

9
WEDNESDAY, December 20th, 1865.

The Senate met pursuant to adjournment.

A quorum present.

On motion of Mr. Abercrombie, the reading of the Journal was dispensed with.

Mr. Abercrombie moved that the Senators now present who had not previously been sworn in, be now sworn.

The following Senators came forward, presented their credentials and were duly sworn by the President;

12th District,	W. C. Bird.
13th " "	E. J. Vann.
16th " "	Wm. B. Ross.
17th " "	W. H. Rosseau.
18th " "	J. R. Richard.
21st " "	Holmes Steele.
28th " "	F. A. Hendry.

Mr. Vann offered a resolution relative to the Senator from the 15th District.

Mr. Brevard moved that the resolution be referred to the Committee on elections;

Which was so ordered.

The Committee appointed to wait on the Governor elect and to ascertain at what time it would suit his convenience to be inaugurated, reported that they had performed that duty and that His Excellency had specified 12 o'clock M. on this day.

The Committee appointed to select a Chaplain for the Senate reported that they had selected the Rev. Orson Branch.

The Committee on Printing reported that they had made the following contract with Messrs. Hart & Shober;

Which was concurred in.

The committee appointed to contract for the Senate printing have accepted the within proposal of Messrs. Hart & Shober.

JAMES ABERCROMBIE, Chairman.

SENTINEL OFFICE,
TALLAHASSEE, Dec. 19th, 1865.

To Messrs. James Abercrombie, D. W. Whitehurst and E. A. Pearce:

Sirs—In reply to your application, we have the honor to propose to do the printing of the Senate at the following rates:

For all miscellaneous printing, such as daily slips of proceedings, (to be laid on the tables of Senators each morning,) Messages, Reports of Committees, Bills, &c., one and a half (1½) cents per

hundred words, counting one hundred copies. All over one hundred copies to be charged at the same rate per hundred words.

For 500 copies of the Journal, to be printed in Pamphlet form, and to be delivered as soon after the adjournment as possible, four dollars (\$4.00) per page, counting one copy.

These rates are higher than obtained before the war, but are not beyond the increase in the price of labor and all materials used in and about a printing office—the article of paper alone bearing now three-fold the price it did in 1860.

Very Respectfully,

Your obed't serv'ts,

HART & SHOBER,

Proprietors.

The President announced the following Standing Committees, and on motion fifty copies of the list thereof were ordered to be printed for the use of the Senate.

STANDING COMMITTEES.

On the Judiciary.

Messrs. BREVARD,
VANN,
GORRIE,
COTTRELL,
STEELE.

On the State of the Commonwealth.

Messrs. COTTRELL,
WHITE,
ABERCROMBIE,
WHITEHURST,
CURRY.

On Corporations.

Messrs. WHITE,
OWENS,
PEARCE,
WHITEHURST,
ROSS.

On Schools and Colleges.

Messrs. WHITEHURST,
ROPER,
CRAWFORD,
ROSSEAU,
MORRISON.

On Propositions and Grievances.

Messrs. PEARCE,
BIRD,
CURRY,
JORDAN,
VANN.

On Internal Improvements.

Messrs. OWENS,
OLIVEROS,
TURNER,
BAKER,
POE.

On Elections.

Messrs. KENAN,
HENDRY,
RICHARD,
GORRIE,
BIRD.

On Finance and Accounts.

Messrs. ROSS,
OLIVEROS,
EVANS,
MORRISON,
TURNER.

On Engrossed Bills.

Messrs. ROPER,
RICHARD,
CRAWFORD,
BAKER,
JORDAN.

On Enrolled Bills.

Messrs. CRAWFORD,
WOODRUFF,
EVANS,
ROSSEAU,
POE.

On Public Lands.

Messrs. STEELE,
FINEGAN,
KENAN,
ABERCROMBIE,
BREVARD.

On the Executive Department.

Messrs. BIRD,
FINEGAN,
ROSS,
STEELE,
CURRY.

On Military Department.

Messrs. FINEGAN,
KENAN,
WOODRUFF,
BAKER,
GORRIE.

On Taxation and Revenue.

Messrs. ABERCROMBIE,
COTTRELL,
OLIVEROS,
FINEGAN,
MORRISON.

On Federal Relations.

Messrs. GORRIE,
OWENS,
VANN,
BREVARD,
TURNER.

On Agriculture.

Messrs. EVANS,
HENDRY,
JORDAN,
POE,
RICHARD.

On all Subjects Connected with the Colored Population of the State.

Messrs. VANN,
WHITE,
OWENS,

Messrs. KENAN,
STEELE.

On motion, the Senate took a recess until 11½ o'clock A. M.

HALF-PAST ELEVEN O'CLOCK, A. M.

Senate resumed its session.
Quorum present.

Mr. Brevard asked that the rules be waived to enable him to offer a resolution :

The rules having been waived,

Mr. Brevard moved that the committee of three, appointed to prepare permanent rules for the government of the Senate be authorized to act with a similar Committee on the part of the House, as a Joint Committee to revise and amend the joint rules for the government of this General Assembly.

Adopted.

The Secretary handed in the following communication :

SENATE CHAMBER,
December 20th, 1865.

TO THE HON. W. W. J. KELLY,

President of the Senate :

SIR—I respectfully report that I have appointed the following named gentlemen as Assistant Clerks of the Senate :

Mr. F. Villepigue, Reading Clerk.

Mr. J. H. Bull, Enrolling Clerk.

Mr. C. Smith, Recording Clerk.

Mr. J. T. Magbee, Engrossing Clerk.

I have the honor to be,

Very respectfully,

Your ob't serv't,

BOLLING BAKER, Sec'y.

A Committee from the House appeared and invited the Senate to the Hall of the House, to participate in the inauguration of the Governor elect.

On motion of Mr. Brevard, the invitation of the House was accepted, and the Senators having proceeded to the Hall of the House, the Representatives, the Joint meeting was organized by the President of the Senate taking the Chair.

The Hon. Wm. Marvin, Provisional Governor, announced in the following address, that the Hon. David S. Walker, recently elected Governor of Florida, would now be inaugurated.

Mr. President, Mr. Speaker, and Gentlemen

of the Senate and House of Representatives :

When I assumed the duties of Provisional Governor of this State, in the first days of August last, I found the civil government of the State overthrown and prostrate, and martial law everywhere prevailing. This was a painful, anomalous and unnatural state of things.

The Constitution of the United States guarantees to each State in the Union a republican form of government, and the chief object contemplated by the President in appointing for the State a Provisional Governor, under the circumstances of the case, was, that the latter might make such rules and regulations as were necessary to enable the people of the State to assemble in Convention, and, accepting the results of the war, adopt such measures as were necessary to re-establish a State government, republican in form, and restore the natural and normal relations of the State with the general government.

I entered upon the duties of my office with zeal and earnestness, and notwithstanding the difficulties to be encountered in consequence of the total absence of any mail facilities in many parts of the State, and very insufficient ones in others, yet the facilities so generously furnished me by Major-General FOSTER, the commander of the military department of the State, enabled me to distribute, through military couriers, the proclamation and poll-books for an election; and an election was held on the 10th day of October in every county of the State for delegates to a Convention. The Convention assembled at the Capitol in this city on the 25th day of the same month, all the counties but two being fully represented. The aggregate vote of the State was 6,707, being considerable more than one-half of the votes usually polled at a general election in times of party contests, and this, too, notwithstanding in very many counties no opposing candidates were run. The Convention, therefore, represented the mass of the people, and the Constitution adopted and the ordinances passed by that body are founded upon the consent of the people of the State, regularly expressed by and through their delegates duly elected.

The Convention incorporated into the Constitution a clause declaring that "neither slavery nor involuntary servitude shall in future exist in this State, except as a punishment for crime, whereof the party shall have been convicted by

the Courts of this State, and that all the inhabitants of this State, without distinction of color, are free, and shall enjoy the rights of person and property without distinction of color; and that in all criminal proceedings, upon an injury to a colored person, and in all cases involving the rights and remedies of colored persons, no person shall be incompetent to testify as a witness on account of color. It opened the courts of justice alike to all persons, and annulled the State debt contracted in support of the secession, and annulled the ordinance of secession. This action of the Convention was at the time eminently satisfactory, and I have reason to believe has proved so to the people. It is under this Constitution, the fundamental law of this State, that you are now assembled, and the government is being organized. It is this Constitution that you have sworn to support.

Soon after the Convention adjourned, at its request, by virtue of its authority, I directed the civil officers of the government to resume the exercise of the functions of their respective offices, which had been hitherto and for several months previous suspended. The civil law governs the State at the present time in all matters except in the trial and punishment of certain high crimes, reserved for the present to the military authorities. I also issued a proclamation, at the request of the Convention, directing the militia of the State to be organized and inviting the formation of volunteer companies to be employed, if the occasion should require it, in the support of the civil authorities, and the preservation of the public peace and order. It is not intended, however, that the militia or volunteer troops shall appear under arms before they have received special orders from myself or the constitutional Governor, unless in some unforeseen case of justifiable necessity. The admirable disposition made of the white troops of the United States, by the General in command, will secure the peace and quiet of the State, if the civil authorities do their duty, as I have no doubt

Will. The colored troops have nearly all been removed from the interior of the State to the seaboard, and I am assured that the remainder will be just as soon as the interest of the public service will permit it.

It is under these circumstances and at this point in the progress of the reconstruction of the State government, that I have the honor and the very great pleasure to present to you the Honorable DAVID S. WALKER, lately elected by the qualified voters of the State to be its constitutional Governor for the next four years. The admirable qualifications of Governor WALKER for this important office have been recognized by the people by his unanimous election. It would, therefore, be but idle vanity in me to suppose that I can say anything which would recommend him more fully to the respect and confidence of the General Assembly or the people. I know, gentlemen, that you will appreciate his good sense, his intelligence, his equanimity of temper, his integrity of character, and above all, his sincere and earnest love of justice, a quality above all others most essential in the character of the Chief Magistrate of the State. I know, too, that you will respect his official character and give earnest attention and consideration to such measures as he may, in compliance with his constitutional duty, deem it expedient to recommend to you.

The State government enters upon its new career under circumstances of very great difficulty and embarrassment. The people are left by the war greatly impoverished, and are ill prepared to pay taxes. The State Treasury is empty. Taxes upon the lands of the State are due to the Treasury of the United States to the extent of \$77,520, less a small part heretofore collected, mostly by the sale of lots and houses at St. Augustine and Fernandina. The labor of the country is disorganized and demoralized, and the whole fabric of society more or less disturbed by the constant friction and irritation produced by this novel state of things. Martial law continues to exist for the punishment of the

higher crimes and offences, and may at any time be extended. The State has not resumed its normal and constitutional relations with the general government, and it depends upon the action of Congress whether it may immediately be permitted to do so or not. This Congress was elected at a time when the civil war was raging, and whether its members are prepared to believe in the sincerity of our avowed declarations when we declare our desires to be represented on the floor of Congress and to abide hereafter, for weal or woe whatever fate may befall the nation, is more than I can say. But our condition cannot be improved by folding our hands and sitting down in idle despair. We need to look calmly, dispassionately and earnestly at our real and true condition, and realize it in all its force, and then we ought patiently, enduringly and faithfully to labor to improve it. It appears to me, that, by wise legislation, and a just and impartial administration and enforcement of the laws which shall protect and secure all persons alike, without distinction of color, in all their just rights of person and property, and which shall give an easy and cheap remedy to the laborer for the collection of his wages, much may be done towards restoring confidence and kind feelings between the employer and the employed, and encouraging the industry of the country. Let the laborer be protected against impositions upon his ignorance in making his contract, so that he shall fully understand it, and let him feel fully assured that he has an easy and cheap remedy in the Courts of law for the recovery of his wages if they should be unjustly withheld from him, and many white and colored persons will be inclined to enter into contracts to labor, who would not otherwise do so. It is all-important to the successful cultivation of corn and cotton, that the planter should be able to rely at all times upon having a sufficient number of hands in his service to make and gather the crop, and this takes nearly or quite all the year. He must hire his laborers by the year, and it seems to me that in the present condition of the

laboring force in this country, it is all-important to the interest of the country that he should have some security that the laborer will not leave his employment at a time when his services are most needed. The ordinary remedies known to the common law for the non-performance of a contract to labor, afford him no security, for the laborer, as a general thing, has no goods or chattels, lands or tenements, to levy upon under an execution. It seems that some remedy ought to be provided by the Legislature in such cases.— What that remedy ought to be, may tax the ingenuity of the Legislature to devise, and perhaps it will only be learned by experience, but it appears to me that it would be wise for the Legislature to provide by law, that where the laborer has entered into a contract in writing before the Judge of Probate or a Justice of the Peace, to labor upon a plantation for one year for wages or a part of the crop, and the contract specifies the wages to be paid and the food to be given, that if the laborer abandons the service of his employer, or is absent therefrom two days without the leave of his employer, or fails without just cause in other important particulars to perform his part of the contract, that then he may be arrested by the proper tribunal, and if found guilty on a hearing of the case, be sentenced to labor during the unexpired term, without pay, upon the highways, in a government workshop, or upon a government plantation to be rented or bought either by the State or by the different County Commissioners in their respective counties, and there subjected to such oversight and discipline as may be found to be necessary.

Much may be done, too, to stimulate the industry of the country and protect it against pauperism, by passing wise laws upon the subject of vagrants and providing for their employment, being careful not to include in this class persons who are not really so.

The old and infirm, who are destitute and incapable of supporting themselves by labor, ought to be supported at

the public expense. It would be inhumane and unchristian to leave them to perish, so long as we have the ability to prevent it. "The poor ye have always with you," said the Saviour. They are his gift or legacy to us, for the trial of our faith and charity. Let us accept the gift with grateful hearts, and do what we can for their support and comfort. There are many children in this State, white and black, who are deprived of their parents, one or both, or whose parents are incapable of supporting and educating them as they ought to be. These should be apprenticed until they are twenty-one years of age. The law on this subject ought to be carefully guarded, so as to protect the apprentice against injustice or oppression. It ought to provide that the apprentice should be produced, if living, at least once a year before the tribunal that binds him out, which should be authorized to revoke the articles of apprenticeship on account of any gross injustice or oppression of the master.

The material wealth and prosperity of our State, in the present condition of the country, would be greatly promoted, in my judgment, by the introduction of money capital from abroad, to be employed in other branches of industry besides agriculture. More and different avenues of labor should be opened in order to give employment to all our people. Every healthy man, woman, and child over ten years of age, white or black, is capable of doing something for his or her support. But many persons do not like to work in the cotton or corn fields, or are physically incapable of it. If these could find employment in manufacturing establishments, or in mechanic workshops, it would be a great advantage to them, and a profit to the State. We are not prepared by any means and all at once to engage in an extensive system of manufacturing; but we are, in my opinion, prepared to manufacture all of our leather. Hides, oak bark, and rivulets of water, are on hand to supply tanneries. We ought to make all our own boots and shoes, saddles and harness. We can manufacture, too, to advantage, the coarser cotton

and woollen fabrics. We ought to make all of our ploughs, harrows, cultivators, carts and wagons. The forests are filled with beautiful wood, suitable to the manufacture of cabinet wares, bureaus, tables, chairs, sofas, &c. The forests supply, too, moss for matrasses and other purposes, and abound in live oak, cedar, pine and other valuable woods. Indeed, capital from abroad is flowing rapidly into our State, to be employed in the manufacture of lumber. I am glad to see that, but I wish to see the labor of the country still more diversified, so that all may be without excuse for their idleness. Labor is the law of our existence.

I know of no sure and certain way of replenishing the exhausted treasury of the State, but by taxation. It would be a great relief to the people of our State, if Congress would authorize the postponement of the collection of the direct tax due the United States, for a year or two, and allow the State in the meantime to assume the debt, and collect it through its own tax collectors. It is possible, too, that a temporary loan for a small amount, for present use, can be effected at home or in the northern cities.

In regard to the re-establishment of our constitutional and normal relations with the general government, at an early day, much depends, in my judgment, upon the action of the present Legislature, and upon the spirit and temper of the people in the different parts of the State. The Legislature must ratify the proposed amendment to the constitution of the United States for the abolition of slavery throughout the country. Slavery is abolished in all the Southern States, and no intelligent man expects to see it re-established. The General Assembly can have, therefore, no reasonable objection to the ratification of this proposed amendment, and I should be glad to see it done, not because the President desires it, though he ardently does, but because, in the present condition of the country, it is right and proper in itself, and necessary to the general pacification of the country. This done, I think, so far as I can judge, that the President will

permit the State government to go on and exercise its powers, and perform its proper duties. Whether Congress will allow our Senators and Representative to take their seats without some discussion and delay, I have no means of knowing. Much may depend upon the opinion that may form on the subject of the willingness and the ability of the State government to protect all the inhabitants of the State in the enjoyment of their just rights, without distinction of class or color, and without regard to the part they may have taken in the late civil war. And this depends upon the spirit and temper of the people in different parts of the State, and mainly upon the disposition of the Justices of the Peace, Sheriffs and Jurors, to do their duty impartially, according to law. It must be borne in mind, that the faith of the nation is pledged for the protection of the freedmen in all their proper rights of freedom. It is also pledged for the protection of that class of our fellow-citizens who remained loyal to the Union during the war, and particularly to those who entered into the military service of the United States. These are in a minority in the State.

If, by the passage of wise laws and their impartial execution, we can give assurances that these persons will receive equal and fair protection with others, I think we may look forward hopefully to the early admission of our Senators and Representatives on the floor of Congress.

It is every way the interest and I believe the sincere desire of the people of this State, that the controversy pending with the Government and people of the United States should be settled on fair and honorable terms. Let us therefore do everything which we honorably can to settle it upon a solid and durable basis. Let us cultivate, too, sentiments of nationality and love of the whole country, from Maine to Texas, and from the Atlantic to the Pacific. We are Floridians, and we ought to be thankful that our lot have fallen to us in so pleasant a land. But are we not Americans also, and have we not an interest in the whole

country? And should we give up or throw away our birth-right, our inheritance, in this great country, and not love it, and not be proud of it, because we were born in, or prefer to live in, this State rather than another? Peace has its victories as well as war. The bravery and gallantry of our troops in war is known and acknowledged by the whole American people. But a brave people is also a generous people. The war over, they forget the causes of the war and the war itself, and make friends of their enemies. Let us do our part to re-establish kind and friendly relations. At least, let us not indulge the idle fancy of loving or hating one man rather than another, for no other reason than because he happened to be born in one section of the country rather than another. What matters it to you or to me, whether his infant ears first opened to the sound of the whistling, freezing winds on the granite hills of New Hampshire, or to the sound of the Æolian harp playing in the warm sunshine among the tops of our beautiful pines in Florida? It is the man himself, not the place where he was born, which concerns us. The prejudiced Jews failed to discover any thing good in our Saviour, because he came out of Nazareth. Let us not imitate their example, but on the contrary set an example of charity and liberality to our Northern brethren. Our people are freer probably from indulging in this idle whim than the people of any other State in the Union, for they are made up in a large degree of immigrants from all the States, and they have learned that worth and merit, or prejudice and meanness, do not belong exclusively to any one portion of these United States. Above all, let us conscientiously do what is right ourselves, and leave events to the control of Him, who governs the nations of the earth, and at the same time numbers the hairs of our head.

A new Constitution in harmony with the existing order of things having been adopted, and an election held under it for a Governor, members of the General Assembly, and most

of the civil officers of the Government, upon the completion of the inauguration now going on and the passage of a resolution ratifying the proposed amendment to the Constitution of the United States, the objects of my appointment will have been mainly, if not wholly accomplished, and I shall expect to receive in a few days, if the ratification passes, the formal leave of the President to retire from the post assigned me. The labors of the office, for a considerable number of months after I first assumed its duties, were very severe. The property of many of the inhabitants had been seized for confiscation or actually confiscated, the property of others was held as captured or abandoned, and the property of others had been sold for the non-payment of taxes which they had had no opportunity of paying. Everybody seemed to be in trouble. The limitations imposed on the powers of the Provisional Governor were not generally known. It was often supposed that he could do every thing, though he possessed really little or no power.

All these persons naturally applied to me for advice or assistance. Whenever I could not give the relief sought, I applied to the Commanding General of the Department, or in his absence, to the General in command of the District, or if the case required it, to the Commissioner of the Freedmen's Bureau. These gentlemen I always found ready to listen to the many tales of distress produced by the war, and cheerfully responded to the claims of humanity and justice whenever it was in their power.

In all my labors, I have constantly been cheered by manifest signs among the people of a returning sense of attachment to the old Union, and by the prospect of soon seeing the State of my adoption and of my affection restored to her true position among her sister States, respected as an equal, and cherished as a friend. Taught wisdom by experience, may she find in the Union, for unnumbered ages yet to come, that security, contentment and repose which she in vain sought for elsewhere. And may her children and

children's children yet unborn, as they read the instructive lessons of this day, learn to avoid the rock on which she split, and cling to the Union of these States as the sheet anchor of our peace and safety at home, and of our character and respectability abroad.

The Governor elect was duly sworn into office by the Hon. C. H. DuPont, Chief Justice of the Supreme Court of Florida, and after taking the oath, made the following address:

*Gentlemen of the Senate and
House of Representatives:*

From the beginning it has been the custom in the States of our Union for the Governor elect to improve the occasion of his inauguration by making such remarks as existing circumstances might suggest, and by recommending the adoption of such measures as the good of the country might require.

In compliance with this time-honored custom, I now address you.

By failing to regard the disinterested warnings of the "Father of his Country" against "the baneful effects of the spirit of party," and particularly "when founded on geographical discriminations"—by omitting, as he advised, to remember that "the jealousy of a free people ought to be constantly awake against the insidious wiles of foreign influence," and by neglecting, as he recommended, "to frown indignantly upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts"—the people of the United States, nearly five years ago, became involved in the terrific civil strife which has but recently ended. We now hope that by a strict adherence to his advice, "the unity of government which constitutes us one people" will again become "dear to us," and that in all future time, we will regard it as "a main pillar in the edifice of our real independence, the support of our tran-

quility at home, our peace abroad, of our safety, of our prosperity, of that very liberty we so highly prize."

To repair the waste of war; to restore the States to their proper relations with the Union; to bring about an era of good feeling and fraternity; to re-establish the Government on the principles of the Constitution, and to perpetuate our unity by securing all that makes it desirable, are the objects of primary desire with all patriotic and honest men North and South, East and West.

But it is more particularly of our duties as citizens of Florida, that I would speak.

And, in the first place, as we are now renewing our relations of friendship and union with the States of the North, let us be particular to abolish all points of difference among ourselves. During the late unhappy conflict, some of us were known as Union men, some as Constitutional Secessionists, and others as Revolutionists. A glorious opportunity is now afforded to fling away these names, and with them the strifes they have engendered, and to meet, as brethren ought to meet, upon the platform of the Constitution which our fathers made for us in 1787. If I shall be permitted to administer the Government, I shall know no distinctions between citizens on account of past political differences.

I will not condemn the Union man, because I know from experience how completely the love of the Union becomes a part of our very existence, and how it is endeared to us by a thousand glorious recollections, and as many brilliant anticipations. I know that the heart of Florida's greatest and most renowned citizen was literally broken by the severance of the Union.

Nor will I condemn the Constitutional Secessionist, because I know that, though he differed from me, his side of the question was supported by arguments, if not unanswerable, yet of great plausibility, and by the authority of many of the greatest names that this country has ever produced.

Nor yet will I condemn the Revolutionist, for I know

that he, though originally opposed to secession, went into the war, after the fact was done, upon the conviction that it was no longer an open question, and that it was the duty of every man to stand or fall with his own section.

In fact, the great questions connected with the integrity of the Union were, before the war, so unsettled, and the opinions of great men so varied, that it required a man greatly superior to myself to say with certainty who was right and who was wrong. Seeing the different luminaries which guided our people, I am not astonished that the very best men in our land were found arrayed in opposing ranks.

I need not enumerate the host of great men who stood with the immortal CLAY for the integrity of the Union and against the doctrine of secession.

The logic of events has proved that they were right. But among those who held the contrary doctrine, that a State might secede from the Union without an infraction of the Federal Constitution, we find the names of such men as Mr. RAWLE, a distinguished lawyer of Pennsylvania, to whom Gen. WASHINGTON more than once tendered the office of Attorney General of the United States, JOHN RANDOLPH, of Roanoke, NATHANIEL MACON, of North Carolina, Mr. CALHOUN, of South Carolina, P. P. BARBOUR, a late Justice of the Supreme Court of the United States, and Judge MCKEAN, a late Chief Justice of the Supreme Court of Pennsylvania.

Those who advocated the right of revolution quoted the remark of Mr. WEBSTER, that "a bargain broken on one side was broken on all sides, and that if the North should not obey the Constitution in regard to the rendition of fugitive slaves, the South would no longer be bound by the compact." Mr. GREELEY, then, as now, a great leader of Northern sentiment, had said that "he could not see how twenty millions of people could rightfully hold ten, or even five, in a Union with them, by military force"; and again, "that if seven or eight States should send agents to Washington to say 'we want to get out of the Union,' he should

feel constrained by his devotion to human rights to say
them go." In this connection he also quoted the Declara
of Independence, that "Governments are instituted for
benefit of the governed ; and that when any form of g
ernment becomes destructive of these ends, it is the right
the people to alter or abolish it, and to institute
Government," &c.

Mr. LINCOLN, prior to his first election, had acknowledged
this principle, with the addition, that not only a people
any part of a people, being sufficient in numbers to make
respectable government, might set up for themselves
TYLER, a late President of the United States, held to
doctrine of secession, and Mr. BUCHANAN, the then President
of the United States, said, just before the commencement
the war, that while he thought a State had no right to leave
the Union, yet if she should leave it, the remaining States
would have no right to coerce her return.

Amidst these various and conflicting views, all supported
by the highest authority, it is no wonder that our people
should have become bewildered, or that, being forbidden by
the stress of events to remain neutral, some should have
adhered to the Union and others to the State.

For these reasons, I repeat, that if I shall be permitted to
administer the Government, I shall know no distinction
between citizens on account of past political differences. I
shall take it for granted that all have done what they con
ceived to be their duty under the circumstances, and the
only question I shall ask concerning any one presented to
me for position, will be, "Is he honest, is he capable, is he
attached to the principles of the Constitution of the United
States and the Constitution of the State of Florida?" All
shall have the equal benefit of the laws, and, as Heaven is
my judge, all shall equally suffer the keenest penalty of the
laws for any infraction thereof. Law and order shall be
maintained.

I am happy to believe that this declaration meets with

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the general approbation of our people. Already they have given the most gratifying indications that they hold the same opinion with myself on this subject. All over the State I hear of citizens, who were recently in hostility, now forming business associations, and getting along most harmoniously; and in our Constitutional Convention, just adjourned, I saw gentlemen who had served in the army of the United States, and gentlemen who had served in the army of the Confederate States, sitting side by side, consulting only for the good of the Union, and the State as one of its members.

Having spoken of the relations which ought to exist, and which, for the most part, do exist among the white people of the State, I now naturally come to speak of the feelings which ought to be cherished, and the policy which ought to be pursued, towards our colored population.

I think we are bound by every consideration of duty, gratitude, and interest, to make these people as enlightened, prosperous and happy as their new situation will admit.— For generations past they have been our faithful, contented and happy slaves. They have been attached to our persons and our fortunes, sharing with us all our feelings—rejoicing with us in our prosperity, mourning with us in our adversity. If there were exceptions to this general rule, they were only individual exceptions. Every Southern man who hears me knows that what I say is literally true in regard to the vast mass of our colored population. The world has never before seen such a body of slaves. For, not only in peace, but in war, they have been faithful to us. During much of the time of the late unhappy difficulties, Florida had a greater number of men in the army, beyond her limits, than constituted her entire voting population. This of course stripped many districts of their entire arms-bearing inhabitants, and left our females and infant children almost exclusively to the protection of our slaves. They proved true to their trust. Not one instance of insult, outrage, or indignity, has ever

come to my knowledge. They remained at home and provided provisions for our army. Many of them went with us to the army, and there, too, proved their fidelity, attending them when well, nursing and caring for them when sick and wounded. We all know that many of them were brave and some of them anxious, to take up arms in our ranks. Although, for several years, within sound of the guns of the vessels of the United States, for six hundred miles along the seaboard, yet scarcely one in a thousand voluntarily left agricultural service to take shelter and freedom under the flag of the Union. It is not their fault that they are here; they had nothing to do with it: that was brought about by "the results and operations of the war."

But they are free. They are no longer our contented, happy slaves, with an abundant supply of food and clothing for themselves and families, and the intelligence of a superior race to look ahead and make all necessary arrangements for their comfort. They are now a discontented and unhappy people, many of them houseless and homeless, roaming about in gangs over the land, not knowing one day where the supplies for the next are to come from—exposed to the ravages of disease and famine—exposed to the temptations of theft and robbery, by which they are too often overcome—without the intelligence to provide for themselves when well, or to care for themselves when sick, and doomed to untold sufferings and ultimate extinction, unless we intervene for their protection and preservation. What do we do it? I repeat, we are bound to do it, by every consideration of duty, gratitude and interest.

Much has been said of late about the importation of white labor from Germany, Ireland, Italy, and other countries, and with proper limitations and restrictions I am in favor of it; but let us always remember that we have a laboring class of our own which is entitled to the preference. It is not sufficient to say that white labor is cheaper. I trust

are not yet so far degraded as to consult interest alone. But interest alone would dictate that it is better to give these people employment, and enable them to support themselves, than have them remain upon our hands as a pauper race; for here they are, and here, for weal or woe, they are obliged to stay. We must remember that these black people are natives of this country, and have a pre-emption right to be the recipients of whatever favors we may have to bestow.—

We must protect them, if not against the competition, at any rate against the exactions of white immigrants. They will expect our black laborers to do as much work in this climate as they have been accustomed to see white ones perform in more Northern latitudes. We know that they cannot do it. They never did it for us as slaves, and the experience of the last six months shows that they will do no better as freedmen. Our fathers of 1783 knew that it takes five black men to do the work of three white ones, and consequently, in adjusting the apportionment of taxes upon the basis of the labor and industry of the country, eleven of the thirteen States of the old Confederation recommended that every five blacks be counted as only three. The same rule was afterwards adopted in the Constitution of 1787, in regard to representation. But I fear those who may migrate hither from Europe or elsewhere, will be unmindful of this fact. We ought not to forget it, and between foreign and black labor we ought always to give the preference to the latter when we can possibly make it available. And if we can offer sufficient inducements, I am inclined to think that the black man, as a field laborer, *in our climate*, will prove more efficient than the imported white.

We ought to encourage our colored people to virtue and industry, by all the means in our power. We ought to protect them in all their rights, both of person and property, as fully as we do the whites.

This is the view taken by our recent State Convention. After recognizing the fact that they are free, and declaring that slavery shall never hereafter exist in this State, they

proceed to open to them all the Courts of justice, and add them as witnesses "in all criminal proceedings founded on an injury to a colored person, and in all cases affecting rights and remedies of a colored person."

I trust, gentlemen, that this action meets your approbation, and that you will take great care, not only not to discriminate in your legislation against the colored race, but that you will so shape your enactments as to promote their welfare and happiness to the fullest possible extent.

Considering their ignorance and liability to be imposed upon, I think it would be well for you to provide that they shall be bound by no contract to labor, unless the same be reduced to writing and acknowledged before some judicial officer, that a speedy remedy be given them to collect their wages, and that they recover damages when dismissed without good cause. And on the other hand, considering how essential it is to the successful cultivation of our great staples, that those who engage as laborers should remain throughout the whole period of service contracted for, I recommend that a violation, without good cause, of any contract once fairly entered into, either by black or white laborers, be made a misdemeanor, and punishable with such penalties as will prevent the evil.

I now invite your attention to our relations with the Federal Government.

Thus far our people have manifested their loyalty and desire to return to the Union, by doing all that the Government was understood to desire. They have taken the oath prescribed in the proclamation of the President, "to support the Constitution of the United States, and the union of the States thereunder, and to abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves." They have held an election, under the proclamation of the Provisional Governor, for members of a State Convention. That Convention has annulled the ordinance of secession. It has repudiated all debts contracted by the

State since the date of the secession. It has declared that all those who were slaves are now free. It has opened to them all the Courts. It has admitted them as witnesses in all cases in which they are interested. And in short, they have left nothing undone which they understood the Government to desire.

At the conclusion of the session of the Convention, our much esteemed Provisional Governor, who represents the President, and so deservedly possesses his confidence as well as that of our people, appeared before that body and said: "I congratulate you upon the termination of your labors. The result of them merits and receives my entire approbation as Provisional Governor. As a citizen of the State, I approve of *nearly* all that you have done. Speaking, however, merely as any other *citizen*, I confess that some of your action I could have preferred to have been different. But, as *Provisional Governor*, I am *entirely satisfied with what you have done*. You have done everything that in my official capacity I asked you to do. I asked nothing but what was right. You have done it all, and in the right spirit. Your action in regard to negro testimony receives my especial commendation. You have met the issue fairly and fully, and have done all that could have been desired. The Conventions of other States have evaded it by transferring it to their legislatures. I hope they will be successful and prosperous, but feel that the action of Florida, so fully in accordance with the wishes of the President, will place her in a better situation than their's. With such a Constitution as you have adopted, there can be no reason to doubt the admission of your Representative and Senators into the Congress of the United States."

Thus we have the endorsement of the Government itself upon the action of our Convention, that "they have done all that could have been desired, and in the right spirit."

Yes, gentlemen, the Convention did all that *it* could do. And now one thing remains for the Legislature to do, which the Convention could not do, and that is to ratify the pro-

posed amendment to the Constitution of the United States which reads as follows :

* First. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Second. And Congress shall have power to enforce this article by appropriate legislation."

I cannot better give you the reasons why this amendment should be adopted, and, at the same time, the true meaning of the second clause thereof, than by repeating to you a portion of the correspondence which recently took place between the President and the Provisional Governor of South Carolina.

On the 28th of October last, the President telegraphed to the Governor as follows :

"I hope your Legislature will have no hesitation in adopting the amendment to the Constitution of the United States abolishing slavery. It will set an example which will in doubt be followed by the other States, and place South Carolina in a most favorable attitude before the nation. I trust in God that it will be done. The nation and State will then be left free and untrammelled to take that course which sound policy, wisdom and humanity may suggest."

Three days subsequently the President telegraphed to the Governor as follows :

"There is deep interest felt as to what course the Legislature will take in regard to the adoption of the amendment of the Constitution of the United States abolishing slavery, and the assumption of debt created to aid in the rebellion against the government of the United States. I trust in God that the restoration of the Union will not be defeated, and all that has so far been well done, thrown away. I still have faith that all will come out right yet. This opportunity ought to be understood and appreciated by the people of the Southern States. If I know my own heart, and every passion which enters it, it is my desire to restore the blessings of the Union, and tie up and heal every bleeding wound which has been caused by the fratricidal war. Let us be guided by love and wisdom from on high, and union and peace will once more reign throughout the land."

To these telegraphic dispatches the Provisional Governor replied, among other things, that "there was no objection to the adoption of the proposed amendment to the Federal Constitution, except an apprehension that Congress might, under the second section of that amendment, claim the right to legislate for the negro after slavery was abolished."

To this the Secretary of State replied on the 6th of November, stating, among other things, as follows:

"The objection which you mention to the last clause of the constitutional amendment is regarded as querulous and unreasonable, because that clause is really restraining in its effects instead of enlarging the power of Congress. The President considers the acceptance of the amendment by South Carolina as indispensable to a restoration of her relations with the other States of the Union."

The President of the United States, the Attorney General, and the Secretary of State, are all understood to concur in this obvious meaning of the proposed amendment, and with this understanding, I earnestly recommend it to your adoption. Congress can only enforce, "by appropriate legislation," the non-existence of slavery. This being done, their power is exhausted, and "the apprehension that Congress might, under the second section of the amendment, claim the right to legislate for the negro after slavery was abolished," "is regarded as querulous and unreasonable, because that clause is really restraining in its effects instead of enlarging the powers of Congress."

The only other objection I have heard to the adoption of this amendment, is that its adoption may only be opening the door to a demand for new concessions. My answer is, that we have no reason to believe that this will be so. It is unfair and ungenerous to suppose that the Government is endeavoring to inveigle us into the adoption of certain measures, with a promise of a restoration of our rights in the Union, when in fact it does not mean to admit us upon the adoption of those measures, but intends to make further de-

mands after the first shall have been acquiesced in, suspicion is entirely unworthy of the course which the President of the United States has pursued towards us, in the cessation of hostilities. He told us frankly from the beginning what would be required of us. I know that when I came in July last the adoption of this amendment was expected. Our Provisional Governor told us so in his speech at Quincy, and on other occasions. All the action of the Convention was had with a full knowledge of that expectation, and in the adoption of the amendment you will be completing a series of measures which they knew would be completed to secure to the State all her rights as a member of the Union.

The new demand which, I am informed, some fear will be made is that of negro suffrage. I am satisfied that no demand will never be made by the President. If there is any one thing that he is more pledged to than another, it is that of allowing each State to "prescribe the qualifications of electors and eligibility of persons to hold office under the Constitution and laws of the State—a power, (which the Constitution says,) the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time." This is the language used and the position taken by him in his proclamation organizing the first Provisional Government in North Carolina. On the third of October last, he said, "Our safety lies in allowing each State to control the right of voting by its own laws," and in his message to Congress which we have just received, he stands firmly, fairly and squarely up to his original position.

Nor do I think that this unjust demand will ever be made by Congress. I think the position of the President will be sustained. The recent vote in Connecticut and Wisconsin expressly repudiating negro suffrage—together with the fact that it is allowed in only a few States of the Union, and in those few only with qualifications, renders it highly improbable that a Congress of Northern men will compel us to ad-

not it while they reject it themselves. To do so would be to assert that many generations of freedom have not qualified the few negroes, in their midst, to vote, while as many generations of slavery have qualified our millions.

But suppose, for the sake of the argument, that Congress should make this demand—what then? Still I say we will be in a better position by having adopted the amendment. We will have done all that the President desired us to do, and so far as the Executive Department is concerned, we may be considered as in the Union and entitled to the enjoyment of all its blessings, for the President most feelingly says, "If I know my own heart and every passion which enters it, it is my desire to restore the blessings of the Union, and tie up and heal every bleeding wound which has been caused by the fratricidal war." We may then reasonably hope that ere long martial law will cease to prevail in our State, that civil law will be fully restored and the authority and jurisdiction of the State Government entirely reinstated.

If Congress shall unexpectedly refuse to admit our Senators and Representative, because we have not allowed negro suffrage, we must then, without manifesting any undue impatience, wait until Congress shall think better of the matter. The justice of our cause, the influence of the President, and the good sense and patriotism of the nation, cannot fail to give us our representation in the end.

Of course we could never accede to the demand for negro suffrage, should it be made.

We have manifested that our loyalty and desire to renew our relations with the Union are so great that to do so we are willing to yield every thing but our honor and our consciences. We have all lost much—many of us our all—all but our honor. Let us preserve that, though we lose every thing else. We have been able to give an honest and conscientious consent to all that has been done, but each one of us knows that we could not give either an honest or a conscientious assent to negro suffrage. There is not one of us that would not feel that he was doing wrong, and bartering

his self-respect, his conscience, and his duty to his country and to the Union itself, for the benefits he might obtain by getting back into the Union. Much as I worshipped the Union, and much as I would rejoice if my State once more a recognized member thereof, it is better, a thousand times better, that she should go out of the Union, even as one of her subjugated provinces, than go back "eviscerated of her manhood," despite her honor, recreant to her duty—without her self-respect and of course without the respect of the balance of the world—a miserable thing, with the seeds of moral and political death in herself, soon to be communicated to all her associates.

If time allowed, I would like, now, to speak of what revision ought to be made for our poor and for those who have been disabled in, or made widows and orphans by the late war, and upon our financial, educational and intelligence improvement systems. But to do so, would protract my remarks to an inconvenient length. I must, therefore, limit what I have to say on these and other points, the subject of special messages. I shall at all times seek a free interchange of opinions with you, deeming it important to the welfare of the State that a good understanding and cordial relations shall exist between the Executive and Legislative Departments of the government.

And in this connexion, it is proper to say, that I shall deem it my duty, as the representative of the State, and I will be in perfect accord with my feelings, to cultivate the friendship and invite the confidence and co-operation of the Provisional Governor and of the gentlemen of the army of the United States, who are stationed amongst us. They are our fellow-citizens and the officers of our government, but duty here, not to irritate and oppress us, but to assist in preserving order during our transition state, and to conciliate and soothe. With few exceptions, they all have filled their delicate mission with credit to themselves and satisfaction to us. To Maj. Gen. FOSTER, commanding in this State

Our thanks are due for the general justice and mildness with which he has exercised his great authority, and particularly for the facilities he has afforded both to the members of the Convention and of this Legislature in assembling at the Capitol.

In conclusion, I beg that you will excuse a few words in regard to myself.

Twenty-eight years ago, I was a penniless stranger, from a far distant State, seeking in this bright land a place where, by close attention to business, I might earn an honest living. I found it here. The people took me by the hand, and ever since, whether in prosperity or adversity, peace or war, have held me in the embrace of their confidence. As a Lawyer, Representative, Senator, Register of Public Lands, and Judge of the Supreme Court, they have always stood by, encouraged, sustained, and, with their approbation, more precious than the gold of Ophir, rewarded me.

Six years ago, when they placed me upon the Bench of the Supreme Court, I fondly hoped my political days were numbered, and that the residue of my life was to be spent in the calmer labors of judicial investigation. But now, the tornado of civil discord having swept over the land, prostrating every interest, entirely destroying our labor system, and uprooting the very foundations of our political edifice, they have called me, with a unanimous voice, to preside as Grand Master at the re-building of the temple.

My obligations are the more sensibly felt from the fact that this honor has been conferred without one word of solicitation, without the writing of a single letter, or the making of a single speech—without a pledge, a platform or a party.

For this extraordinary manifestation of kindness and confidence, I wish thus publicly to acknowledge my great indebtedness to the masses of the people.

But it is not in words that I will attempt to express my gratitude. The unremitting and utmost efforts of whatever powers a merciful God may bestow, to secure to our State,

as one of the co-equal members of the Federal Union, the benefits and blessings of wise laws and good government, must attest the depth and sincerity of my thankfulness.

And now, gentlemen, requesting all the pious people of the State to join me in prayer to Almighty God that he will convert the weakness and inadequacy I so painfully feel, into strength and competency for the good of my country, and that he will, of His abundant mercy, bless our and our whole land, I bring these remarks to a close.

The Senate returned to the Senate Chamber, and on motion adjourned until to-morrow morning 10 o'clock.

THURSDAY, December 21st, 1865.

The Senate met pursuant to adjournment.

The President in the Chair.

A quorum present.

Mr. Ross gave notice that he will at an early day introduce the following bills:

A bill to be entitled An act to prevent the inhabitants from carrying fire-arms;

A bill to authorize County Work-houses; and

A bill to regulate the hire of servants and laborers.

Mr. Abercrombie gave notice that he will on some future day introduce a bill, to be entitled An act authorizing the city of Philadelphia to issue bonds.

Mr. Kenan presented the petition of Wm. Scull, asking relief.

Which was referred to the Committee on Propositions and Grievances.

Mr. Pearce presented the petition of Wm. M. Shockley;

Which was read and referred to the Committee on Propositions and Grievances.

The following communication was received from the House, and the preamble and resolutions ordered to be enrolled:

HOUSE OF REPRESENTATIVES,
December 19, 1865.

Hon. THOMAS N. WHITE,

President of the Senate *pro tem.*:

SIR: The House of Representatives has this day adopted the following resolution, viz: