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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, Raney, 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

powers of government in Gen. Santa Anna, the determination of the Supreme Government of Mexico to disarm the people of Texas and to reduce them to a state of vassalage, was a movement sustained by the principles of civil and religious liberty.

In this memorable contest the people of Texas, numbering about 50,000, threw down the gauntlet to a nation of 8,000,000 of people. They did this with a full knowledge that the penalty of failure was death. The decree declaring those participating in the revolution pirates and affixing the punishment of death therefor, the massacre of prisoners of war by order of President Santa Anna, leave no doubt that the policy of Mexico was to exterminate every man in Texas who had dared to assert his rights, and expel every American from its soil. It was the inauguration, by Mexico, of a war of races.

It would be useless to mention the fall of the Alamo, the surrender of Fannin, and the glorious victory of San Jacinto—they are matters of history. But it is not, perhaps, appreciated, that the Texas revolution effected grand results. It opened a country larger than France to the world, and added it to the United States.

The war between Mexico and the United States followed as a sequence of annexation. The acquisition of California, with its golden treasures, of New Mexico, of Arizona, and changes which have effected the destinies of a mighty people, and the commerce of the world, were assured by our final triumph on the plains of San Jacinto.

The history of the past furnishes no parallel to that achievement of 700 poorly armed Texans. It ranks with the decisive battles which have overthrown governments, and changed dynasties.

It was a victory on the side of freedom, and enlarged the area of representative republican government.

It would be a pleasant task to trace the progress of a State which exhibited so much strength in its infancy, and which is now fast attaining its proportions. Men who aided the young Hercules to strangle the serpent of oppression yet live to see him a robust youth. They can contemplate his growth, and look out upon the great improvements which have been made. They see the little colonies expanded into a million and a half of people, and are lost in admiring the changes which have occurred.

What shall we do to reward men to whom we owe so much? Shall we lavish honors upon them? Many of them are indigent, maimed, and too feeble to work for a livelihood.

It is but an act of justice that we should lend a helping hand

to those noble old veterans who struck for liberty upon the breasts of their oppressors, and gave to liberty "a local habitation and a name." We owe them a debt of gratitude which we must pay, and let them feel that the blessings of their labors have followed them. It would be a dark spot upon the escutcheon of Texas should those heroes be suffered to drag out a miserable existence in want and misery, while we are enjoying the rich fruits of their labors.

For these and other reasons the adoption of the section by the Convention is cordially recommended.

JOHN S. FORD, Chairman,
ED. CHAMBERS,
ROBT. LACEY,
W. W. DILLARD,
JOHNSON, of Franklin.
JO. W. BARNETT.

Mr. Norvell offered the following resolution:

WHEREAS, J. D. Logan & Co. having failed to comply with their contract to do the printing for the Convention; therefore

Resolved, That the said contract be, and the same is hereby rescinded, and that the Committee on Printing and Contingent Expenses be, and they are hereby authorized to enter into new contracts for the printing of the Convention.

On motion of Mr. Scott, referred to Committee on Printing.

Mr. McKinney, of Denton, offered the following resolution:

Resolved, That there shall be at the next general election, a County Surveyor elected in each organized county in this State, who shall hold his office for two years, and receive such fees and compensations as may be prescribed by law.

Referred to Committee on General Provisions.

[Mr. Brown in the chair.]

Unfinished business, viz: "Article —, Public Free Schools," again taken up, the pending question being Mr. Johnson's (of Franklin) substitute for section 3, which was lost by the following vote:

YEAS—Ballinger, Brown, Cooley, Crawford, Darnell, Davis of Brazos, Dillard, Doboney, Ferris, Fleming, Henry of Limestone, Johnson of Franklin, Kilgore, Killough, Lacy, Martin of Navarro, McCormick, McKinney of Walker, Mitchell, Moore, Nunn, Ross, Smith, Stayton, Waelder, West, Whitfield—27.

NAYS—Abernathy, Abner, Allison, Arnim, Barnett Blassingame, Brady, Bruce, Burleson, Chambers, Cook of Gonzales, Cooke of San Saba, Davis of Wharton, DeMorse, Flournoy, Ford, Gaither, German, Graves, Havnes, Holt, Johnson of Collin,

Lockett, Martin of Hunt, McCabe, McKinney of Denton, McLean, Morris, Murphy, Norvell, Nugent, Pauli, Ramey, Reagan, Rentfro, Reynolds, Robertson of Bell, Robison of Fayette, Russell of Harrison, Russell of Wood, Sansom, Scott, Spikes, Stockdale, Wade, Whitehead, Wright—47.

Mr. Whitfield, by leave, withdrew his substitute, and offered the following in its stead:

“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 hereinbefore 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. The Legislature, as soon as practicable, shall establish public free schools throughout the State, and shall provide by law, that the available public free school fund herein provided, shall be distributed among all the scholastic population of the State. But, until otherwise provided, the available school fund heretofore 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 common 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 shall 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. Russell, of Harrison, offered the following amendment to section 3:

“Sec 3. And there shall be set apart annually not less than one-fourth the general revenue of the State, and a poll tax of one dollar on all male inhabitants in this State, between the ages of twenty-one and sixty years; and the Legislature shall provide for the levying and collecting annually of not less than one-sixth of one per cent. upon all taxable property in this State, for the

benefit and support of public free schools, for a period of not less than four months in each year."

Lost by the following vote:

YEAS—Abner, Brady, Cline, Davis of Wharton, Erhard, Lockett, McCormick, Mills, Mitchell, Morris, Paul, Rentfro, Reynolds, Russell of Harrison—14.

NAYS—Abernathy, Allison, Arnum, Ballinger, Barnett, Blasingame, Brown, Bruce, Burleson, Chambers, Cook of Gonzales, Cooke of San Saba, Darnell, Davis of Brazos, DeMorse, Dillard, Dohoney, Ferris, Fleming, Flournoy, Garther, German, Graves, Haynes, Henry of Limestone, Henry of Smith, Holt, Johnson of Collin, Johnson of Franklin, Kilgore, Killough, Lacy, Martin of Hunt, Martin of Navarro, McCabe, McKinney of Denton, McKinney of Walker, McLean, Moore, Norvell, Nugent, Nunn, Ramey, Reagan, Robertson of Bell, Robison of Fayette, Ross, Russell of Wood, Sansom, Scott, Spikes, Stayton, Stockdale, Wade, West, Whitehead, Whitfield, Wright—59

Mr. Dohoney offered the following amendment:

"Sec 9. It shall be the duty of the County Court of each county to divide the county into school districts of proper size, and, under such regulations as the Legislature may prescribe, provide for the organization of public schools in such districts, by additional taxation or otherwise; *provided*, that no taxes shall be so levied in any school district, except upon a majority vote of the qualified electors therein, and all taxes so raised shall be applied exclusively to the payment of teachers in said district; and *provided, further*, that no *ad va lorem* tax so levied shall ever exceed one-quarter of one per cent. And whenever any such public school has been so organized in any school district, and provision made to keep up the same for at least four months in the year, and the number of scholastic population in said district is ascertained, it shall be the duty of the County Court to distribute to such district its proportion of the public school fund. The fund due school districts which fail to provide for public schools at least four months in the year shall remain in the county treasury for the benefit of the scholastic population to whom it belongs."

Mr. Russell, of Wood, moved to close debate upon the amendment, and bring the Convention to a vote.

On motion of Mr. Sansom, the Convention adjourned to 2:30 o'clock P. M.

EVENING SESSION—2½ O'CLOCK.

Convention met; roll called; quorum present.

Mr. Russell, of Wood, renewed his motion to close the debate upon the amendment of Mr. Dohoney, and the substitute of Mr. Whitfield, and to bring the Convention to a direct vote.

Carried.

Mr. Dohoney's amendment lost.

Mr. Whitfield's substitute lost by the following vote:

YEAS—Abernathy, Allison, Arnim, Barnett, Blake, Blassingame, Bruce, Cardis, Chambers, Cook of Gonzales, Cooke of San Saba, Darnell, Flournoy, Gaither, German, Graves, Henry of Limestone, Holt, Johnson of Collin, Johnson of Franklin, Killough, Lacy, Lynch, Martin of Hunt, McKinney of Denton, Nugent, Reagan, Robertson of Bell, Robison of Fayette, Russell of Wood, Sansom, Scott, Spikes, Whitehead, Whitfield, Wright—36.

NAYS—Abner, Ballinger, Brady, Burleson, Cline, Cooley, Crawford, Davis of Brazos, Davis of Wharton, DeMorse, Dohoney, Ferris, Fleming, Ford, Haynes, Henry of Smith, Lockett, Martin of Navarro, McCabe, McCormick, McKinney of Walker, McLean, Mills, Mitchell, Moore, Morris, Murphy, Norvell, Nunn, Pauli, Ramey, Rentfro, Reynolds, Ross, Russell of Harrison, Smith, Stayton, Wade, Waelder, West—40.

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

“Sec. 3. The Legislature may provide for the levying of a tax for educational purposes. Said fund shall be annually distributed for educational purposes among the several counties, according to the population in each.”

Mr. Waelder proposed to amend the substitute as follows:

Strike out all after the word “levying,” in second line, and insert: “and collection annually of not less than one-tenth of one per cent. on all taxable property in the State, and a poll tax of not more than two dollars on all male inhabitants between the ages of twenty-one and sixty years, for the benefit and support of public free schools; but, if at any time hereafter a tax of less than one-tenth of one per cent. should be sufficient to maintain an efficient system of free public schools, the Legislature may reduce the tax accordingly.”

On motion of Mr. Graves, the debate on the pending substitute and amendment was closed and a vote ordered.

The question on Mr. Waelder's amendment was put, and the amendment lost by the following vote:

YEAS—Abner, Ballinger, Brady, Cline, Crawford, Davis of Brazos, Davis of Wharton, Dohoney, Erhard, Ferris, Fleming, Ford, Haynes, Henry of Smith, Lockett, Martin of Hunt, Martin of Navarro, McCabe, McCormick, Mills, Mitchell, Moore, Morris, Nunn, Paul, Rentfro, Reynolds, Ross, Russell of Harrison, Smith, Wade, Waelder, West—33.

NAYS—Abernathy, Allison, Arnim, Barnett, Blake, Blassingame, Bruce, Burleson, Chambers, Cook of Gonzales, Cooke of San Saba, Darnell, DeMorse, Dillard, Flournoy, Gaither, German, Graves, Henry of Limestone, Holt, Johnson of Collin, Johnson of Franklin, Kilgore, Killough, Lacy, Lynch, McKinney of Denton, McLean, Murphy, Norvell, Nugent, Ramey, Reagan, Robertson of Bell, Robison of Fayette, Russell of Wood, Sansom, Scott, Spikes, Stayton, Stockdale, Whitehead, Whitfield—43.

The question on Mr. Whitfield's substitute for section 3 was then put, and the substitute lost by the following vote:

YEAS—Abner, Ballinger, Brady, Cline, Cook of Gonzales, Crawford, Davis of Brazos, Dillard, Erhard, Fleming, Ford, Henry of Smith, Kilgore, Lockett, Martin of Hunt, Martin of Navarro, McCabe, McCormick, Mills, Mitchell, Moore, Morris, Norvell, Pauli, Rentfro, Reynolds, Ross, Russell of Harrison, Smith, Wade, Waelder, West, Whitehead, Whitfield—34.

NAYS—Abernathy, Allison, Arnim, Barnett, Blake, Blassingame, Bruce, Burleson, Cardis, Chambers, Cooke of San Saba, Darnell, Davis of Wharton, DeMorse, Dohoney, Ferris, Flournoy, Gaither, German, Graves, Haynes, Henry of Limestone, Holt, Johnson of Collin, Johnson of Franklin, Killough, Lacy, Lynch, McLean, Murphy, Nugent, Nunn, Ramey, Reagan, Robertson of Bell, Robison of Fayette, Russell of Wood, Sansom, Scott, Spikes, Stayton, Stockdale—42.

Mr. West moved to reconsider the vote adopting Mr. Reagan's amendment to section 3, line 14, striking out "two" and inserting "one," as poll tax.

On motion of Mr. Reagan, the Convention adjourned.

FORTY-EIGHTH DAY.

HALL OF REPRESENTATIVES, }
AUSTIN, TEXAS, October 30, 1875 }

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