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Mr. Wade offered the following substitute for section 4:

“The lands herein set apart for public school purposes shall be utilized under a system of lease or sale, under such rules and regulations as the Legislature shall establish. The proceeds of all lands sold shall be invested in interest-bearing bonds of this or some other State. All interest accruing upon said bonds, and all money derived from leases, shall be annually distributed, *pro rata*, among the scholastic population of the State.”

Mr. Weaver moved to postpone the subject until Monday next, 9½ o'clock, and that it be made special order for that hour.

Carried.

Mr. Ramey submitted the following report:

COMMITTEE ROOM. }  
AUSTIN, October 9, 1875 }

*To the Hon. E. B. Pickett, President of the Convention.*

SIR—Your committee on Engrossed and Enrolled Ordinances would respectfully report that they have examined and compared article —, “Executive Department,” and find the same correctly engrossed. Respectfully,

WM. NEAL RAMEY, Chairman.

On motion of Mr. German, two hundred copies of the article —, “Executive Department,” as engrossed, were ordered printed for use of the Convention.

On motion of Mr. Flanagan, the Convention adjourned until 9½ o'clock A. M. Monday.

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### THIRTY-FIRST DAY.

HALL OF REPRESENTATIVES, }  
AUSTIN, TEXAS, October 11, 1875. }

Convention met pursuant to adjournment; roll called; quorum present; prayer by the Rev. W. H. D. Carrington, of Austin. Journal of Saturday read and adopted.

Mr. McLean called up his resolution amending rules and the amendment was adopted.

Mr. Scott called up Mr. Russell's (of Wood) resolution restricting the time of delegates to five minutes in debate, and amendment adopted.

The chair announced the following committee to investigate the charges of the *Democratic Statesman* in relation to a combi-

nation between the Republicans and Grangers: Mr. Stockdale, Chairman; Messrs Fleming, McCormick, Murphy, Henry of Smith, Stavton, Nugent.

Mr. West withdrew his motion to reconsider the vote engrossing the article on suffrage.

Messrs. Crawford, Ferris, Fleming and Whitfield presented memorials from their respective counties, asking an uniform system of sanitary regulations, which were all referred to the Committee on General Provisions.

Mr. King, as chairman of Committee on Counties and County Lands, reported as follows :

COMMITTEE ROOM, }  
AUSTIN, October 8, 1875. }

*To the Hon. E. B. Pickett, President of the Convention :*

SIR—Your Committee on Counties and County Lands, to whom were referred certain resolutions and memorials on the subject of county school lands, have had the same under consideration, and instruct me to report the following provision, which they recommend for adoption as a part of the constitution.

Respectfully, HENRY C. KING, Chairman.

“All lands heretofore, or hereafter, granted to the several counties of this State, for education or schools, are of right the property of said counties, respectively, to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell and dispose of its lands, in whole or in part, in manner to be provided by the police court of the county. Actual settlers, now residing on said lands, shall be protected in the prior right of purchasing the same to the extent of their settlements, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands, and the proceeds thereof when sold, shall be held by said counties alone, as a trust for the benefit of public schools therein, said proceeds to be invested in bonds of the State of Texas, or of the United States, and only the interest thereof to be used and expended annually.

On motion of Mr. Moore, two hundred copies of the report and article were ordered printed.

Mr. Ford reported as follows :

COMMITTEE ROOM, }  
AUSTIN, October 9th, 1875. }

*To the Hon. E. B. Pickett, President of the Convention*

The Committee on State Affairs, to which was referred a

memorial in favor of establishing "an effectively organized Department of Health and Vital Statistics," have maturely considered the same, and have instructed me to report it back, and recommend that the Convention reject the petition of said memorialists.

JOHN S. FORD, Chairman.

Also —

COMMITTEE ROOM, }  
AUSTIN, October 9, 1875. }

*To the Hon. E. B. Pickett, President of the Convention:*

The Committee on State Affairs, to which was referred a resolution providing "that no debts contracted two years after the adoption of this constitution, shall be collected by law," have had the same under consideration, and have instructed me to report said resolution back and recommend that it be not adopted by the Convention.

JOHN S. FORD, Chairman.

Reports received to come up in their order.

Mr. Waelder offered the following resolution:

*Resolved*, That the Committee on Municipal Corporations inquire into the expediency of providing, that incorporated cities and towns shall not levy and collect higher license or occupation taxes than are levied and collected by the State.

#### BUSINESS ON THE TABLE.

"Article —, Bill of Rights," taken up.

Pending the reading of the report and article, the hour arrived for the special order, and the same was taken up, viz: "Article —, Education."

Mr. Sansom withdrew his substitute for section 3, offered on Saturday last, and offered the following as a substitute for the section:

And there shall be set apart annually not more than one-tenth of the annual revenue derivable from taxation for general purposes, and a poll tax not to exceed two dollars for the support of public free schools.

And no person shall be allowed to vote at any election to take place in this State unless he has paid said tax.

On motion of Mr. Johnson, of Collin, laid on the table by the following vote:

YEAS—Abernathy, Arnim, Brown, Blake, Ballinger, Blassingame, Barnett, Burleson, Brady, Bruce, Chambers, Cook of Gonzales, Cooke of San Saba, Cline, Coolev. Cardis, Dillard, DeMorse, Darnell, Davis of Brazos, Ford, Flournoy, Ferris,

Flanagan, German, Gaither, Henry of Limestone, Johnson of Franklin, Johnson of Collin, Killough, Lockett, Lacy, McLean, Martin of Navarro, Martin of Hunt, Morris, Mitchell, McKinney of Denton, Norvell, Pauli, Ramey, Rentfro, Ross, Russell of Harrison, Russell of Wood, Spikes, Scott, Sessions, Smith, Whitehead, Weaver, Waelder—52.

NAYS—Allison, Crawford, Douglas, Dohoney, Erhard, Fleming, Graves, Holt, Henry of Smith, Holmes, King, Kilgore, Lynch, McCormick, Moore, Murphy, Nunn, Nugent, Reagan, Robertson of Bell, Stockdale, Stayton, Sansom, Wade, Whitfield, West—26.

The substitute offered by Mr. Wade on Saturday last was then taken up and lost.

Mr. Ballinger offered the following substitute for section 3 :

“Sec. 3. The Legislature shall provide for the levy and collection annually of a tax of one-fourth of one per cent on all the taxable property of this State, or so much of said tax as together with a poll tax of two dollars per annum on each qualified elector in the State, and the other funds provided for school purposes shall be sufficient to educate all the scholastic children specified in this article four months in each year; *and, provided further*, that the payment of such poll tax shall be a condition precedent to the exercise of the right of suffrage in this State”

Mr. Nugent proposed to amend the substitute as follows:

“Provided that said tax shall only be levied when voted by a majority of the freeholders of the several school districts”

Lost.

Mr. Kilgore proposed to strike out of the substitute “one-fourth,” and insert “one-eighth.”

Lost.

On motion of Mr. Dohoney the substitute was laid on the table by the following vote:

YEAS—Allison, Abernathy, Arnim, Brown, Blake, Blassingame, Barnett, Burlison, Bruce, Chambers, Cook of Gonzales, Cooke of San Saba, Cardis, Douglas, Dillard, DeMorse, Dohoney, Darnell, Davis of Brazos, Ford, Flournoy, Ferris, German, Gaither, Graves, Holt, Henry of Limestone, Johnson of Franklin, Johnson of Collin, Lacy, McLean, Martin of Navarro, Martin of Hunt, McKinney of Denton, Moore, Norvell, Nugent, Pauli, Ramey, Rentfro, Robertson of Bell, Ross, Russell of Harrison, Russell of Wood, Spikes, Scott, Sessions, Sansom, Whitehead, Weaver—49.

NAYS—Ballinger, Brady, Crawford, Cline, Cooley, Davis of Wharton, Erhard, Fleming, Flanagan, Henry of Smith, Holmes,

King, Kilgore, Killough, Lockett, Lynch, Morris, Mitchell, McCormick, Murphy, Nunn, Smith, Stockdale, Stayton, Wade, Whitfield, West, Waelder—29.

The hour having arrived for considering the special order, viz: "Article —, Legislative Department," on motion of Mr. Flournoy it was postponed until Wednesday next at 10 o'clock.

[Mr. Stockdale in the chair.]

Consideration of "Article —, Education," resumed.

Mr. Dohoney offered the following substitute for section 7.

"Section 7. The Governor, Comptroller of Public Accounts and Treasurer shall constitute a public school board, for the sole purpose and with the sole power of annually apportioning and distributing the available public school fund among the several counties according to their respective scholastic population. And if at any time the State fund apportioned to any given county, added to any county fund that may be existing, shall not be sufficient to provide public free schools in said county, for at least four months in the year, for the instruction of all the scholastic population between the ages of nine and fifteen years, the county court of said county shall have the power to supply the deficiency by levying a poll tax of one dollar on every male citizen over twenty-one years of age, to be supplemented by an ad valorem tax upon all the taxable property in the county; *provided*, that said ad valorem tax shall never exceed one-sixth of one per cent.; *and provided further*, that no part of the tax raised in any county shall ever be applied to any other purpose than the payment of teachers in said county."

Mr. DeMorse offered the following as a substitute for the substitute:

"It shall be the duty of the Legislature, by the use of the available school fund, including a poll tax of two dollars, which shall be levied for educational purposes, to establish and maintain free public schools for such period of each year as the fund may be sufficient to accomplish, and the Legislature may authorize each school district in every county to levy and collect such tax as the vote of a majority of the freeholders of the district may determine, not exceeding one-fourth of one per cent. The available school fund hereinbefore provided shall be distributed to the several counties of the State according to scholastic population, the distribution to be made by the Comptroller."

Additional section to come in as section 8:

"Sec. 8. Each county shall be laid off into school districts by the county commissioners thereof, and one county superintendent, who shall have the examination of teachers, shall be

ected by all the qualified electors; and a board of school trustees for each school district shall be elected by the qualified voters of the district."

Mr. Johnson, of Collin, offered the following amendment to section 7:

Amend by striking out all of said section down to the word "year," in line 44, and insert "the Legislature shall establish free schools throughout the State as soon as practicable, and shall provide by law that the available school fund herein provided shall be equally distributed among all the school population of the State."

On motion of Mr. Brown, the Convention adjourned until 2½ o'clock P. M.

#### EVENING SESSION—2½ O'CLOCK.

Convention met pursuant to adjournment; roll called; quorum present.

Mr. Cook, of Gonzales, stated that he had a telegram, directed to Major Ed. Burleson, advising him of the illness of several members of his family, and asking for him an indefinite leave of absence.

Granted.

The pending business was then resumed, being article —, on "Education," with pending amendments thereto.

Mr. Ramey, chairman Committee on Enrolled and Engrossed Ordinances, submitted the following report:

COMMITTEE ROOM,

AUSTIN, TEXAS, October 11, 1875. }

*To the Hon. E. B. Pickett, President of the Convention:*

Your Committee on Engrossed and Enrolled Ordinances would respectfully report that they have carefully examined and compared article —, on "Suffrage," and find the same correctly engrossed.

WM. NEAL RAMEY, Chairman.

On motion of Mr. Cook, of Gonzales, two hundred copies of the article on "Suffrage" were ordered printed as engrossed.

On motion of Mr. Graves, the debate on the pending amendments to article —, on "Education," was estopped, and the vote was taken on the pending amendment offered by Mr. Johnson, of Collin.

The amendment was lost by the following vote:

YEAS—Allison, Brown, Blake, Ballinger, Blassingame, Barnett, Crawford, Cline, Cooley, DeMorse, Dohoney, Darnell,

Davis of Brazos, Fleming, Ferris, German, Henry of Smith, Johnson of Franklin, Johnson of Collin, King, McLean, Martin of Navarro, Martin of Hunt, Morris, McCormick, Moore, Norvell, Nunn, Reagan, Ramey, Spikes, Sessions, Smith, Sansom, Whitehead, West—36.

NAYS—Abernathy, Arnim, Brady, Bruce, Chambers, Cook of Gonzales, Cooke of San Saba, Cardis, Douglas, Dillard, Davis of Wharton, Erhard, Ford, Flournoy, Flanagan, Gaither, Graves, Holt, Henry of Limestone, Holmes, Kilgore, Killough, Lockett, Lacy, Lynch, Mitchell, McKinney, Murphy, Nugent, Pauli, Rentfro, Robertson of Bell, Ross, Russell of Harrison, Russell of Wood, Scott, Stockdale, Stayton, Wade, Weaver, Whitfield, Waelder—42.

The vote was then taken on the substitute offered by Mr. DeMorse.

The substitute was lost by the following vote:

YEAS—Ballinger, Crawford, Cook of Gonzales, Cline, Cooley, Dillard, DeMorse, Davis of Brazos, Ford, Fleming, Ferris, Flanagan, Henry of Smith, Holmes, Johnson of Franklin, King, Kilgore, Lockett, McLean, Martin of Navarro, Martin of Hunt, Morris, Mitchell, McCormick, Nugent, Ross, Russell of Harrison, Sessions, Smith, Wade, Weaver, West, Waelder—33.

NAYS—Allison, Abernathy, Arnim, Brown, Blake, Blassingame, Barnett, Brady, Bruce, Chambers, Cooke of San Saba, Cardis, Douglas, Dohoney, Darnell, Erhard, Flournoy, German, Gaither, Graves, Holt, Henry of Limestone, Johnson of Collin, Killough, Lacy, Lynch, McKinney, Moore, Murphy, Norvell, Nunn, Pauli, Reagan, Rentfro, Robertson of Bell, Russell of Wood, Spikes, Scott, Stockdale, Sansom, Whitehead, Whitfield—42.

The vote was then taken on the substitute offered by Mr. Dohoney.

The substitute was lost by the following vote:

YEAS—Ballinger, Brady, Crawford, Cline, Cooley, Dohoney, Ford, Ferris, Flanagan, Henry of Smith, Johnson of Franklin, King, Kilgore, Lockett, McLean, Morris, Mitchell, McCormick, Nunn, Pauli, Rentfro, Ross, Russell of Harrison, Smith, Sansom, Wade, West, Waelder—28.

NAYS—Allison, Abernathy, Arnim, Brown, Blake, Blassingame, Barnett, Bruce, Chambers, Cook of Gonzales, Cooke of San Saba, Cardis, Douglas, Dillard, DeMorse, Darnell, Davis of Brazos, Erhard, Flournoy, Fleming, German, Gaither, Graves, Holt, Henry of Limestone, Holmes, Johnson of Collin, Killough, Lacy, Lynch, Martin of Navarro, Martin of Hunt, Mc-

Kinney, Moore, Murphiv, Norvell, Nugent, Reagan, Ramey, Robertson of Bell, Russell of Wood, Spikes, Scott, Sessions, Stockdale, Stayton, Whitehead, Whitfield—48.

Mr. Whitfield moved the previous question.

Withdrawn.

Mr. Waelder then offered the following as a substitute for section 3:

“The Legislature shall provide for the levying and collection of an annual tax, of not more than one-sixth of one percentum upon the taxable property, real and personal, of this State, and also a poll-tax of two dollars on each voter of the State, and the taxes so levied and collected, as well as the income from the fund herein provided, shall be annually distributed for the education of all children between the ages of eight and fourteen years, among the several counties or school districts, according to their respective scholastic population.”

Pending discussion of the amendment offered by Mr. Waelder, on motion of Mr. McCormick, the Convention adjourned until 9 o'clock A. M. to-morrow.

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### THIRTY-SECOND DAY.

HALL OF REPRESENTATIVES, }  
AUSTIN, TEXAS, October 12, 1875. }

Convention met pursuant to adjournment; roll called; quorum present; prayer by the Rev. Mr. Lee, Rector of St. David's Church, Austin.

Journal of yesterday read and adopted.

Mr. Weaver submitted the following motion:

*To the Honorable Members of the Constitutional Convention.*

The undersigned does not believe that this Convention is actuated by a spirit of Jacobinism. He trusts that all men here wish to ascertain what is right and to do it. There are grave questions coming up that demand discussion. There are also legal questions to be settled, and there are in this body men who, by common consent, rank among the ablest lawyers of the State. He, for one, desires to hear their views, as well as those of other gentlemen. No man can define his position intelligibly, or give reasons for his vote on important questions, in five minutes. He does not believe it is the wish of this body to act hastily and un-