gave it to those who would defend it for their toil and their labor; and if we are wise we will do the same thing today and not throw all the lands of the State into the hands of chartered corporations, come from where they may. I do not understand this substitute as being in its purpose equitable and right. If it is to benefit that section of the country, and is to be of benefit to the railroad that is to go through there, it must exclude every other railroad company and every headright and bounty warrant now in the hands of individuals to be of service to them. If not, I can see no reason why they should wish to incorporate such a provision; for if all the railroad companies that have been chartered carried out their contracts in good faith, there would remain only a very small amount on which to locate lands in the future.

"I apprehend that a very large part of our public domain has been appropriated, and I think there is no better time than today to wind up our estate and to begin anew. We cannot tell what there is left us. The Commissioner of the General Land Office does not know and is ignorant of the facts, so how can we expect to know? We cannot set aside and appropriate property we do not own, and there may exist encumbrances on it that may bring out litigation on lands that are now liable to location. I believe the time has now come to make a finality of it, at least as far as the section of the country I represent is concerned, and I know I do but utter their sentiments in saying that it is time to close this system of landed donations to railroads altogether.

MR. ROBERTSON offered the following amendment: "Provided that the Legislature shall have no power to extend the time or grant relief to any company obtaining a grant or a certificate after the adoption of this Constitution." He continued speaking as follows:¹¹⁰

"In support to the amendment I now offer to the substitute as now pending before the House, by the gentleman from Marion (Colonel Crawford) I propose to say that I have no intention to oppose the efforts of those who are advocating the policy of giving land to railways to carry out their contracts to the State in good faith. To such, the amendment I propose is absolutely necessary, and also necessary as a means of security to the country. But if, on the other hand, it is intended that those who contract with the government shall have a long lever, and shall have the right from year to year and from century to century to hold these roads in reserve for that purpose, and that lands shall be given for the purpose of building railroads—for that is the policy—let us come out like men and declare that all lands shall be devoted to railroad purposes at once. Let us not dodge the issue. Let us not fasten any scheme of education on the railroad system which we know will be inefficient. Let us assume no such excuse in going before the people of Texas with a new Constitution.

"If we want a system of education, let us come out like true men and adopt one for the country that will be efficient, but let us not dodge the question. Let us meet that question fairly today, and if we decide to continue a policy which so long has been detrimental to the interests of the country, let us do it openly and honestly. If it is intended to settle the lands of the country, to induce the coming of actual tillers of the soil—and to accomplish that object the proposition to extend the time of aid to railroads has been proposed—

¹¹⁰The remaining part of Mr. Robertson's speech was delivered the next day, after the amendment offered by Colonel Crawford, but it was all published together and was considered as one speech by the newspapers.

let us give these railroads an opportunity of carrying out their contracts in good faith and in proper time, and not leave the question open and prepare for failure in advance, not only prepare for it by law but by organic law under our own Constitution. It is a duty we owe to the country and to ourselves in preparing such contracts, to look to it that they be fair to one party as well as to another. The proposition of the gentleman from Marion I do not regard as fair even to the railroad system.

Not Opposed to Railroads

“I do not oppose railroads when built with their own means. I shall forever be willing to give them the right of way and to protect them in what they earn; but I do not propose to crush out the interests and welfare of the country fifty years in advance of a necessity for this increase. This proposition—unless it is intended to give the railroad system the advantage of the people of this country—is unjust to the railway system itself, hence, why comes it you give them the land that you force them to sell at a price fixed by others. If this contract is intended in good faith, in God’s name let them have the land, and let them settle it on the conditions indicated by the Committee on Public Lands and Land Office; but, Mr. President, without the amendment I propose, the whole public lands of the country may be appropriated, and for an indefinite time held up from actual settlement. This, I believe, will be very injurious to the best interests of Texas, and will not advance the railroad policy one iota. The original article provides that no appropriations of public lands shall be made in advance of construction. It provides further that all lands granted to railroad companies, which have not been alienated in conformity with the terms of their charters and the laws of the State under which the grants were made, are forfeited to the State, and subject to location as other vacant lands. It provides further that railroads shall not have their time extended.

“Mr. President, if we were to pass the original bill, we should have some protection, some guarantee as a people that the system would terminate in twelve years. It gives sixteen sections to the mile on the completion of twenty-five miles of road, and provides for the alienation of their lands in twelve years. This gives us a guarantee that if these railroads are not built it will end the system in twelve years, and parties are open to contract on these terms if they like, and on no other. I say as a friend to railroads that we have incorporated already more railroads than is good for the railroad interest. Then if we incorporate more roads we depreciate the capital already invested in Texas. We know that in this as well as in all other matters of a similar character, that it will not benefit them by throwing upon the market additional lands and additional land certificates. Thus it is easy to be seen that the railroad system

is crippled by this policy. Stop it, and then the certificates already in the hands of the present railroads or other parties may become valuable. Let us perfect some of the measures already on foot. But, if the substitute of the gentleman from Marion is to pass in lieu of the original proposition, I trust that this amendment which I offer and which I regard as essential to the protection of the interests of the country, will be coupled with it."

Mr. Stayton's substitute was lost by a vote of 23 to 39.

Mr. Nugent's amendment was lost by a vote of 24 to 40.

Colonel Crawford's substitute was lost by a vote of 23 to 38.

FIFTY-SIXTH DAY

TUESDAY, NOVEMBER 9, 1875¹¹¹*Public Lands and the Land Office*

JUDGE REAGAN moved to strike out the proviso in Section 3, which read as follows: "evidence of the appropriation of which is on the county records or in the General Land Office."

MR. STEWART offered to amend by inserting before the word "record," "or on the county map."

MR. FLOURNOY offered a substitute for both amendments, as follows: "Constructive notice of title of real estate shall be held good as against *bona fide* purchasers for valuable consideration, or a *bona fide* location thereon, unless the evidence of the cause shall have therefore been of record in the county or on file in the county treasurer's office."

JUDGE REAGAN withdrew his amendment and supported the substitute.

After some debate Mr. Flournoy withdrew the substitute.

Mr. Stewart's amendment was lost.

JUDGE REAGAN moved to strike out Section 8.

COLONEL FORD said that he would state for the information of the gentleman from Anderson, that the country between the Nueces and the Rio Grande had formerly belonged to the State of Tamaulipas; that the people thereof could not have been called in question for want of loyalty to the Republic of Texas; that instructions had been issued to the Texas Minister to the United States to abandon the

¹¹¹The proceedings for this day were taken from the *State Gazette* (Austin), November 10, 1875.