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Citation: *Journal of the Reconstruction Convention: which met at Austin, Texas. Texas.*

Constitutional Convention (1868-1869). Austin, TX: Tracy, Siemering & Co., printers, 1870.

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created by said corporation, prior to the passage of this declaration.

SEC. 107. That from and after the passage of this declaration, an act entitled "An act to repeal an act entitled an act to consolidate, in one act, and to amend the several acts incorporating the city of Galveston, approved August 27, 1856; and to grant a new charter of incorporation to said city, approved December 9, 1863," be and the same is hereby repealed.

SEC. 108. This declaration shall be deemed a public declaration and may be read in evidence, without proof, and judicial notice shall be taken thereof in all courts and places, and no municipal ordinance or regulation shall be valid contravening the declarations and ordinances of this Convention, and this declaration shall be in force and take effect from and after the first day of April, 1869.

It was so ordered.

Mr. Patten introduced a declaration for the relief of the Waco Bridge Company, and asked its reference to the Committee on Internal Improvements without reading.

It was so ordered.

Mr. Newcomb offered the following

RESOLUTION.

WHEREAS, The south-western frontier of this State has suffered greatly, and still suffers, from the depredations of Indians of the Kickapoo, Pottawatomie, Muscogee and Seminole tribes having their rendezvous in Mexico; and

WHEREAS, Said Indians were once under the jurisdiction of the United States Government, and now signify their wish, through Mr. C. W. Thomas, a reliable resident of Santa Rosa, Mexico, to again be placed under the jurisdiction of the United States, to be removed to a reservation and cease their depredations; therefore, be it

Resolved, That the attention of the Federal authorities be drawn to this matter and the Secretary of the Interior Department, or the proper authority, be requested to send an authorized agent, or the authority to some proper person in Mexico, to enter into negotiations with the above-named Indians.

Second. That this preamble and resolution be transmitted to the Secretary of the Interior Department, President of the United States Senate, and Speaker of the House of Representatives and the Military Commander of this District, by the President of this Convention.

Mr. Newcomb moved the rules be suspended to take up the resolution.

The Convention suspended the rules.

The question recurred upon the adoption of the resolution.

It was adopted.

Mr. Slaughter moved a further suspension of the rules to put the resolution on its final passage.

Rules suspended.

Resolution read a third time and passed.

Mr. Smith of Galveston introduced the following

RESOLUTION.

WHEREAS, One Geo. Miller, deceased, executed his last will and testament on the _____ day of _____, A. D. 186—, devising his estate to Rebecca Miller (colored) and her son, which boy he the said decedent, claimed to be his child by the said Rebecca Miller; and

WHEREAS, There existed a law in this State prohibiting the said Rebecca and son from inheriting; therefore,

Be it declared by the people of Texas in Convention assembled:

That the said Rebecca is hereby enabled to succeed to the said estate, the same as if no inhibition existed.

Mr. Smith moved a suspension of the rules to take up the resolution.

Rules not suspended.

Mr. Smith moved its reference to the Committee on Judiciary.

It was so referred.

Mr. Thomas offered the following

RESOLUTION.

WHEREAS, There has been no rule for determining the mileage to which members of this Convention are entitled; and

WHEREAS, The Assessor and Collector of the various counties of the State are entitled to mileage from the county seats of their respective counties to the Capital, upon the annual settlement of their accounts; and

WHEREAS, The distances allowed assessors and collectors in computing their mileage has the sanction of the State Government since

the establishment of the Capital at Austin and is believed to be just ; therefore,

Be it declared as the sense of this Convention, That mileage should be computed over the nearest traveled route between two given points, and that the distances established at the Treasury, in its settlement with the revenue officers of the State Government, be, and the same are hereby declared to be, the standard and rule by which the mileage of the members of this Convention shall be determined, as well for the past as the present and future portions of the session ; and it is hereby made the duty of the Comptroller of Public Accounts to adjust the mileage of members of the Convention accordingly, and to deduct the amount of mileage overdrawn from the per diem pay of any member who may have drawn mileage in excess of this standard.

Mr. Thomas moved a suspension of the rules to take up the resolution.

Rules not suspended.

Mr. Buffington moved that Mr. Harn be indefinitely excused on account of sickness.

Excused.

Mr. Smith of Galveston moved that the resolution offered by Mr. Thomas be rejected.

Upon which the yeas and nays were demanded, and resulted thus :

Yeas—Messrs. Adams, Bellinger, Board, Brown, Bryant of Harris, Burnett, Caldwell, Fayle, Flanagan, W. Flanagan, Hamilton of Travis, Harris, Johnson of Harrison, Kendal, Kuechler, Kirk, Long, Morse, Mullins, Munroe, Rogers, Ruby, Scott, Smith, Varnell—25.

Nays—Messrs. President, Armstrong of Jasper, Armstrong of Lamar, Bell, Bledsoe, Bryant of Grayson, Butler, Carter, Cole, Degener, Downing, Evans of McLennan, Fleming, Gaston, Goddin, Gray, Hamilton of Bastrop, Jordan, Kealy, Keigwin, Leib, Lindsay, Lippard, Mackey, McWashington, Newcomb, Patten, Phillips of San Augustine, Posey, Schuetze, Slaughter, Sorrell, Stockbridge, Sumner, Thomas, Vaughan, Williams, Wilson of Milam, Wright—39.

So the Convention refused to reject.

On motion the resolution was referred to the Committee on Finance.

The President announced the hour had arrived, agreed upon by the Convention, to go into a Committee of the Whole upon the report of the Committee on the Condition of the State.*

Mr. Patten moved the business of the Convention be postponed, to allow Mr. Armstrong of Lamar to introduce a declaration incorporating the Austin Bridge Company.

It was so ordered.

Mr. Armstrong introduced the declaration, and asked its reference to the Committee on Internal Improvements without reading.

It was so ordered.

[The Convention in Committee of the Whole.—Mr. Armstrong, of Lamar, in the chair.]

Committee rose, reported progress, and asked leave to sit again to-morrow morning at eleven o'clock.

Leave granted.

On motion the Convention adjourned till to-morrow morning at ten o'clock.

*For report see page 106
