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Ramey, Reagan, Rentfro, Reynolds, Ross, Smith, Stayton, Stockdale, Wade, Waelder, West, Whitehead, Whitfield—42.

The question recurring on the final passage of the article, the same was put, and the article passed by the following vote:

YEAS—Abernathy, Abner, Allison, Ballinger, Barnett, Blassingame, Brown, Bruce, Burleson, Chambers, Cline, Cook of Gonzales, Cooke of San Saba, Crawford, Darnell, Davis of Brazos, Dillard, Dohoney, Erhard, Ferris, Fleming, Flournoy, Ford, Gaither, German, Graves, Haynes, Henry of Limestone, Henry of Smith, Johnson of Collin, Johnson of Franklin, Kilgore, Killough, Lacy, Lockett, Lynch, Martin of Hunt, Martin of Navarro, McCormick, McKinney of Denton, McKinney of Walker, Moore, Murphy, Norvell, Nugent, Nunn, Ramey, Reagan, Robison of Fayette, Ross, Russell of Wood, Smith, Spikes, Stayton, Stockdale, Wade, Waelder, Whitehead, Whitfield, Wright—60.

NAYS—Arnim, Blake, Brady, DeMorse, Holt, McLean, Mills, Mitchell, Morris, Pauli, Rentfro, Reynolds, Robertson of Bell, Russell of Harrison, Sansom, Scott, West—17.

On motion, the Convention adjourned to 9 o'clock A. M. tomorrow.

FORTY-SIXTH DAY.

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, October 28, 1875. }

Convention met pursuant to adjournment; roll called; quorum present. Prayer by the Rev. H. V. Philpot, of the M. E. Church, South, at Austin.

Journal of yesterday read and adopted.

On motion of Mr. Blassingame, Mr. Latimer, Assistant Secretary, was excused on account of sickness.

On motion of Mr. Weaver, Mr. Martin, of Hunt, was excused on account of sickness.

Mr. DeMorse made the following reports:

COMMITTEE ROOM,
AUSTIN, October 27, 1875. }

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

The Committee on Revenue and Taxation, to which was referred the memorial of the Patrons of Husbandry, of Hunt county, through their County Council, asking immediate relief by ordinance deferring the collection of taxes for the present year,

instruct me to report that in conformity with the suggestions of this memorial, they had, prior to this time, reported to the Convention the following section, changing the periods of the fiscal year, on which the Convention has not yet acted, and which they again recommend to its consideration, as not only having the approval of their judgment, but that of the Comptroller of the State.

They refer the question of *immediate* relief, by special ordinance, to the judgment of the Convention itself, with the suggestion that the committee doubt the propriety of the exercise of such power by this Convention. CHARLES DEMORSE,

Chairman of the Committee.

Resolution recommended by the committee, as a section of the article on Revenue and Taxation:

“Sec. —. The fiscal year shall commence the first of May, and end the last of April following. Assessments of taxes shall date from the first day of January of each year, and the collections shall commence on the first of December, and shall be closed by the first day of April following, until otherwise provided by law.”

COMMITTEE ROOM,
AUSTIN, October 27, 1875. }

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

Your Committee on Revenue and Taxation, to which was referred the memorial of the City Council of the city of Sherman, relative to municipal taxation of the property of railroad companies lying within the limits of cities and incorporated towns, instruct me to report that they have carefully considered the subject, and deem that the subjoined clauses, which they recommend to the consideration of the Convention, as constituent sections of the article on taxation, will remedy in the future the evils complained of, and reach the case of default alluded to, wherein no report has been made of property lying within the corporation properly subject to taxation. The entire scope of relief asked, by retroactive legislation by this body they deem unwise, and therefore can not recommend, although they are satisfied that the city which the memorialists represent has been wronged. We return the memorial to the Convention herewith, that it may be read for the information of the Convention, and enable it to judge of the equities of the case, and the proprieties of its action.

All of which is respectfully submitted.

CHARLES DEMORSE, Chairman.

Clauses recommended for article on Taxation:

“Sec. —. The Comptroller of the State shall annually prepare a list of all lands assessed or unassessed for each separate county, and assess upon the portion unrendered all the present and back tax due thereon, and transmit to each collector of taxes the list prepared for his county; upon which list the collector shall proceed as by law prescribed.”

“Sec. —. All property of railroad companies, of whatever description, lying or being within the limits of any city or incorporated town within this State shall bear its proportionate share of municipal taxation; and if any such property shall not have been heretofore rendered, the authorities of the city or town within which it lies shall have power to require its rendition and collect the usual municipal tax thereon, as on other property lying within said municipality”

COMMITTEE ROOM, }
AUSTIN, October 27, 1875. }

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

Your Committee on Revenue and Taxation, to whom was referred the memorial of citizens of Brazoria county against any license law discriminating against occupations and professions, and urging the imposition only of equal and uniform taxation, report the memorial back to the Convention, with the suggestion that your committee have previously stated their opinions upon this subject, in the form of a section in the majority report, which expresses their decided conviction that all such taxation on commendable occupations is eminently unjust, and not sustainable upon enlightened principles of political economy, except in the gravest emergencies; but the Convention having overruled them, and authorized such taxation, they can only repeat their own nearly unanimous views upon the question, and defer to the superior judgment of the Convention.

All which is respectfully submitted.

The memorial is herewith returned.

CHARLES DEMORSE, Chairman

Mr. Ramey moved to increase the number of the select committee authorized by Mr. Gaither's resolution to thirteen.

Carried.

Mr. Weaver offered the following resolution:

WHEREAS, The Supreme Court of the State has decided the law levying one per cent. school tax unconstitutional; be it therefore,

Resolved, That the amount of said tax paid by each taxpayer

heretofore, be ascertained and placed to the credit of said taxpayer against the amount heretofore assessed

Referred to Committee on Revenue and Taxation.

Mr. Moore offered the following resolution:

Resolved, That there shall be elected, by the qualified voters of each county in this State, a County Treasurer, who shall reside at the county site, hold his office for four years and until his successor shall be qualified, and shall have such compensation as may be provided by law

Referred to Committee on General Provisions

The special order of the hour, viz: motion to reconsider the vote engrossing the resolution of Mr. Russell, of Wood, on the subject of immigration, was taken up and motion lost by the following vote:

YEAS—Ballinger, Blake, Brown, Cardis, Cline, Cooley, Crawford, Davis of Brazos, DeMorse, Erhard, Ferris, Ford, Henry of Limestone, Henry of Smith, King, Lockett, McCabe, McKinney of Walker, Moore, Morris, Murphy, Nunn, Pauli, Reagan, Reynolds, Russell of Harrison, Smith, Stavton, Stockdale, West, Whitfield—31.

NAYS—Abernathy, Abner, Allison, Arnim, Barnett, Blassingame, Bruce, Burleson, Chambers, Cook of Gonzales, Cooke of San Saba, Darnell, Davis of Wharton, Dillard, Dohoney, Fleming, Flournoy, Gaither, German, Graves, Haynes, Holt, Johnson of Franklin, Johnson of Collin, Kilgore, Killough, Lacy, Lynch, Martin of Navarro, McKinney of Denton, McLean, Mills, Mitchell, Norvell, Rentfro, Robertson of Bell, Robison of Fayette, Ross, Russell of Wood, Scott, Spikes, Wade, Weaver, Whitehead, Wright—45.

“Article —, Judiciary,” taken up, with three several reports from minorities.

Mr. Whitfield moved to postpone the article until the article on Public Free Schools shall be disposed of, and that the article on Free Schools be taken up

Lost

The Convention proceeded to consider the “Article —, on Judiciary”

The hour having arrived for the special order, viz: “Article —, Public Schools,” was taken up.

Mr. Dohoney moved to postpone the same until Saturday at 9½ o'clock, and that it be made the special order for that hour.

Mr. Cline moved to postpone it to Tuesday, and make it the special order for 10 o'clock that day.

Carried by the following vote.

YEAS—Abernathy, Arnim, Ballinger, Barnett, Blassingame, Brady, Brown, Bruce, Burleson, Cardis, Cline, Cook of Gonzales, Cooley, Darnell, Davis of Wharton, Dohoney, Erhard, Flournoy, German, Graves, Henry of Limestone, Henry of Smith, Holt, Johnson of Collin, King, Lockett, Lynch, Martin of Navarro, McCabe, Mitchell, Morris, Nugent, Nunn, Pauli, Reagan, Rentfro, Reynolds, Ross, Russell of Harrison, Scott, Spikes, Stayton, Stockdale, Wade, Waelder, Weaver, West, Wright—48

NAYS—Abner, Allison, Chambers, Cooke of San Saba, Crawford, Davis of Brazos, DeMorse, Dillard, Fleming, Ford, Gaither, Haynes, Johnson of Franklin, Kilgore, Killough, Lacy, McKinney of Denton, McLean, Mills, Murphy, Norvell, Ramey, Robertson of Bell, Robison of Fayette, Russell of Wood, Sansom, Smith, Whitehead, Whitfield—29.

Mr. Stockdale moved to reconsider the vote just taken

Carried.

“Article—, Judicial Department,” passed to the table for the present, and the Convention proceeded to the consideration of “Article—, Public Free Schools”

[Mr. Flournoy in the chair.]

Mr. Reagan offered the following amendment:

Sec 3, line 14, strike out the word “two” and insert the word “one.”

Mr. Johnson, of Franklin, offered the following substitute for the section:

“Sec. 3. And there shall be set apart not less than one-tenth of the annual revenue of the State derivable from taxation, and a poll tax of one dollar on all male inhabitants in this State between the ages of twenty-one and sixty years, for the benefit of the public free schools.”

Mr. Reagan’s amendment adopted by the following vote.

YEAS—Abner, Allison, Arnim, Barnett, Blake, Blassingame, Brown, Bruce, Cardis, Chambers, Cooke of San Saba, Cooley, Darnell, Fleming, Flournoy, German, Graves, Henry of Limestone, Holt, Johnson of Collin, Johnson of Franklin, Killough, Lynch, McKinney of Denton, McLean, Mills, Murphy, Nugent, Ramey, Reagan, Robertson of Bell, Robison of Fayette, Russell of Harrison, Russell of Wood, Sansom, Scott, Spikes, Stockdale, Weaver, West, Whitehead, Whitfield, Wright—43.

NAYS—Abernathy, Ballinger, Brady, Burleson, Cline, Cook of Gonzales, Crawford, Davis of Brazos, Davis of Wharton, DeMorse, Dillard, Dohoney, Ferris, Ford, Gaither, Haynes, Henry of Smith, Kilgore, King, Lacy, Lockett, Martin of Navarro,

McKinney of Walker, Mitchell, Moore, Morris, Norvell, Nunn, Pauli, Rentfro, Reynolds, Ross, Smith, Stayton, Wade, Waelder—36.

Mr. Johnson's (of Franklin) substitute.

On motion of Mr. Mills, the Convention adjourned to 2½ o'clock P. M.

EVENING SESSION—2½ O'CLOCK.

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

Convention resumed consideration of pending question.

Mr. Wright, by leave, offered the following resolution:

Resolved, That the Convention tender this hall to Bishop George F. Pierce to hold divine service in this evening; and that the Sergeant-at-Arms be, and he is hereby, instructed to notify him of the fact.

Adopted.

Mr. Whitfield offered the following as a substitute for the article pending:

“ARTICLE—

“EDUCATION.

“Section 1. A general diffusion of knowledge being essential to the preservation of liberties of the people, it shall be the duty of the Legislature of this State to make suitable provisions for the support and maintenance of public schools.

“Sec. 2. All funds, lands and other property heretofore set apart and appropriated, or that may hereafter be set apart and appropriated for the support of public schools, all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations of any nature whatever, one-half of the public domain of the State, and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a perpetual public school fund.

“Sec. 3 And there shall be set apart, annually, not more than one-tenth of the annual revenue derivable from taxation for general purposes, and such poll tax as may be by law levied under the provisions of this constitution, which shall also constitute a part of the public school fund.

“Sec. 4. The lands herein set apart to the public school fund shall be sold under such regulation, at such time, and upon such terms as may be prescribed by law, and the Legislature shall not have power to grant any relief to the purchasers thereof. The Comptroller shall invest the proceeds of such sale, and of those

heretofore made, in the bonds of this State, if the same can be obtained, otherwise in United States bonds, and the United States bonds now belonging to said fund shall likewise be invested in State bonds, if the same can be obtained.

“Sec. 5. The principal of all bonds or other funds, and the principal arising from the sales of lands herein before set apart to said school fund, shall be the permanent school fund, and all the interest derivable therefrom, and the taxes herein provided shall be the available school fund, which shall be applied annually to the support of public schools, and no law shall ever be made appropriating any part of the permanent or available school fund to any other purpose whatever, except as hereinafter provided.

“Sec. 6. All public lands which have been heretofore, or may be hereafter granted to the various counties of this State for public schools, are of right the property of said counties respectively to which they are granted and entitled thereto, is hereby vested in said counties, subject to the trust created in the grant.

“Sec. 7. So soon as the available school fund may be sufficient, the Legislature shall establish and maintain “Free Public Schools” throughout the State for a period of not less than four months in each year, and may authorize any county to establish public schools in such county whenever the available fund apportioned to such county, as herein provided, together with the fund realized from the sale of the lands of the county, shall be sufficient to maintain public schools in such county for not less than four months in each year. But until such time the available school fund hereinbefore provided shall be distributed to the several counties of the State, according to the scholastic population, the distribution to be made by the Governor, the Comptroller and the Treasurer, who, for this duty, shall constitute a “School Board.” The fund shall be distributed to the counties and applied in aid of private schools in such mode as the Legislature may provide.

“Sec. 8. All lands heretofore granted for the benefit of the Lunatic Asylum, the Blind Asylum, the Deaf and Dumb Asylum, and the Orphan Asylum, together with such donations as may have been, or may hereafter be made to either of them, are hereby set apart to provide a permanent school fund for the support and maintenance and improvement of said asylums; but the Legislature shall have the power, whenever deemed advisable, to provide for the sale, in part or in whole, of said lands. The proceeds of said lands, when realized, together with all moneys severally donated to such asylums, or either of them,

shall be invested in bonds of the State of Texas, if obtainable, if not, in bonds of the United States, in such manner as the Legislature may provide. And the proceeds of the interest thereon shall be a several available fund for each of said asylums, and for no other purpose.

“Sec. 9. Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.”

Mr. Moore moved to reconsider the vote adopting Mr. Reagan’s amendment to section 3, line 14, to strike out “two” and insert “one.”

On motion of Mr. Flournoy, the Convention adjourned to 9 o’clock A. M. to-morrow.

FORTY-SEVENTH DAY.

HALL OF REPRESENTATIVES, }
AUSTIN, TEXAS, October 29, 1875. }

Convention met pursuant to adjournment; roll called, quorum present. Prayer by the Rev. H. V. Philpott, of the M. E. Church, South, at Austin.

The chair announced the following select committee, authorized by Mr. Gaither’s resolution: Mr. Brown, Chairman; Messrs. Reagan, Ross, Whitfield, Ford, Rainey, Wright, Gaither, Chambers, Ballinger, Moore, Stockdale and McLean.

On motion of Mr. Martin, of Navarro, Mr. Weaver was excused from attendance on the Convention, on account of sickness.

Mr. Ford submitted the following report:

COMMITTEE ROOM, }
AUSTIN, October 28, 1875 }

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

The Committee on State Affairs, to which was referred the following:

“Sec.—. The Legislature shall at its first session, after the ratification of this constitution, provide pensions for the disabled and indigent surviving soldiers of the revolution by which the independence of Texas was achieved, in the year 1836,” have had the same under consideration, and have directed me to report as follows.

The revolution caused by the violation of the principles of the Mexican Constitution of 1834, the centralization of the