

# TEXAS LAW | Tarlton Law Library Jamail Center for Legal Research

Citation: *Debates in the Texas Constitutional Convention of 1875 Texas. Constitutional Convention (1875). Austin: Published by the University of Texas, c1930.*

Content downloaded from

Tarlton Constitutions 1824-1876 (<http://tarlton.law.utexas.edu/constitutions/>)

The text of these documents is in the public domain. That is, the original words and content are freely usable.

The images of the documents are copyrighted material; the copyright is held by the Tarlton Law Library. The copyrighted images may be used only with permission. Permission is granted to use the copyrighted materials in the classroom for educational purposes. Downloading, printing, publication, public display or otherwise using any of the copyrighted images, including on the web or in a forum other than a classroom, requires permission from Tarlton. Requests for permission to use these materials should be submitted online to [rarebooks@law.utexas.edu](mailto:rarebooks@law.utexas.edu).

If you are uncertain whether you need permission to use these materials, please contact us at [rarebooks@law.utexas.edu](mailto:rarebooks@law.utexas.edu).

## SUBJECT INDEX

- "Actual settlers," *see* Settlers.
- Agricultural and Mechanical College, support of, 144-48, 150, a branch of State University, 451
- Alabama Convention of 1875, 143.
- Apportionment, Committee, 98; article, 441-42.
- Arms, right to bear, 294.
- Assessor and Collector, 309, Assessor and the Comptroller, 378.
- Attorney-General, term of office, 163, duties, 163-64, 249-50.
- Austin, living costs in, 165.
- Austin Statesman*, submits bid for convention printing, 12, charges combination of Grangers and Republicans, 190-91, 203-11.
- Bail, granting of, 238.
- Baylor University, 371.
- Bill of Rights in New York Constitution, 234
- Bills, reading of, 48, 322-24, approval by Governor, 161-62.
- Bonham public schools, 217.
- Brazoria County, poll taxes, 179; storm suffering, 254.
- Brenham public schools, 217.
- Burleson County, representation of, 441-42
- Capitol to be repaired, 45-46.
- Cities and towns, limitation on creating debt, 310-11.
- Coast counties, relief of, 98, 250-53.
- Colleges and universities, State support of, 144-51.
- Colorado County, poll taxes, 179.
- Colorado River valley, developed, 272-73.
- Committee, appointments, 1; on Committees, 4, on Federal Relations, 4-5, 99, on Mileage and Per Diem, 5-11, on Printing, 12, 19-20; on State Affairs, 45-46, on Executive Department, 49; on Judiciary, 287, 379-81.
- Comptroller, salary, 164-66, duty in regard to unassessed lands, 377-79.
- Connecticut, court system of, 267.
- Constitution of 1836, basis for that of 1845, 43.
- Constitution of 1845, convention debates published, 24, basis for new one, 42-45; mode of amending, 48, 134-40, how ratified, 52, Bill of Rights, 56, 83, 85, framers, 69, 296; sovereignty, 77; debt limitation, 114, 265; public schools, 224, 231-32, 342, property rights, 238, occupation taxes, 307.
- Constitution of 1866, outgrowth of that of 1845, 44, how ratified, 52; Bill of Rights, 56, 83, 85; ordinances, 69, Governor's salary, 154, public schools, 231, judicial system, 383.
- Constitution of 1869, Federal Government, 4; land subsidies, 121, 126; Governor's salary, 154; public schools, 181, 226, 233, 369, claims of veterans, 243-48, land taxation, 312, conflicting sections, 324; immigration, 393.
- Constitution of 1876, amending, 48, 134-40, publication of, 445-46; election for ratification, 450.
- Contracts, obligations of, 248-49, 312.
- Corporations, private, State not to be a stockholder, 48, under surveillance of Attorney-General, 163-64, tax on franchises and gross earnings, 315-17, 369-71; taxation of property of, 372-73; State control of, 454-58.

- Corpus Christi, raids against, 156.
- Counties, sale of lands, 254-55; sale of school lands, 288-90; debt of, 311.
- County Clerk, 433.
- County Judges, compensation of, 431-33.
- Courts: 1. Justice Courts, 381-82; 2. County Courts, 382, 431-33; 3. District Courts, jurisdiction of, 383; Judges, 385-87; Criminal District Courts, 423; special in cities, 423; 4. Supreme Court, Judges of, 379, 383-85, 387; salary and term of office, 424-31, 442, 459. <sup>49</sup>
- Crime, in England, 199; in New York, 199; in France, 199, 360; in Massachusetts, 219, 222, 338, 357-59; in Dallas, 423; in Galveston, 423.
- Criminal cases, defendant testimony in, 234-37.
- Crockett, David, land certificates, 247.
- Debt, public, payment of, 48; power of Legislature to create, 114-16, 264-67; when possible to create, 114-16.
- Defendant, right to testify, 234.
- Deficiencies in revenue, limitation of, 114-16.
- Democratic Party, State Convention of 1873, 120; platform of 1873, 220-21, 340; platform of 1866, 231.
- Disfranchisement, for crime, 258-63; for dueling, 434.
- Dueling in Texas, 434.
- Education, majority and minority report, 194-95; crime and education, 199; Board of, 213, 329; for indigents only, 229, 233; among Cherokee Indians, 365.
- Education, *see also* Schools, Public. Educational system, Massachusetts, 104, 224-27; Prussia, 112; Sparta, 112; England, 219, 364; Texas, 230, 337; France, 360; Indiana, Iowa, and Kansas, 363; Connecticut, 366.
- Election, of 1873, 89, 282; election of December, 1875: majority report on postponement, 53-55, 68-69, 75-76; minority report on postponement, 49-53, 55-92; adopted, 93.
- Eleemosynary institutions, 113-14, 334.
- Eminent domain, right of, 237-38.
- Evidence, circumstantial, 234-36; testimony of defendant, 234-37.
- Executive department, report of committee debated, 151-67, 212; 256-58.
- Executive officers, Governor, 2-4, 152-55; Lieutenant-Governor, 96, 152; Superintendent of Schools, 151, 166, 226, 230, 350-51; Secretary of State, 152, 162, 256-57; Attorney-General, 163-64, 249; Treasurer, 164; Comptroller, 164, 312, 377-78.
- Fee system, 433.
- Felony in Texas, 260.
- Frontier, protection of, 99-100, 156-61; counties, taxation of, 312-13; memorial to U. S. Congress for protection, 459.
- Galveston, registration of voters, 202; storm, 254; crime in, 423.
- Galveston, Colorado, and Santa Fe Railroad, 420.
- Galveston, Harrisburg, and San Antonio Railroad, 420.
- Galveston News*, submits bid on proceedings, 12; synopses of proceedings, 15, 335; on education, 196, 302.
- General Land Office, *see* Lands and Land Office.
- Georgia, Convention of 1866, 60; Constitution of 1870, 168.
- Governor, message to convention, 2-4; to order election to fill vacancy in

- convention, 29; to order election to fill vacancy in Legislature, 48; power to call constitutional convention, 48; approval of bills, 100, 161-62; power to call out militia, 143-44, 159-61; eligibility for re-election, 152; salary, 152-55; term of office, 152, 257-58; publication of proclamations, 162; member of Board of Education, 213, 329; right to receive information from departments, 258; pardons by, 259-60.
- Grangers, accused of combination with Republicans, 190-91, 203-11.
- Guadalupe River valley, 272, 285.
- Habeas corpus, suspension of writ, 237, 290-94.
- Harris County, storm in, 254.
- "Holy Alliance," 206.
- Homestead, laws concerning, 435-36, 459.
- House of Representatives, *see* Legislature.
- Houston Telegraph*, bids on convention printing, 12; reports on convention work, 15, 302; hostile to convention, 190.
- Illinois, Constitution of 1870, 388, 424.
- Illiteracy in Massachusetts and Texas, 361.
- Immigration, State aid to, 239, 272-86; article to be stricken out, 239-42; plan of 1870, 274, 281, 284; Bureau of, 276-83.
- Income tax favored, 302.
- Indianola storm, 252-53.
- International Railroad, 136, 311-12, 373, 408-11.
- Judiciary article debated, 379-87, 418-19, 421-34, 442-45; minority report, 381-84; salaries of judges, 421-25, 430, 442; terms of office of judges, 424; protest filed, 459.
- Kentucky judicial system, 386.
- Land certificates, revival of 242-47; speculation in, 243-45.
- Land grants, system of, 116-33; to railroads, 116, 120, 133, 267-71, 400-15, 418-21; to Texas veterans, 242-47, 373-74; to settlers, 395.
- Land Office, Commissioner of, 164-66.
- Land titles, validation of, 242; in Southwest Texas, 415.
- Lands and land office, revival of genuine land certificates barred by Constitution of 1869, 242-47; land office to be self-sustaining, 247-48; alienation of lands, 248-50; sale of county lands, 254-55; sale of school lands, 288-90; administration of, 290; land hitherto unassessed, 377-79; extension of time to complete surveys in South Texas, 415-18.
- Laws, revision and publication of, 271-72; suspension of, 294-95.
- Legislative Department, report on, 47-48, 325-26.
- Legislature, Twelfth: railroad policy, 133; Thirteenth: railroad policy, 133; tax reform, 314-15; Fourteenth: extra session, 52; railroad policy, 133; frontier protection, 159; school laws, 197; corporations, private, 267; constitutional provisions: presiding officers, 48; proceedings be kept and published, 48; punishment for contempt, 48; sessions, biennial, 48, quadrennial, 95; members, term of office, 47, 95, number, 47, 262-63, compensation of, 48, 97, eligibility of, 48, 96; districts, 96-98.
- Lieutenant-Governor, election of, 96; abolition of office, 96, 152.
- Lotteries prohibited, 48.
- MacKenzie Institute praised, 371.
- Madison, James, on powers of a convention, 83-84.

- Marshall Herald*, on Bowie land certificates, 247.
- Marshall, John, and Lord Mansfield, 79; on powers of a convention, 83-84; on contracts, 389.
- Maryland judicial system, 386.
- Mason, George, on powers of a convention, 77.
- Massachusetts, Convention of 1853, 59; area and population in 1870, 104, wealth, 104, 107, educational system, 104, 224-27; occupations, 106; density of population, 107, crime statistics, 219, 222, 338, 357-59, illiteracy, 361.
- Mileage, committee report, 5, 11; minority report, 6-8; ten cent, 8, 11.
- Mississippi poll tax, 332.
- Missouri Constitution of 1875, 193, 391, 424.
- Murder, punishment for, 261.
- Natural rights, 292.
- Negro voters, 168, 171, 178, 182; delegates, 168, 459.
- Nevada poll tax, 332.
- Newspapers furnished delegates, 14-18.
- New York, crime statistics, 199; Bill of Rights, 234; judicial system, 379, 424.
- North Carolina Convention of 1867, 32, 35, 60, 82.
- Notaries public, appointment of, 166-67.
- Occupation tax debated, 302-09.
- Orange County tornado of 1865, 251.
- Orphan asylum, State support of, 113, 334.
- Panhandle and Plains, climate, 117; soil, 117.
- Pardons, 259-60.
- Pennsylvania, Constitution of 1874, 115, 168, 265, 389, 424, crime statistics, 199.
- Poll tax, prerequisite for voting, 167-89; for educational purposes, 180-82, 212-25, 341-48; amount of, 326-27, 395-96; Mississippi, 332; Nevada, 332.
- Poll tax, *see also* Suffrage.
- Printing, Committee on, submits newspaper bids for printing proceedings, 12, awards contract for printing proceedings, 19, 22, contracts for publication of Journal, 49.
- Privilege, question of, 201-03.
- Public calamity, State aid in, 48.
- Public Instruction, Superintendent of, abolition of office, 151, 166.
- Public officials, qualifications for, 48.
- Public Schools, *see* Schools, Public.
- Railroads, land grants to, 116, 120, 133, 267-74, 400-15, 418-21; to pass within three miles of county seat, 287, consolidation of, 287-88; property, not exempt from execution, 287; how assessed, 298, 312, 317-19, 320-22, tax on gross earnings of, 316-17, declared public highways, 367, 387-89, State regulation of, 387-92, relations with each other, 390-92, extension of time to comply with charters, 420, 440-45, 448-50.
- Republican delegates, minority in convention, 14, 99, combination with Grangers, 190-91, 203-11.
- Retrenchment, leading policy, 11, 27, 96, 149-51, 212, 219.
- Revenue raised for what purposes, 48.
- Revised statutes to be published every ten years, 271-72.
- Rusk, Thomas J., on homestead provisions, 435.

- Salaries, delegates to convention, 5-10, 319-20; Senators, 48; Representatives, 48, 97; Governor, 49, 152-55; Judges, 49, 385, 423-25, 429-30, 442, 459; Secretary of State, 162, 166, 256; Attorney-General, 164; Comptroller, 164-66; Land Commissioner, 164-66; Treasurer, 164-66; County Judges, 432-33.
- San Antonio public schools, 217.
- School fund, alienated land to accrue to benefit of, 248-50.
- School lands, sale of, 288-90, 394-95.
- Schools, private, injured by public schools, 365-66; taxation of property of, 371-72.
- Schools, Public, State support of, 48, 100-13, 194-201, 212-34, 327-69, 396; limited to indigents, 229; Massachusetts, 104, 224-27; sale of school lands, 211; districts, 214; Bonham, Brenham, 217; New Braunfels, 217; Texas, 230, 337; poll tax for support of, 326-27; Indiana, Iowa, and Kansas, 363; Connecticut, 366; property exempt from taxation, 371-72.
- Secretary of State, salary of, 162-63, 166, 256; office of, 256-57, proposal to make elective, 152.
- Servitude, compulsory, allowed, 240-41.
- Settlers, "Actual," on public lands, 133, 211, 241-45, 289, 418; protection of, 211, 245, 288-90, 395-98.
- Sheriff to be Tax Collector, 309-10.
- Sherman citizens petition, 372.
- Slavery prohibited, 237, 240-41.
- Special funds, 311.
- State Affairs, Committee on, favors Constitution of 1845 as basis for new, 42-45.
- State Gazette*, praised by Delegate McLean, 12-14; compensated for reports of convention work, 301-02.
- Suffrage, for women, 142-43, 300; qualifications for: poll tax, 167-89, non-resident voting, 189-90, registration in cities, 191, 193-94; persons excluded from, 258-62.
- Tax Assessor, also Collector, 309-10.
- Taxation, relief of coast counties from, 98, 250-55; for support of public schools, 100-13, 194-201, 212-34, 395-96; for support of asylums, 113-14; for support of State colleges and universities, 144-51; railroad property, how assessed, 312; where property is to be assessed, 313-15, 320-22, 374-77.
- Taxation and Revenue, Committee on, report, 250-54; majority report, 295-301; minority report, 295-301, substitutes, 295-300.
- Tax Collector, term of office, 440-41.
- Taxes, increase in, 212; storm injury cause for remission of taxes for 1875, 254-55; collection of, 298, 309-10; on incomes, 302-04; ad valorem, 302-09, 396-97; on occupations, 302-09; payment of, by non-residents, 313-15; on unrendered property, 314; on franchises, 315-17, 369-71; on school property, 372; delinquent, how collected, 377-79.
- Tennessee Constitution of 1870, 168.
- Texas, division of, 122-24.
- Texas Almanac*, aid to immigration, 286.
- Texas in 1870, population, 103, 107; area, 105; wealth, 105, 107; crime statistics, 260; illiteracy, 361.
- Texas veterans of 1836, exemption from general laws, 243, 373-74; land donations to, 374.
- Texas and Pacific Railroad, extension of time, 436-40; 442-45; 448-50.
- Treasurer, salary, 164-66.
- United States Constitution, powers delegated to, 70; oath to support,

- 71; Fourteenth Amendment, 168-69, 171, 175; Fifteenth Amendment, 168-71, 240; obligations of a contract, 249, 312; and independence, 295.
- United States Senator, Legislature to elect, 51; two possible claimants, 68.
- Universities and colleges, *see* Colleges and Universities.
- University of Texas, The, Legislature to establish, 435, 451; Agricultural and Mechanical College a branch, 451; branch for colored, 451; land endowment, 452; location of, 452-54; history of, 453.
- Veto of items, 162, 166.
- Virginia, Convention of 1829, 75, 79; Constitution of 1776, 78; Constitution of 1830, 78.
- Voters, *see* Suffrage.
- Waters, navigable, public highways, 437.
- West Texas, climate and soil, 117; railroads, 132, 399-400, 439.
- Woman Suffrage, *see* Suffrage.
- Yeas and Nays, to suspend reading of bill, 48; demand of, 98-99; resolution to call for, 151.