Citation: Journal of the Constitutional Convention of the State of Texas: Begun and Held at the City of Austin Texas. Constitutional Convention (1875). Galveston : Printed for the Convention at the "News" Office, 1875.

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-SEVENTH DAY.

HALL OF REPRESENTATIVES,
AUSTIN, TEXAS, NOVEMBER 23, 1875.

Convention met pursuant to adjournment; roll called; quorum present. Prayer by the Rev. Mr. Wright, of the Presbyterian Church, at Austin.

Journal of yesterday read and adopted.

Mr. Wade offered the following resolution:
Resolved by this Convention, that George Flournoy, W. P. Ballinger and W. H. Stewart, members of this body, be and they are hereby appointed a committee to supervise the printing of the constitution, and see that the work is done in accordance with the enrolled copy.

Adopted.

On motion of Mr. Fleming, the Secretary of the Convention was instructed to distribute to each delegate two hundred copies of the constitution, instead of two hundred and twenty as per resolution of yesterday, and to deposit two thousand copies with the Secretary of State.

Mr. Brown offered the following ordinance:

"AN ORDINANCE
SUPPLEMENTARY TO AN ORDINANCE TO PROVIDE FOR SUBMITTING THE CONSTITUTION TO A VOTE OF THE PEOPLE, AND FOR A GENERAL ELECTION UNDER ITS PROVISIONS."

"Section 1. Be it ordained by the people of Texas, in Convention assembled, That all returns of the election to be held on the third Tuesday in February, 1876, under the provisions of the ordinance to which this is supplementary, shall be made to the Presiding Justice of each county by the proper election officers, on or before the Saturday next succeeding the said day of election, on which day the Presiding Justice, or in his absence or refusal to act, the District Clerk, shall open, compare and record the votes for all officers, and on the ratification or rejection of the constitution, as is provided for other elections by law. The Presiding Justice or District Clerk, as the case may be, shall immediately make return of the vote for and against the constitution, for all State officers, all judicial officers, and for District Attorneys in the districts in which they are to be chosen. The returns for Governor and other State officers shall be made separately, and addressed to the Speaker of the House of Representatives, to the care of the Secretary of State. The returns
for and against the constitution, for Judges of the Supreme, Appellate, and District Courts, and for District Attorneys, shall be addressed to the Secretary of State. On the third Tuesday in March the Governor, Secretary of State and Attorney General shall open, count, record and declare the result in the returns for and against the constitution, for Supreme, Appellate, and District Judges, and for District Attorneys; whereupon, within five days, the Governor shall make proclamation of the result, as to the ratification or rejection of the constitution, and, if the constitution be ratified, issue certificates of election to the persons who may be chosen to the respective judicial and district officers herein referred to.

Passed November 23, 1875.

E. B. Pickett, 
Pres. of the Convention.

Leigh Chalmers, 
Sec. of the Convention.

Read first time and passed by the following vote:


Nays—Mills—1.

“Article,—University,” taken up and read second time.

Mr. Lockett proposed to amend section 5, line 58, by striking out “Austin” and inserting “Brenham.”

Adopted.

Mr. Whitfield moved to strike out the preamble down to section 1.

Carried.

Mr. Robertson of Bell, proposed to amend section 1, after “Austin,” by inserting “or Salado.”

Mr. Scott offered the following as a substitute for the amendment:

Section 1, line 19, strike out the words “to be located at or near the city of Austin,” and insert “to be located by a vote of the people of the State.”
Mr. Robertson's (of Bell) amendment lost.

The question on Mr. Scott’s amendment was put and adopted by the following vote:


Mr. Wade proposed to amend as follows:

Section 2, line 25, after “sale,” insert “or lease.” Section 3, line 40, after “sold,” insert “or leased.” Also, in line 44, after “sold,” insert “lease.”

Lost.

Mr. McCormick offered the following amendment:

Section 5, line 56, strike out the words “college or,” and insert “a.”

Lost.

Mr. Sansom proposed to amend line 19 by inserting in lieu of the amendment just adopted the words “at or near the town of Georgetown, county of Williamson.”

Lost.

Mr. Darnell offered the following amendment:

Section 4, line 50, insert “Fort Worth.”

Lost.

Mr. Graves offered the following amendment:

Section 5, lines 56 and 57, strike out “to be located at or near the city of Austin,” and insert “to be located by a vote of the people.”

Adopted by the following vote:

NAYS—Abner, Brady, Chambers, Cline, Darnell, Davis of Brazos, Erhard, Flanagan, Henry of Smith, Lockett, McCormick, Mills, Mitchell, Nunn, Pauli, Rentfro, Reynolds, Russell of Harrison, Sansom, West, Wright—21.

Mr. Dohoney offered the following amendment to section 4, line 50:

By inserting after "therewith" the words "and there shall be established a branch of said university at some eligible point in Northern Texas." Lost.

Mr. Moore offered the following amendment:

Amend line 19 by adding after the word "located" the words "by commissioners, to be appointed by the Governor, as may be provided by law."

Mr. Dillard moved the main question on engrossing the article.

Carried.

Mr. Moore's amendment lost by the following vote:

YEAS—Abner, Ballinger, Brady, Burleson, Cline, Cooke of San Saba, Davis of Brazos, Erhard, Flournoy, Henry of Smith, Kilgore, King, Lockett, Mitchell, Moore, Murphy, Nunn, Pauli, Rentfro, Russell of Harrison, Sansom, Stewart, Stockdale, Wade, West, Whitfield—27.


The article was then ordered engrossed by the following vote:

YEAS—Abernathy, Allison, Ballinger, Burleson, Chambers, Cook of Gonzales, Cooke of San Saba, Darnell, Davis of Brazos, DeMorse, Dillard, Ferris, Flournoy, Graves, Haynes, Henry of Smith, Johnson of Franklin, Kilgore, Killough, King, Lacy, Moore, Norvell, Pauli, Ramey, Smith, Stewart, Stockdale, Weaver, Whitehead, Whitfield, Wright—32.


Mr. Whitfield moved to suspend the rules and put the article on its third reading. Carried.
Article read third time.

Mr. Cline moved to strike out all relative to location, in line 19, and insert "to be located near the capital of the State."

Lost by the following vote:


NAYS—Allison, Arnim, Blassingame, Bruce, Chambers, Crawford, DeMorse, Dillard, Dohoney, Ferris, Fleming, German, Graves, Henry of Limestone, Henry of Smith, Holt, Johnson of Franklin, Killough, Lacy, McKinney of Denton, Martin of Hunt, Norvell, Robertson of Bell, Scott, Spikes, Wade, Weaver, Whitehead—28.

Mr. McCormick offered the following amendment:

Amend line 56 so as to read "of a branch college or university."

Mr. McCabe moved to table the amendment.

Lost, and amendment lost.

Mr. Brady proposed to amend by striking out the word "Austin," in line 58, section 5, and insert "Brenham."

Lost.

The article was put upon its final passage, and passed by the following vote:

YEAS—Abernathy, Allison, Ballinger, Chambers, Cook of Gonzales, Cooke of San Saba, Crawford, Darnell, Davis of Brazos, DeMorse, Dillard, Ferris, Flournoy, Graves, Haynes, Henry of Smith, Johnson of Franklin, Kilgore, Killough, Lacy, Moore, Murphy, Norvell, Nunn, Robertson of Bell, Robison of Fayette, Sansom, Sessions, Smith, Stewart, Stockdale, Wade, West, Whitehead, Whitfield, Wright—35.


Mr. Crawford offered the following ordinance:

Be it ordained by the people of Texas, in Convention assembled, That at the election to be holden on the third Tuesday in Feb-
ruary, 1876, and at each biennial election thereafter there shall be elected by the qualified voters of the following named counties, a collector of taxes for each of said counties, who shall hold his office for two years, and shall receive such compensation as may be fixed by law, to-wit: Marion, Cass, Bowie, Red River, Lamar, Fannin, Grayson, Hunt, Hopkins, Montgomery, Washington, Brazos, Tarrant, Limestone, Freestone, Navarro, Smith, Grimes.

That this ordinance continue and be in force until the adjournment of the first Legislature after the next United States or other lawful census of the inhabitants of Texas shall be taken and returned.

On motion of Mr. Dillard, the ordinance was made the special order for 2½ o'clock p.m.

"Article —, Qualified Suffrage," was taken up and read a second time.

Mr. Mills moved to lay the ordinance on the table.

Carried by the following vote:


Nay—Allison, Blake, Burleson, Cook of Gonzales, Cooke of San Saba, Darnell, DeMorse, Dillard, Fleming, Holt, Kilgore, Killough, King, Lacy, McCormick, Moore, Murphy, Robertson of Bell, Robison of Fayette, Sansom, Smith, Stockdale, Whitfield, Wright—24.

Mr. Henry, of Smith, was paired off with Mr. Russell, of Wood, but for which he would vote "nay."

"Article —, Private Corporations," taken up and read second time.

[Mr. Dohoney in the chair.]

Mr. German offered the following amendment as a new section:

"Sec. —. No corporation shall issue stock or bonds, except for money paid, labor done, or property actually received, and all fictitious increase of stock shall be void."

Adopted by the following vote:

Yea—Arnim, Ballinger, Barnett, Blassingame, Bruce, Cline, Cook of Gonzales, DeMorse, Dillard, Flournoy, German, Graves,


Mr. Nugent offered the following amendment as section 7:

"Sec. 7. Nothing in this article shall be construed to divest or affect rights guaranteed by any existing grant or statute of this State or of the Republic of Texas."

Mr. Ramey submitted the following reports:

**Committee Room.**

*Austin, November 23, 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 "An Ordinance fixing the times of holding the District Courts of the State of Texas, and find the same correctly engrossed.

Respectfully,  

Wm. Neal Ramey, Chairman.

**Committee Room.**  

*Austin, November 23, 1875.*

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

SIR—Your Committee on Engrossed and Enrolled Ordinances beg leave to report that they have examined and compared "An ordinance submitting the new constitution to a vote of the people, and for other purposes," and find the same correctly engrossed.

Respectfully,  

Wm. Neal Ramey, Chairman.

On motion of Mr. Flanagan, the Convention adjourned to 2½ o'clock p.m., pending Mr. Nugent's amendment.

**EVENING SESSION—2½ O'CLOCK.**

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

Mr. Ramey reported as follows:
To the Hon. E. B. Pickett, President of the Convention:

Sir—Your Committee on Engrossed and Enrolled Ordinances would respectfully report to your honorable body that they have carefully examined and compared "An ordinance to divide the State of Texas into Judicial Districts," and "An ordinance to determine the effect of ordinances," and find the same correctly engrossed.

Respectfully,

Wm. Neal Ramey, Chairman.

Special order, viz., Mr. Crawford's ordinance to elect collectors in certain counties taken up, and on motion of Mr. Murphy, postponed till pending business should be disposed of.

"Private Corporations" taken up, pending Mr. Nugent's amendment.

[Mr. Brown in the chair.]

Mr. Stockdale, by leave, submitted the following reports:

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

Sir—The Committee on Ordinances have duly considered the memorial of I. H. Hutchins and Alfred Grooms, and also an ordinance on the same subject, that is, to provide a means of ascertaining and paying certain claims against the State. The committee instruct me to report that the same subject has been considered by another committee and acted upon. They, therefore, report back the matters before stated, and recommend that they be laid upon the table.

Respectfully submitted,

F. S. Stockdale, Chairman.

Adopted.

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

Sir—The Committee on Ordinances, to which was referred an ordinance to validate the judgments of the County Courts of Lamar and Fannin counties, has duly considered the same, and a majority of the committee instruct me to report: That they regard the question involved as judicial, involving private rights, such as the Convention cannot wisely settle. If the court had jurisdiction, its judgments, if otherwise without error, are valid. If the Legislature, at the date of the act conferring jurisdiction upon these courts, had no power to do so, any act of this
Convention, validating these courts and their judgments, would be retroactive. The committee, therefore, return the ordinance, and recommend that it do not pass.

F. S. STOCKDALE, Chairman.

Adopted.

COMMITTEE ROOM,
AUSTIN, NOVEMBER 23, 1875.

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

The Committee on Ordinaries, to which was referred the ordinance to declare the land certificates issued under the act of March 10, 1875, void, has duly considered the same, and I am instructed to report: That the question as to the validity of said certificates is judicial, and may be investigated by the courts, either under existing laws, or laws to be passed hereafter. The constitution framed by this Convention, if adopted, will prevent such use of the public domain hereafter.

The ordinance is therefore returned, with the recommendation that it do not pass.

F. S. STOCKDALE, Chairman.

Adopted.

Mr. Scott moved the main question.

Carried.

Mr. Nugent’s amendment was then adopted by the following vote:

YEAS—Abner, Ballinger, Blake, Brady, Brown, Burleson, Cline, Cooke of San Saba, Davis of Brazos, DeMorse, Dohoney, Ferris, Flanagan, Ford, Henry of Smith, Holt, Kilgore, Lockett, Moore, Murphy, Norvell, Nugent, Nunn, Pauli, Rentfro, Reynolds, Russell of Harrison, Sansom, Smith, Stewart, Stockdale, Weaver, West, Whitehead, Whitfield—35.


Mr. Stockdale moved that when the Convention adjourns it adjourns to meet at 7 P. M.

Carried.

The question then recurring on the engrossment of the article, it was ordered engrossed by the following vote:

YEAS—Abner, Allison, Arnim, Barnett, Blassingame, Brown, Bruce, Chambers, Crawford, Dillard, Dohoney, Fleming, Flournoy, Graves, Haynes, Henry of Limestone, Johnson of Collin, Johnson of Franklin, Killough, Lacy, McCormick, McKinney of
Denton, McKinney of Walker, Martin of Navarro, Martin of Hunt, Ramey, Rentfro, Robertson of Bell, Robison of Fayette, Ross, Scott, Sessions, Smith, Wade, Whitfield, Wright—37.

Nays—Ballinger, Blake, Brady, Burleson, Cline, Davis of Brazos, DeMorse, Ferris, Flanagan, Henry of Smith, Holt, Kilgore, Lockett, Mills, Moore, Murphy, Norvell, Nugent, Nunn, Pauli, Russell of Harrison, Sansom, Stewart, Stockdale, Weaver, West—26.

Mr. Allison moved to suspend the rule, and to place the article on its third reading.

Lost.

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

Resolved, First—that the Constitutional Convention of Texas has heard with deep regret the death of the Hon. Henry Wilson, of Massachusetts, Vice-President of the United States.

Second—that in the death of the Hon. Henry Wilson, this country has lost one of its most illustrious citizens, a profound statesman, a self-sacrificing and zealous patriot, a pure and distinguished public servant.

Third—that the President of this Convention forward copies of this resolution to the President of the United States and to the family of the deceased.

Fourth—that this Convention, as a tribute to the deceased, do now stand adjourned.

Adopted unanimously.

NIGHT SESSION—7 o'clock.

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

Mr. Ramey reported as follows:

Committee Room, Austin, November 23, 1875.

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

Sir—Your Committee on Engrossed and Enrolled Ordinances beg leave to report to your honorable body that they have examined and compared “Article — University,” and an ordinance supplementary to an ordinance “to provide for submitting the constitution to a vote of the people, and for a general election under its provisions,” and find the same correctly engrossed.

Respectfully,

Wm. Neal Ramey, Chairman.

Special order, viz: ordinance authorizing the election of Collectors of Taxes, taken up, and postponed for the present.
Municipal Corporations taken up and read second time.
Mr. Crawford offered the following amendment:

Add to section 4, "and all license and occupation tax levied, and all fines, forfeitures, penalties and other dues accruing to cities and towns shall be collectable only in current money."

Adopted.
Mr. McCormick proposed to strike out section 10.
Adopted.
Mr. Robertson, of Bell, moved to strike out section 11.
Mr. Nugent proposed to amend the section by striking out "a majority," and inserting "two-thirds," in line 70.
Mr. Graves moved to close debate on the pending amendments.
Carried.
Mr. Nugent's amendment adopted.
The question recurring on the adoption of Mr. Robertson's (of Bell) amendment, it was lost by the following vote:

YEAS—Abernathy, Armim, Blassingame, Bruce, Cooke of San Saba, Flournoy, German, Graves, Henry of Limestone, Holt, Johnson of Collin, McKinney of Denton, Martin of Navarro, Murphy, Norvell, Robertson of Bell, Robison of Fayette, Scott, Sessions, Spikes, Whitehead, Wright—22.


Mr. Blassingame moved to strike out section 8.
Lost by the following vote:

YEAS—Blassingame, Bruce, Crawford, Dillard, Dohoney, German, Graves, Holt, Johnson of Collin, Lacy, McKinney of Denton, Martin of Hunt, Rentfro, Robertson of Bell, Scott—15.


Mr. Brown proposed to amend section 2, in lines 3 and 4, by striking out the words "the removal of county seats."
Adopted.
Also, add to line 58 the words “and from taxation.”

Adopted.

Mr. Ferris offered the following, to come in at the end of Mr. Brown’s amendment just adopted:

“Provided, nothing herein shall prevent the enforcement of the vendor’s liens, the mechanic’s or builder’s lien or other liens now existing.”

Adopted.

Mr. Moore moved to strike out, in line 21, the word “five,” and insert “two and one-half.”

Mr. Flournoy moved to amend the amendment by inserting “two and one-half” instead of “three.”

Lost, and Mr. Moore’s amendment adopted.

Mr. Dillard offered the following amendment:

Section 8, add after “Gulf Coast,” in line 46, “Red River, Sulphur, Caddo Lake and its tributaries.”

Mr. Stockdale proposed to amend the amendment as follows:

Amend by inserting “all other rivers and lakes in the State.”

Lost.

Mr. Dillard’s amendment lost by the following vote:


NAYS—Abner, Allison, Arnim, Brown, Bruce, Burleson, Chambers, Cline, Cooke of San Saba, Cooley, Davis of Brazos, Fleming, Flournoy, Ford, German, Graves, Haynes, Henry of Limestone, Henry of Smith, Johnson of Collin, Kilgore, Lacy, McCormick, McKinney of Denton, McKinney of Walker, Martin of Navarro, Martin of Hunt, Mills, Moore, Murphy, Norvell, Nugent, Nunn, Pauli, Robertson of Bell, Robison of Fayette, Ross, Scott, Sessions, Smith, Spikes, Stockdale, West, Whitehead—44.

Mr. Robertson, of Bell, proposed to amend section 11 by adding “provided, that said tax shall never exceed more than one-fourth of one cent. in any year.”

Lost.

On motion of Mr. Nunn, the main question was ordered, and the article ordered engrossed by the following vote:

Nays—Blassingame, Brady, Bruce, Cooke of San Saba, Cooley, Dohoney, Fleming, German, Holt, Johnson of Collin, Kilgore, Lacy, McKinney of Denton, Martin of Hunt, Mills, Pauli, Rentfro, Robertson of Bell, Robison of Fayette, Scott, Spikes—21.

Mr. Stockdale in the chair.

“Article —, Public Lands and Land Office,” taken up and read third time.

Mr. Dohoney offered the following amendment:

Amend section 2, in line 23, by striking out “of” and inserting the words “or in.”

Adopted.

The article then passed by the following vote:


Nays—Blassingame, Brady, Bruce, Chambers, Cline, DeMorse, Fleming, German, Henry of Smith, Johnson of Collin, McCormick, McKinney of Denton, McLean, Martin of Hunt, Mills, Mitchell, Norvell, Nugent, Pauli, Rentfro, Robertson of Bell, Robison of Fayette, Ross—23.

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

Resolved, That there shall be printed for the use of the Convention, hand bill for 500 copies of the ordinance submitting the constitution to a vote of the people, and the ordinance supplementary thereto, both duly authenticated by the President and Secretary of the Convention.

Adopted.

On motion of Mr. Davis, of Brazos, the rule was suspended, and “Article —, Municipal Corporations,” was taken up and read third time.

Mr. Martin, of Hunt, offered the following amendment:

Amend section 8 by adding “provided, such appropriation shall only be made by two-thirds vote of both houses of the Legislature.”

Lost.

Mr. Brady moved to adjourn to 9’clock a.m. to-morrow.

Lost.

The article then passed by the following vote:

Yeas—Abernathy, Allison, Arnim, Ballinger, Barnett, Brown, Burleson, Cline, Cooke of San Saba, Crawford, Davis of Brazos, DeMorse, Ferris, Fleming, Flournoy, Graves, Haynes, Henry of...

Nays—Blassingame, Brady, Bruce, Dohoney, German, Holt, McKinney of Denton, Martin of Hunt, Mills, Pauli, Robertson of Bell, Scott, Spikes—13.

On motion of Mr. Pickett, the rule was suspended and "Article—, Impeachment," was taken up and read second time.

Mr. Norvell moved to strike out section 6.

[The President resumed the chair.]

Mr. Dohoney offered the following amendment:

Strike out the words "seven citizens of the State, three of whom, at least, shall be lawyers," and insert the words "lawyers practicing in the courts held by such Judge."

Adopted.

Mr. Norvell's amendment lost by the following vote:


The article was then ordered engrossed, by the following vote:


Nays—Brady, Cline, McKinney of Denton, Martin of Navarro, Mitchell, Norvell, Nugent, Rentfro, Robertson of Bell, Spikes, Stewart, West—12.

Mr. Dillard moved to suspend the rule, and place the article on its third and final reading.

Carried by the following vote:

NAYS—Abner, Brady, Bruce, Cline, Mills, Mitchell, Norvell, Nugent, Rentfro, Robertson of Bell, Stewart, West—12.

The question then recurring on the final passage of the article, it was passed by the following vote:


NAYS—Abner, Cline, German, Lacy, McKinney of Denton, Martin of Navarro, Mills, Norvell, Nugent, Robertson of Bell, Smith, Stewart, West—13.

Mr. West moved to adjourn to 9 o'clock A. M. to-morrow.

Lost by the following vote:

YEAS—Ballinger, Bruce, Cline, Cooke of San Saba, Ferris, Johnson of Collin, Kilgore, McCabe, Martin of Hunt, Murphy, Nugent, Nunn, Rentfro, Stewart, Stockdale, West—16.


Mr. Scott moved to suspend the rules and take up the article on private corporations.

Mr. West moved to adjourn to 9 o'clock A. M. to-morrow.

A call of the Convention was demanded.

Absent—Abner, Blake, Brown, Cook of Gonzales, Cooley, Crawford, Darnell, DeMorse, Erhard, Flanagan, Ford, Killough, King, Lockett, McCabe, Martin of Hunt, Pauli, Ramey, Reynolds, Russell of Harrison, Sansom, Smith, Weaver, and Wright.

On motion of Mr. Kilgore, the call was suspended, and the
motion to suspend the rules and take up "Article —, Private Corporations," carried by the following vote:


NAYS—Cline, Mills—2.

Mr. Scott moved the main question on the passage of the article.

Carried by the following vote:


NAYS—Cline, Dohoney, Henry of Smith, Kilgore, Mills, Mitchell, Moore, Stewart, Stockdale, West—10.

The article was then read third time and passed by the following vote:


NAYS—Ballinger, Brady, Cline, Davis of Brazos, Ferris, Henry of Smith, Holt, Kilgore, Mills, Mitchell, Moore, Murphy, Norvell, Nugent, Nunn, Rentfro, Stewart, Stockdale, West—19.

Mr. Rentfro moved to adjourn to 9 o'clock a. m. to-morrow.

Lost.

Mr. Norvell offered the following resolution:

Resolved, That the following shall be incorporated in the constitution as a section of the Judicial Department:
The Judges of the Supreme Court, Court of Appeals, and District Courts, shall be removed by the Governor, on the address of two-thirds of each house of the Legislature, for willful neglect of duty, incompetency, habitual drunkenness, oppression in office, or other reasonable cause, which shall not be sufficient ground for impeachment; provided, however, that the cause or causes for which such removal shall be required shall be stated at length in such address, and entered on the journals of each house; and provided further, that the cause or causes shall be notified to the judge so intended to be removed, and he shall be admitted to a hearing in his own defense before any vote for such address shall pass; and in all such cases the vote shall be taken by yeas and nays, and entered on the journal of each house respectively."

Mr. Norvell moved to suspend the rules and take up the resolution for consideration.

Carried by the following vote:


Nays—Abernathy, Brady, Cline, McCormick, Mills, Mitchell, Rentfro—7.

Resolution read second time.

Mr. Dillard moved the main question.

Carried, and resolution ordered engrossed.

Mr. Stockdale submitted the following protest:

Mr. President—As a delegate, responsible to my own conscience for the proper performance of my duty to the State, I beg, respectfully, to enter upon the journal this my protest against the passage of the "Articles on Railroads and Private Corporations." I protest for this: That the said articles can not lawfully effect their assumed purpose as to existing railroad and other private corporations, while no existing corporations can be affected—they being protected by the Constitution of the United States and their charters, which are contracts between the State and the corporators. The articles are a sure prevention of any further investment in railroads and other like works for public improve-
ment; and of the construction of all wharves and bridges, so necessary to the general public and private convenience.

Respectfully submitted,

F. S. Stockdale,
Delegate from Calhoun County,
C. S. West,
J. B. Murphy,
C. B. Kilgore.

On motion of Mr. Dillard, the rule was suspended, and Mr. Norvell's resolution read third time, and passed by the following vote:


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

SIXTY-EIGHTH DAY.

Hall of Representatives,}
AUSTIN, TEXAS, NOVEMBER 24, 1875.}

Convention met pursuant to adjournment; roll called; quorum present. Prayer by the Rev. Mr. Wright, of the Presbyterian Church, at Austin.

Journal of yesterday read and adopted.

Mr. West submitted the following protest:

AUSTIN, NOVEMBER 24, 1875.

TO THE HON. E. B. PICKETT, PRESIDENT OF THE CONVENTION:

SIR—The undersigned respectfully ask permission to have entered on the journal their protest against certain parts of the homestead clause, as contained in the article on General Provisions, placing conditions on the use of the homestead. They believe said clause ambiguous, obscure, unfair and unjust, in attempting to make an invidious discrimination between a coun-