

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.

If you are uncertain whether you need permission to use these materials, please contact us at rarebooks@law.utexas.edu.

SIXTY-SECOND DAY

WEDNESDAY, NOVEMBER 17, 1875¹¹⁹

GENERAL WHITFIELD reported in favor of the requiring the Legislature to establish and maintain a state university. His report was ordered printed to the number of 100 copies.

COLONEL FORD reported an ordinance favoring the appropriation of 3,000,000 acres of the public domain for the erection of public buildings for the State. The Convention ordered printed 100 copies of the ordinance.

SIXTY-THIRD DAY

THURSDAY, NOVEMBER 18, 1875¹²⁰

MR. BRUCE moved to reconsider the vote adopting the amendment of Mr. Barnett relative to regulating the practice of medicine.

DR. BLASSINGAME favored the resolution.

MR. JOHNSON, of Collin, opposed the resolution, and favored a reconsideration.

DR. BARNETT opposed a reconsideration.

The motion to reconsider was lost.

MR. McCORMICK called up his proposed new rule, requiring ten men to call the yeas and nays.

MR. MILLS said it was a thrust at the minority on the floor.

MR. McCORMICK denied the charge, saying that he only hoped to expedite the business of the Convention.

The article on general provisions was taken up.

MR. DARNELL moved to amend by striking out of Section 49 all after the word "law," and adding "nor shall they, or either of them, ever have the power to mortgage or execute a deed of trust on the same." He advocated the passage of the amendment. He said he was strongly in favor of protecting the wife's property from drunken and reckless husbands. He was advocating the same doctrine that Rusk and other patriots advocated in 1845, and that he himself had

¹¹⁹The proceedings for this day were taken from the *Austin Statesman*, November 18, 1875.

¹²⁰The proceedings for this day were taken from the *Austin Statesman*, November 19, 1875.

then advocated. He wished he could call back those dead patriots who had advocated that doctrine and hear their eloquent voices which would once more electrify the people of Texas. But that was impossible. He was the only member of that body present in the Convention then in session. He was old and weak and knew that he would soon be gathered in the great hereafter, with all his compatriots; but while he lived he intended to do all in his power in the cause he believed to be right.

JUDGE REAGAN opposed the amendment.

MR. FLOURNOY supported the amendment. He pictured the sad effect of drunken and worthless husbands bringing their wives to want and poverty in case the amendment were not passed.

PRESIDENT PICKETT took the floor in favor of the amendment.

The article was ordered engrossed by a vote of 62 to 9.

SIXTY-FOURTH DAY

FRIDAY, NOVEMBER 19, 1875¹²¹

The Texas & Pacific

The article on the Texas & Pacific proposed an extension of time to that railroad.

MR. DARNELL opposed the extension of time.

MR. NUGENT moved to add the following proviso to the bill: "and provided further that any reservation of the public domain heretofore made to said railroad, shall be opened to actual settlement under the preëmption laws of the State."

The amendment was adopted by a vote of 39 to 30.

JUDGE REAGAN, before the vote was announced, changed his vote to "aye" so as to move a reconsideration.

The vote having been announced, Mr. Nugent instantly moved to reconsider and table.

JUDGE REAGAN said he thought that was unfair, since Mr. Nugent had heard him express a desire to move a reconsider, and asked him in common fairness to give way.

¹²¹The proceedings for this day were taken from the *State Gazette* (Austin), November 20, 1875.