

No quorum present.  
On motion, the Senate adjourned until to-morrow morning 10 o'clock.

FRIDAY, November 16, 1866.

The Senate met pursuant to adjournment.  
The President *pro tem.* in the Chair.  
Prayer by the Chaplain.

A quorum present.  
The Hon. John H. McClellan, Senator from 6th district, presented his credentials, and was sworn into office by C. H. Austin, Notary Public.

Mr. Vann moved that a committee of three be appointed to notify the House that the Senate was organized and ready to proceed to business, and that they were a committee to meet a similar committee from the House to wait upon the Governor and inform him they were ready to receive any communication from him he might desire to make.

Which was agreed to.  
The following Senators were appointed to act as such committee :  
Messrs. Vann, Finney and Crawford.

A committee appeared from the House and informed the Senate that the House had organized and were now ready to proceed to business.

The committee appointed from the Senate to notify the House that the Senate was organized, reported they had performed their duty, and asked to be discharged.

Which was agreed to.  
On motion, the Senate took a recess till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate resumed its session.

A quorum present.

The following message was received from the Governor, and was ordered to be read :

EXECUTIVE DEPARTMENT.

TALLAHASSEE, NOVEMBER 14th, 1866.

*Gentlemen of the General Assembly:*

I welcome you to the Capitol, and avail myself of the occasion of your re-assembling, to comply with that clause of the Constitution which declares that the Governor "shall, from time to time, give to the General Assembly information of the state of the Government, and recommend to their consideration such measures as he may deem expedient."

I regret that "the information of the state of the Government" which I am now able to give you, is of a most gloomy character—far more gloomy than any of us anticipated it would be when I addressed you at the commencement of your last session. At that time, the President of the United States, representing, as we supposed, the Government of the United States, indicated a line of policy, the adoption of which we were assured would secure a full recognition of our civil rights and also our representation in Congress.— We adopted the line of policy proposed to the fullest extent. We took the oath prescribed by the President "to support the Constitution of the United States and the union of States thereunder, and to abide by and faithfully support all laws and proclamations made with reference to the emancipation of slaves." We repudiated all debts contracted in support of the rebellion. We declared the ordinance of secession null and void. We adopted the proposed Constitutional Amendment abolishing slavery throughout the United States. We enabled the freedmen to sue and be sued and be witnesses in all our Courts, and put them upon a perfect equality with white men as to all rights either of person or property. In short, we left nothing undone that the Government, acting through the President, demanded of us.— But still our Constitutional representation is denied us, and our civil rights have not been allowed to us, or, if we enjoy any portion of them, it seems to be by the permission of the military, and not by virtue of the Constitution. Orders, in

substance, were recently issued by the Major General Commanding here to the officer commanding the Post of Fernandina to permit no civil process to be executed, except such as should seem to him proper, and to arrest and confine the Sheriff in case of his attempting to execute his process after being commanded by the officer to desist. If this may be done in one case, it may be done in all. If it may be done in Fernandina, it may be done in Tallahassee. Hence we see that martial law, which is the mere will of the General Commanding, is still in fact the supreme law in this State. And, again, recently in Columbia County, two men one white and the other colored, exchanged horses. The colored man complained to the Agent of the Freedman's Bureau that the white man had defrauded him. The matter was referred to the Commanding General. A "Bureau Court" was ordered for the trial of the white man, and he was arrested and confined until he complied with such terms as the Agent of the Bureau thought reasonable. Thus again we see that not only the property, but the liberty of our people, is at the disposal of the military, who assume, in a state of profound peace, to exercise judicial power.

The Constitution of the United States says: "The judicial power of the United States shall be vested in one Supreme Court and such inferior Courts as Congress may from time to time ordain and establish." But, though we pay all taxes and obey all laws and are ready to give our lives in defence of the Constitution, we do not enjoy the protection of that sacred instrument.

I am glad to be able to say that no part of the blame of this violation of what we understood to be the pledged faith of the nation is imputable to the President. So far as he is concerned, he has endeavored to comply with our reasonable expectations. By his Proclamation of August 20th, he declared the insurrection at an end, the cessation of martial law and a full restoration of our civil rights; but a powerful party has arisen, which declares that he had no right to make that Proclamation, and that his act is therefore void.

It is also due to the President to acknowledge that he has done all he could to secure our right of representation, but unfortunately the dominant party are fearful that the admission of the Southern members might transfer the balance of power from themselves to their opponents. Hence they deny the Constitutional right of the members from ten States to their seats, and exclude them without even indicating any terms on which they will be admitted. It is true they have passed "A Joint Resolution proposing an amendment to the Constitution of the United States," but they have nowhere said that upon the adoption of this amendment our members will be admitted. But, even if they had said so, I can scarcely think our people would purchase a right, already clearly their own under the Constitution, at so terrible a price.

I now submit an authenticated copy of said proposed amendment to you for adoption or rejection. I recommend that it be rejected, among others, for the following reasons:

1st. The Constitution declares that "Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the Constitution." The Constitution also declares that the House of Representatives shall be composed of members chosen every second year by the people of the *several States*, and that the Senate shall consist of two Senators from *each State*.

I submit whether "two-thirds of both Houses of Congress," within the meaning of the Constitution, have ever proposed this amendment? Certainly the Congress that proposed this amendment was not composed of representatives "elected by the people of the several States" and "two Senators from each State." Ten of the States, and those mostly to be affected by the proposition, were expressly excluded from voting upon it.

2nd. The Constitution says that "every order or resolution, to which the concurrence of the Senate and House of Representatives may be necessary, (except on questions of adjournment,) shall be presented to the President." This,

though a joint resolution, requiring the concurrence of both Houses, was never submitted to the President.

3d. The First Section of the proposed amendment reads thus: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." The Fifth Section reads thus: "Congress shall have power to enforce by appropriate legislation the provisions of this article." These two Sections taken together, give Congress the power to legislate in all cases touching the citizenship, life, liberty or property of every individual in the Union, of whatever race or color, and leave no further use for the State governments. It is in fact a measure of consolidation entirely changing the form of the government.

4th. The second section reads as follows:

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But, when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial Officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

This section proposes to diminish the political power of the South by fixing the basis of representation on the voting population, instead upon the census, as it is now fixed by

the Constitution. It is wonderful to witness the apparent sincerity with which the friends of this section urge it, upon the alleged grounds of fairness and equity. Without it they say the voters of the South have one-half more power than the voters of the North, man for man, and in some States they say the Southern voter will have two-fold the weight of the Northern man, and hence they argue, with apparent candor, that even the verdict of the South should be in favor of this section.

The constitutional principle is, that Federal representation and taxation are based upon the census, while the exercise of suffrage is regulated by State laws. The number of Representatives due to a State is expressly made to depend on its population, and that alone; while it is as expressly remitted to the State's own discretion to say who among its citizens shall constitute the voters or electors to make choice of or appoint those Representatives. Accordingly, the States have exercised this function in entire freedom, and in point of fact very variously. Some have conferred suffrage on every male above twenty-one years, without distinction; some on every white male; some have required in addition qualifications of residence for greater or less periods; some have required also the payment of taxes, and some possession of freeholds. The proportion of voters to population have therefore been as various as the State laws. Nobody ever conceived that in this any unfairness was operated by one State as against another.

The idea seems to imply that a Representative represents merely the voters, instead of the people generally; instead of which, the voters, whether few or many, are in fact only the appointing power. Nobody imagines, for instance, that the Senator represents merely the Legislature or Governor that appointed him; or that the President of the United States is the President of the electoral college, instead of the people; or that our wives and children are not represented because they do not vote. Representatives in Congress are based upon population, and represent population, while

the designation of the citizens who are to nominate them is matter of State discretion and regulation. This is the whole statement. There is no unfairness in it, and none would ever have been suggested, but for the fact that the liberation of our slaves has *incidentally* added to our representative population.

Let us look at the consequences of making voters and not numbers the basis of representation. Virginia requires two years residence for suffrage, while some States perhaps require none. Virginia thus reduces comparatively the number of her voters. Suppose the reduction to be one-half—the degree does not affect the principle—can it be said in any fair and equitable sense that she thus gains an advantage over a sister State, and that to meet the evil Virginia's representation must be cut down? Let us take a possible case. Suppose Pennsylvania should conclude that, as she makes her sons fight at eighteen years, she ought to let them vote at the same age, and should thus add to the number of her voters as compared to Ohio, would this give her a right to exclaim as against Ohio that a voter there had more weight than a voter in Pennsylvania, and that Ohio's representation ought therefore to be cut down accordingly?

Take another, not only possible, but probable, case. Suppose Massachusetts shall adopt female suffrage, and thereby double the number of her voters, will this give her a right to have the representation of Pennsylvania cut down one-half? I think I have said enough to satisfy any reasonable man that it is best to let the basis of representation remain as our fathers fixed it, on the census, and not the voters.

5th. The third section of the proposed amendment reads as follows :

SEC. 3. "No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an

Executive or Judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or *given aid or comfort* to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability."

My first objection to this section is, that it seeks to punish certain classes of citizens, not more guilty than others, by depriving them of their right to hold office under the State and Federal Governments. Most of the persons thus to be punished have already been pardoned by the President, under authority expressly conferred by Congress in the Act of July 17, 1862. I hold that no power on earth can justly go behind the President's pardon and punish these parties again in any way whatever. But, there is no reason why the classes proscribed should be punished more than others. If a man twenty years ago was a Justice of the Peace, or a member of a State Legislature, or of Congress, and took an official oath to support the Constitution of the United States and always kept it, and did all in his power to prevent the rebellion, but after secession became an accomplished fact was compelled by the force of circumstances to act with his State, I cannot therefore see how he is more unfit to hold office under the State or Federal government than a man who always refused to take an oath to support the Constitution of the United States, but constantly urged and finally accomplished secession, and then took up arms and fought against the government for years, holding perhaps a high military commission under the Confederacy. According to this section, those who so loved the Constitution as to have been willing at any time to take an oath to support it are to be punished, while those who always hated it, and never would swear to support it, are to be rewarded by being made the only people in the country capable of holding office under it. I could cite numerous instances, and to see them you have only to look around you, in which this amendment would punish men whose labors for years had been devoted to the

preservation of the Union, and leave unpunished those whose lives had been devoted to its destruction.

The fact is patent to every man in the South, that the classes proscribed are not more guilty than those who are not proscribed. There is no justice or propriety in the discrimination. If it be said, that, in cases of hardship, Congress may remove this disability, I reply, that is no answer. To my mind it is rather an aggravation of the evil. This pardoning power vested in Congress will operate as a corruption fund. A man who is elected to an office will be received or rejected, not because of his constitutional right or merits, but from the favor or disfavor of the dominant party. This of course makes him the tool of the dominant party. If he can be relied upon to co-operate with them, he will be received; if not, he will be rejected. The proscription of this section upon the present officers of our State government would amount to a dissolution of the government itself. The proscription applies, 1st, To those who at any time have been members of Congress. 2d, To those who at any time have held any office under the United States. 3d, To those who have been at any time members of a State Legislature. 4th, To those who have been at any time Governors of States. 5th, To those who have been at any time Judges and Solicitors of the Courts. 6th, To those who have been at any time Justices of the Peace.

No matter what may have been the previous record of any of these officers, or how long a time previously they had held office, or how much they opposed secession, yet, if after the rebellion, they were by the force of circumstances drawn into it, even to a most limited degree, they are proscribed.

Look around you and see how few persons will be left in office after this amendment is adopted, and you will see that to vote for it is to vote for the destruction of your State government. After taking out all the proscribed officers, there will not be enough left to order elections to fill the vacancies, and a military government will become a necessity. And who are those whom we are asked thus to disgrace with of

ficial disfranchisement? Are they not those whose experience and abilities are most necessary to the State in this hour of trouble? Are they not those whom we have always regarded as the very best men in our land? Are they not those whom we have loved and trusted above all other men in the State? Are they not those, in thousands of instances, who witnessed the act of secession with bleeding hearts, and engaged in the rebellion only out of deference to the will of their State? Are they not those who sacrificed themselves to serve their State? And will their State now turn round and repay their devotion by putting a mark of infamy upon them? Perish for ever so base a thought! If they are to be disfranchised, let it be by no act of ours.

The fourth section of the proposed amendment reads thus: "The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume to pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void."

All I have to say about this section is, that it is put in merely as a make-weight. All that it proposes to secure is secured already beyond question. Except that it would be a useless part of the Constitution, I should have no objection to its adoption. But, as we cannot adopt one without adopting all the sections, I advise its rejection also.

Of the fifth section, which says, "The Congress shall have power to enforce by appropriate legislation the provisions of this article," I have already spoken. Taken in connection with the other sections, it gives to the Federal government all the powers heretofore exercised by the State governments over the affairs of individuals. It makes a consolidated government of the former and leaves no longer any necessity for the existence of the latter.

I here close what I have to say on the proposed amendment. I trust you will give it a fair and unbiased consideration, and adopt it or reject it as in your wisdom you shall deem best.

#### THE FREEDMEN.

On the subject of the course which we should pursue towards our freedmen, I have only to refer to what I said in my Inaugural Address. During the past year they, like the white people, have been mostly engaged in endeavoring to earn the means of subsistence. If let alone, my opinion is that they would, in a few years, settle down into a quiet and orderly laboring population. During the past year they have behaved as well as could have been expected under the circumstances. Most of them have worked well, and, considering the outside influences which have operated to prevent it, the feeling which continues to exist between them and their former owners is remarkably good. So long as the white and black man look to the same laws and the same tribunals for equal protection and receive it, we may expect this harmony to exist; but I anticipate nothing but the worst possible consequences, both to the black and white man, from the recently instituted system of "Bureau Courts" which our people regard as unconstitutional, mischievous and unnecessary. In these Courts the white man expects to receive nothing but oppression, and the black man nothing but partiality. So long as the Agents of the Freedman's Bureau confine themselves to assisting the freedmen in asserting all their rights before the Constitutional tribunals of the country, I have no objection, I have, and always will, co-operate with them to the fullest extent of my power. No case of apparent hardship has ever been brought to my attention which I have not relieved. But when these Agents, in violation as I conceive of the Constitution of the United States, and as a matter of uncalled for and unnecessary insult, undertake to exercise judicial powers, I must, in the name of the violated Constitution of my Country, enter my solemn though unavailing protest against the

usurpation. I recommend a revision of the laws you passed at your last session in regard to freedmen. The one in regard to freedmen carrying fire-arms does not accord with our Constitution, has not been enforced and should be repealed. I am informed the marriage law for freedmen was not generally known among them, in some parts of the State, until it was too late for them to avail themselves of it. I recommend an extension of the time within which those living together as man and wife before emancipation shall be allowed to perform the marriage ceremony. Hereafter, as heretofore, I trust all your legislation concerning the freedmen will be marked by the most perfect fairness.— I am sure that this is the inclination both of yourselves and your constituents. We must live down the false and slanderous stories which are circulated against us on this subject by those who are actuated by political motives, or are seeking to perpetuate their own reign over us. We know from experience that this is a slow process, but still we can and will effect it. The moral victory we shall achieve will be the more valuable from the patience and long suffering which will characterize its accomplishment.

Much commendable activity has been manifested by the Superintendent of Schools for freedmen, and, considering the want of means, much has been done. The very general disposition of the planters to assist him in his good work is the best contradiction of the slander that there is a disposition on the part of the white men of this State to oppress the black. I submit the report of the Superintendent herewith.

#### THE GENERAL DISPOSITION OF THE PEOPLE.

It gives me pleasure to be able to inform you that the disposition of the people throughout the State, without exception, remains true and loyal to the Constitution and Union. It is true that the Bureau Courts and the heavy tax of three cents per pound on cotton, and the slanders published concerning us, and the refusal of our representa-

tion in Congress, are most discouraging, and our people have appreciated the proverb that "hope deferred maketh the heart sick." But still they cling to the Constitution as the ark of their political hopes, and only lament with unavailing sorrow that they are not permitted to enjoy its blessings as well as bear its burthens. We are passing through our political wilderness and being bitten by fiery serpents. If we cannot rest our anxious gaze upon the Constitution of our country and be healed, then must we conclude that God in His wisdom has delivered us over to utter destruction, and submit with resignation to His divine will, whatever it may be.

#### OUR JUDICIAL SYSTEM.

The office of Justice of the Peace may be said to be the foundation on which the judicial system of the State is based. In the present poverty-stricken condition of the country, these officers exercise jurisdiction over a much greater number of cases and parties than any other courts. It is true the amounts involved are not so great, but those concerned are not less interested on that account; nor are the legal questions less difficult of solution. In addition to this, every man, whether rich or poor, who is charged with the commission of any violation of law, is liable to be brought, in the first instance, before a justice, to be discharged, bailed or committed. A large majority of our people, including all colors, never have business, either civil or criminal, before any other tribunals. Upon the character of these courts depend in a great measure not only the administration of justice, but also the statues of morals and the respect for the officers of justice which prevail among the masses of our people. It is, therefore, a matter of the utmost consequence that our justices should be placed upon the best possible footing. We should see that the best men are selected; that they exert a good moral and official influence, and are not subjected to unjust suspicions and unnecessary temptations. Under the system now in operation, I think this is

not the case. Each county is subdivided into a number of small districts, and each district elects its own justice, who must reside within the district. In some instances, not more than a dozen men reside within the district, not one of whom is competent to be a justice. Consequently, it has too often happened that a very unsuitable person has been elected. No compensation is fixed by law for these officers, but each one makes all he can out of his office, by charging a fee prescribed by law for every thing he does. This makes it the interest of the justice to be, not a conservator of the peace, as was intended by the law, but a promoter of strife and litigation. It make it his interest, not to advise his neighbors to settle their differences among themselves, but to litigate every thing in order that the justice may get his fees. This I think ought not to be so. Every judicial officer ought to be placed by the law above the suspicion of being influenced by sordid motives. Why should a Justice of the Peace depend upon fees for his compensation more than a Circuit Judge? What would be thought of a Circuit Judge who should receive claims for collection, with the understanding that he was to receive commissions on his collections? If a Circuit Judge were to receive a dollar for every writ he issued, would he not always be suspected of issuing more writs than necessary? If this be so with a Circuit Judge, is it not equally so with a Justice? I question if there is a member of the General Assembly who has not known a justice who *hunted* for business, and became thereby a disturber instead of a conservator of the peace. To remedy this defect, I propose to diminish the number of justices, and that each justice be elected by the whole county, and receive no fees, but a fixed yearly compensation.

In view of the poverty of our treasury, the proposition to pay them salaries may startle you, but I recommend it as a matter of economy as well as of right. Look at the report of the Comptroller, which I herewith lay before you, and you will discover that the amount the State will have to pay

on account of the useless and foolish proceedings of the justices in criminal prosecutions is more than sufficient to pay each justice as much salary as he ought to receive. The office of justice is not one which ought to be looked to as an office of profit. In the State of Virginia, justices formerly (I know not how it is now) received no compensation, and the consequence was that such men as Ex-President MADISON, and MONROE, and TYLER, and GOV. GILES, deemed it an honor to sit on the magistrate's bench. When their neighbors came to these wise patriarchs with their little complaints, they did not rush them into litigation for the sake of the fees, but talked the matter over with them, and, in most cases, settled it upon the broad principles of justice and equity, without a resort to law. Thus they preserved the good feeling and peace of society, and elevated the moral tone of the people, instead of degrading it by involving them in dirty and unnecessary litigation. I think the glorious pre-eminence of Virginia is owing in a great measure to the purity of her judicial system. The same system prevails in Kentucky, with similar results. It is also the English system. But, as few of our people can now afford to give their services to the public without some compensation, I recommend the payment of such moderate salaries as will pay the justices for the time actually consumed in discharging the duties of their offices.

I am of opinion that the present method of electing Justices of the Peace in separate districts is not in accordance with the spirit of our Constitution. The Constitution says, "a competent number of Justices of the Peace shall be from time to time elected in and for each county, in such mode and for such term of office as the General Assembly may direct." Since they are to be elected in and for the *county*, and not in and for a mere district in a county, I submit that each justice shall be elected by the *whole county*. This would secure a chance to select better officers. And, again, as the Constitution says, "a competent number of justices shall be elected" in such mode as the General Assembly

shall prescribe, I submit that the General Assembly ought to determine how many are "a competent number" for each county. I am of opinion, that, even in the largest counties, three justices, with a competent number of notaries public, will be sufficient for the business and convenience of the people. My suggestion is, to let these three be elected by the people of the county, as the County Commissioners are; let the three assemble like the County Commissioners at the county site, on the first Monday of each month, for the transaction of business. This would give them the benefit of books and counsel and consultation. Let them receive no fees, particularly in criminal cases. This system, in my judgment, would give us a much more respectable body of magistrates, more certainty, uniformity and satisfaction in the administration of justice, and be a great saving of expense to the State.

As next in order, I invite your attention to the County Criminal Courts. In some counties they have worked well, in others badly. They are complained of as expensive, and perhaps are so, but I am satisfied much of the expense has arisen from the frivolous cases sent up to them by the Justices of the Peace under the fee system. In some counties I have been unable to get competent men to hold the offices. As a general thing, I think substantial justice has been done; but some cases of hardship have come to my knowledge, and in all such I have exercised the pardoning power freely. In most cases the costs exceed the fine. I have known a case where a man was fined one dollar for a trifling offence and had to pay seventy dollars as costs. I invite your particular attention to the tariff of fees. From one county alone, the jail fees which are charged against the State for the last year amount to \$1,644. I am not prepared to say what I think is best to be done with these courts. In giving them a fair consideration, we must remember that they now have jurisdiction over thousands of cases which formerly were disposed of in the domestic forum of each family or plantation. I must leave the matter to your superior wisdom. The only suggestion I have heard in regard to these courts is, either

to continue them as they are, or else abolish them and let the judges of the Circuit Courts discharge their duties. To do this the circuit judges would have to be relieved of chancery business, and hold double the present number of terms. What is best, the General Assembly must determine.

The reports of the Secretary of State, the Attorney General and Treasurer, and Comptroller, and Register of Public Lands, who is *ex officio* Superintendent of Common Schools, and of the Trustees of the Internal Improvement Fund, and of the Superintendent of Common Schools for Freedmen, which I herewith lay before you, with what I have already said, will give you a general idea of the condition of the affairs of the State.

To say more now would extend this communication to an inconvenient length. Such other information as I may be able to give you, I will transmit through special messages from time to time during your session.

Pledging myself to a cordial co-operation with you in whatever may seem best calculated to promote the welfare of our beloved and suffering State,

I remain, gentlemen,

With great respect,

Your fellow-citizen,

DAVID S. WALKER.

Mr. Kenan moved that the Messenger be instructed to perform the duty of Sergeant-at-Arms until further orders.

Which was agreed to.

Mr. Roper moved that a committee be appointed to contract for the Senate printing.

Which was agreed to.

The President appointed Messrs. Roper, Steele and Brevard said committee.

Mr. Finegan gave notice that he would at some future day introduce a bill, to be entitled An act to amend the charter of the City of Fernandina.

Mr. Vann moved that five hundred copies of the Governor's message and accompanying documents be printed for the use of the Senate.

Which was agreed to.

Mr. Vann moved that the rules adopted for the government of the Senate at its last session, be adopted by the Senate for its gov-

ernment at the present session, and that fifty copies be printed for the use of the Senate.

Which was agreed to.

## JOINT RULES.

**RULE 1.** Messages from either House to the other shall be sent by such persons as a sense of propriety in each House may determine.

2. After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the House of Representatives, or by the Secretary of the Senate, as the bill may have originated in one or the other House.

3. When bills shall be enrolled, they shall be examined by a Joint Committee of at least two from the Senate and two from the House of Representatives, appointed as a standing Committee for that purpose, who shall forthwith make report.

4. When a bill or resolution, which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

5. When a bill or resolution, which has been passed in one House, shall be rejected in the other, it shall not be brought in during the same session, without notice of ten days and leave of two-thirds of that House in which it shall have been moved.

6. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

7. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

8. When elections are required to be made by joint vote of the two Houses, the time of electing shall be previously agreed upon.

9. In every Joint Committee the member first named on the part of the House first proposing such Committee, shall convene the same.

10. During the elections of officers, there shall be no motions entertained, except to adjourn, to proceed to vote, to nominate, and to withdraw a candidate—which motions shall have precedence in the order they stand.

11. The doings throughout shall proceed without debate.

12. Communications shall be made on paper and signed by the Secretary of each House, and transmitted by the Messenger or Doorkeeper.

13. In every case of disagreement between the Senate and House of Representatives, either House may suggest conference and appoint a Committee for that purpose, and the other House shall also appoint a Committee to confer at a convenient hour, to be designated by the Chairman; said Committee shall meet and confer freely on the subject of disagreement.

14. Whenever a public bill or resolution is ordered to be printed for the use of either House, a number shall be ordered sufficient for the use of both Houses; and it shall be the duty of the Secretary of the Senate or Clerk of the House, as the case may be, to inform the other House of such order, and to transmit to that House the requisite number of printed copies.

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STANDING RULES OF THE SENATE.

RULE 1. The President shall take the chair every day at the hour to which the Senate shall have adjourned; shall immediately call the members to order; and on the appearance of a quorum, shall cause the Journal of the preceeding day to be read, unless the reading thereof, shall, by unanimous consent, be dispensed with; and in case the President should not be present to take the chair at the appointed hour, the Senate shall forthwith proceed to elect a President *pro tem.*, who shall vacate the seat upon the return of the President.

2. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and decide questions of order, subject to an appeal to the Senate by any two members; on which appeal, no member shall speak more than once, unless by leave of the Senate.

3. He shall rise to put the question, but may state it sitting.

4. No member shall speak to another, or otherwise interrupt the business of the Senate, while the Journals or public papers are being read, or pass between the President and any other member who is addressing the Senate.

5. Every member, when he speaks, shall address the chair, standing in his place; and when he has finished, shall sit down.

6. No member shall speak more than twice in any one debate on the same subject, without leave of the Senate.

7. When two or more members shall rise at the same time, the President shall name the person entitled to proceed.

8. When a member shall be called to order, he shall sit down until the President shall determine whether he is in order or not.

and every question of order shall be decided by the President without debate, but subject to an appeal to the Senate.

9. If any member shall be called to order for words spoken, the exceptional words shall be immediately taken down in writing, that the President may be better enabled to judge of the matter.

10. No member shall absent himself from the service of the Senate, without leave of the Senate; and in case a less number than a quorum shall convene, they are hereby authorized to send the Sergeant-at-arms, or any other person or persons by them authorize, for any or all absent members, as the majority of such members shall agree at the expense of such absent members respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient.

11. No motion shall be debated until it be seconded.

12. That no motion necessary to go on the Journal, shall be entertained by the President until the form is reduced to writing, except motions to adjourn, and motions of course, such as to read a paper, to place among the orders of the day, to read a second time, or to engross for a third reading on to-morrow, and the introducer of every bill or resolution shall furnish a written statement containing the name of the Senator, and the fact that pursuant to previous notice he introduces said bill, naming them by their titles.

13. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to amend or to commit; which several motions shall have precedence in the order in which they stand arranged; and the motion to adjourn shall always be in order, unless when a member shall be engaged in addressing the Senate, or when the Senate shall be engaged in taking a vote; and the motions to adjourn and to lie on the table shall be decided without debate.

14. If the question in debate shall contain several points, any member may have the same divided.

15. In filling up blanks, the largest sum and the longest time shall be first put.

16. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by vote of the Senate without debate.

17. When the yeas and nays shall be called for by two of the members present, every member within the bar of the Senate at the time the question was put by the President, shall, (unless, for special reasons, he be excused by the Senate,) declare openly and without debate his assent or dissent to the question. In taking the yeas and nays upon the call of the Senate, the names of the members shall be taken alphabetically.

18. On a motion made and seconded to shut the doors of the Senate, in the discussion of any business which may, in the opinion of any member, require secrecy, the President shall direct the gallery to be cleared; and during the discussion of such motion, the

door shall remain shut; and no motion shall be deemed in order to admit any person or persons whatever.

19. The following order shall be observed in taking up the business of the Senate, to wit: First, Motions; Second, Petitions, Memorials and other papers, addressed either to the Senate, or to the President thereof; Third, Resolutions; Fourth, Reports of Standing Committees; Fifth, Reports of Select Committees; and lastly, Orders of the Day.

20. When a question has been once made and decided, it shall be in order for any member of the majority to move the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report or amendment, upon which the vote was taken, shall have gone out of the possession of the Senate, announcing its decision; nor shall any motion for reconsideration be in order, unless the same shall be made within the next two days of actual session thereafter.

21. The President shall have the right to name a member of the Senate to perform the duties of the Chair; but such substitute shall not extend beyond an adjournment.

22. Before any petition, or memorial, addressed to the Senate, shall be received and read, whether the same be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer; after which, it may be referred to a Committee.

23. One day's notice at least shall be given of an intended motion for leave to bring in a bill.

24. Every bill, resolution of a public nature, or resolution for the appropriation of the public money, shall receive three readings previously to its being passed; and the President shall give notice at each, whether it be the first, second or third, which readings shall be on three different days, unless, in case of emergency, four-fifths of the Senate may deem it expedient to dispense with the rules.

25. The first reading of a bill or resolution of a public nature, or for the appropriation of the public money, shall be for the information of the Senate, at which reading the introducer shall have the right to state the general principles of the bill or resolution, as the case may be, and the causes for introducing it; and if opposition be made to it, the question shall be, "shall the bill or resolution be rejected?" upon which question there shall be no debate. If no opposition be made, or if the question to reject be negatived, the bill or resolution shall go to a second reading without a question.

26. No bill or resolution of a public nature, requiring the appropriation of public money, shall be committed or amended until it shall have been twice read, after which it may be committed or amended.

27. When a bill or resolution of a public nature, or for the appropriation of public money, shall have been read the second time, and before both sides of the question shall have been put to the Sen-

ato upon its passage, it shall be in order for any member to move its commitment to a Committee of the whole house—that it lie on the table for its indefinite postponement—for its postponement to a day certain—for its commitment to a Standing Committee—to a Select Committee—or to amend; which motions shall have precedence in the order above stated. After a bill or resolution shall have been amended, it shall again be read as amended for the information of the Senate, before the question shall be put upon its passage.

28. Before a bill or resolution requiring three readings shall be read the third time in the Senate, it shall be carefully engrossed, (without interlineation or erasure,) under the direction of the Secretary of the Senate, and upon this reading of the bill or resolution it shall not be committed or amended without the consent of three-fourths of the Senate.

29. It shall not be in order to amend the title of a bill or resolution until it shall have passed its second reading.

30. The title of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journals.

31. The President of the Senate shall appoint the following Standing Committees, which shall thus be denominated:

1. Committee on the Judiciary.
2. Committee on the State of the Commonwealth.
3. Committee on Corporations.
4. Committee on Schools and Colleges.
5. Committee on Propositions and Grievances.
6. Committee on Internal Improvements.
7. Committee on Elections.
8. Committee on Finance and Public Accounts.
9. Committee on Engrossed Bills.
10. Committee on Enrolled Bills.
11. Committee on Public Lands.
12. Committee on the Executive Department.
13. Committee on Military Affairs.
14. Committee on Taxation and Revenue.
15. Committee on Federal Relations.
16. Committee on Agriculture.
17. Committee on subjects connected with the colored population of the State.

18. Committee on Boundaries.

32. All confidential communications made by the Governor to the Senate, shall be by members thereof kept secret until the Senate, by their resolution, take off the injunction of secrecy.

33. All information or remarks touching or concerning the character or qualifications of any person nominated by the Governor to office shall be kept secret.

34. When acting on confidential Executive business, the Senate shall be cleared of all persons except the Secretary, Sergeant-at-Arms, Messenger and Door-Keeper.

of the Whole, shall be entered on the Journal as concisely as possible, care being taken to detail an accurate and true account of the proceedings.

36. Messages shall be transmitted to the House of Representatives by the Secretary; upon each of which shall be previously indorsed, by the Secretary, the final determination of the Senate thereon.

37. Messengers may be introduced in any stage of the business, except while a question is being put, or while the yeas and nays are being called.

38. The Governor of the State, former Governors of the State and Territory, and former Senators and Representatives from this State to the Congress of the United States, and also Senators and members of the United States Congress. State House officers, members of the Representative branch of the General Assembly and Judges of the Chancery and Circuit Courts of this State, shall be admitted to a seat within the bar of the Senate Chamber, and any other person upon the invitation of a member of the Senate.

39. The Secretary of the Senate, Sergeant-at-Arms, Messenger and Door-Keeper, shall be severally sworn by the President, well and faithfully to discharge their respective duties, and to keep secret the proceedings of the Senate when sitting with closed doors.

40. No member who was without the bar of the Senate when the question was put by the Chair, shall be permitted to vote on the question then before the Senate, without the unanimous consent of the Senate.

41. No rule herein adopted for the government of the Senate, shall be amended or suspended without the consent of four-fifths of the Senate, except rule No. 1, which shall only be suspended by the unanimous consent of the Senate.

42. That upon the adjournment of the General Assembly, the Secretary of the Senate shall be required to file in the office of the Secretary of State all papers on file with him relating to unfinished business, all original papers and Journal of the Senate; and that he be required to obtain a certificate from the Secretary of State that such has been done, and file the same with the Treasurer before receiving his compensation.

43. To give effect to these rules, the President shall command the Sergeant-at-Arms to take into custody—and if unable to do so, to summon a posse for that purpose—and confine until the Senate adjourns, any member for disorderly behavior, interruption of the proceedings of the Senate, after being called to order, or for persistent refusal to obey the Chair in a legitimate order; but the member shall be entitled to an appeal to the Senate from the order of the Chair.

44. That the Senate shall meet at 10 o'clock, A. M., daily.

On motion of Mr. Crawford, the Senator from Madison was excused until a week from Monday next.

On motion of Mr. Vann, the Senator from Gadsden was excused until Monday next.

On motion, the Senate adjourned until to-morrow morning 10 o'clock.

SATURDAY, November 17, 1866.

The Senate met pursuant to adjournment.

The President *pro tem.* in the Chair.

A quorum present.

Prayer by the Chaplain.

Mr. Jordan offered a resolution for the relief of Wiley Whiddon, and others.

Which was read first time and placed among the orders of the day for Monday.

Mr. McClellan gave notice that he would on some future day introduce a bill to be entitled An act to annul the County Criminal Court in Calhoun County.

Mr. Gorrie gave notice that he would at some future day introduce a bill to be entitled An act relative to the admission of attorneys-at-law to practice in the Courts of this State;

Also, a bill to be entitled An act to organize the sixth Judicial Circuit, and for other purposes.

Mr. Finegan, pursuant to previous notice, introduced a bill to be entitled An act to amend the charter of the city of Fernandina.

Which was ordered to be placed among the orders of the day.

On motion, the Senate took a recess till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate resumed its session.

The President *pro tem.* in the chair.

No quorum present.

On motion, the Senate adjourned until Monday morning ten o'clock.

MONDAY, November 19, 1866.

The Senate met pursuant to adjournment.

The President *pro tem.* in the Chair.

A quorum present.

Prayer by the Chaplain.

Mr. Gorrie moved that so much of the message of his Excellency, the Governor, as refers to the amendment of the Constitution of the United States, proposed by Congress, be referred to the Committee "On Federal Relations," and that so much as refers to the "Freedmen," be referred to the Committee "On all Subjects Connected with the Colored Population of the State." So much as refers to the Judicial system, together with the Report of the Attorney General, be referred to the Committee "On the Judiciary," and that the Reports of the Comptroller of Public Accounts, and the Treasurer be referred respectively to the Committees "On Taxation and Revenue" and "On Finance and Accounts;"

Which was agreed to.

Mr. Finegan gave notice that he would, on some future day, introduce a bill to be entitled an act to provide for furnishing artificial limbs to maimed soldiers.

Mr. Hendry gave notice that he would, on some future day, introduce a bill to be entitled an act to authorize the County Commissioners of Polk to issue bonds.

Mr. Steele gave notice, that at a future day, he would introduce the following named bills:

A bill to be entitled an act in relation to Escheated and Abandoned Lands, and to raise a revenue for the State.

A bill to be entitled an act to establish a State Medical Board also,

A bill to be entitled an act to amend an act entitled "an act to amend the several acts regulating Pilotage on the St. John's Bar and River."

Mr. Whitehurst gave notice that he would, on some future day, introduce a bill to be entitled an act to annul the County Criminal Court of Monroe County.

Mr. Gorrie gave notice that he would, on some future day, introduce a bill to be entitled an act to appropriate the funds originally belonging to the Indian River Canal.

Mr. Poe gave notice that he would, on some future day, introduce a bill to prevent citizens of other States from hunting in the county of Washington.

Mr. Woodruff offered the following:

Resolution for the relief of the sureties of J. C. Marsh, late Tax Assessor and Collector of Volusia County;

Which was received and ordered to be placed among the orders of the day.

The Committee on Printing made the following

#### REPORT:

That the enclosed communication contains the only offer that has