

THE PROCEEDINGS  
OF THE  
STATE CONFERENCE  
OF THE  
COLORED MEN OF FLORIDA,  
HELD AT  
GAINESVILLE, FEBRUARY 5, 1884.

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The Address of the Conference to the People of the State,

DELIVERED BY THE PRESIDENT,

JAMES DEAN, LL. B.,

AND THE

COLORED MEN'S STATE EXECUTIVE COMMITTEE.

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WASHINGTON, D. C. :  
1884.

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## THE PROCEEDINGS.

### MORNING SESSION.

GAINESVILLE, FLORIDA, *February 5, 1884.*

Pursuant to the call for a Conference of the colored citizens of Florida, representing the interests of the colored voters of the State, the Conference assembled to-day in Roper's Hall, in this city, at 10 o'clock A. M. Rev. Augustus Waters, chairman of the committee on arrangements, appointed by the citizens of Gainesville, called the Conference to order.

General Josiah T. Walls, of Alachua County, moved that Hon. J. Willis Menard, of Monroe, be temporary chairman. Agreed to.

Mr. Menard, on taking the chair, delivered a brief, but eloquent address.

Major P. W. Bryant, of Hillsborough County, moved that Messrs. T. V. Gibbs, of Duval, and A. C. Lightbourn, of Gadsden, act as temporary secretaries. Agreed to.

The chair then announced that the next business in order was to call the roll as made up by Hon. M. M. Lewey, secretary of the committee on arrangements.

Mr. Gibbs proceeded to call the roll, and the following counties answered:

*Alachua County.*—Gen. Josiah T. Walls, Hon. M. M. Lewey, Rev. Augustus Waters, L. E. Chestnut, J. N. Parker, M. D., J. N. Clinton, Hon. William Trapp, Rev. R. E. Shivery, Edward Taylor, Joseph Fisher, and seventy-four others.

*Marion County.*—Hon. H. W. Chandler, K. B. Bonner, Rev. J. C. McCant, L. B. Mason, Hon. W. A. Wilkerson, J. W. Cummings, J. A. Kennedy, and David Hopkins.

*Levy County.*—John F. Murrell, Thomas McKnight, Isaac Carrin, James Hall, and Ransom Edwards.

*Monroe County.*—J. Willis Menard, Wm. M. Artrell, Rome Dupont, and R. W. Butler.

*Jefferson County.*—Hon. R. W. Long, John Hall, Eli Dilworth, and G. W. Procter.

*Hillsborough County.*—Major P. W. Bryant, Rev. A. H. Erwin, and J. W. Patton.

*Madison County*.—Hon. E. J. Alexander and Hon. A. B. Osgood.

*Orange County*.—C. H. Boger, Rev. S. H. Colman, and William Duval.

*Volusia County*.—Rev. B. W. Wiley and Rev. J. G. Grimes.

*Duval County*.—Rev. J. E. Lee, T. V. Gibbs, Rev. W. W. Sampson, Hon. R. L. Brown, J. H. Ballou, Major R. Green, E. F. Griffin, and J. S. Ferguson.

*Escambia County*.—Hon. G. W. Witherspoon and Hon. P. H. Davidson.

*Washington County*.—Rev. H. Call.

*Sumter County*.—W. P. Tilman, Henry Brooks, J. H. Tanner, and D. M. Mike.

*Gadsden County*.—A. C. Lightbourn.

*Suwannee County*.—James Dean, LL. B.

*Leon County*.—Hon. John Wallace.

*Santa Rosa*.—David Crocket and Anthony Hawthorn.

*Columbia County*.—Frederick Martin.

*Nassau County*.—Hon. Samuel Petty, Hon. R. E. Robinson, and Port W. King.

*Bradford County*.—C. H. Thompson and H. H. Pollard.

The chairman then announced that the next business in order was a permanent organization.

General Josiah F. Walls moved that James Dean, Esq., of Suwannee County, be the permanent president of the Conference.

Rev. Joseph E. Lee seconded the nomination in a very appropriate speech, whereupon Mr. Dean was unanimously elected.

The chair appointed Messrs. Walls and Lee to escort the newly-elected president to his seat. On taking the chair Mr. Dean very eloquently delivered the address appended to these proceedings.

On motion of Major P. W. Bryant, of Hillsborough, Hon. G. W. Witherspoon was elected first vice-president; J. H. Ballou, Esq., second vice-president, and Mr. John F. Murrill, third vice-president.

Hon. John Wallace, of Leon, moved that Hon. M. M. Lewey, of Alachua, be the permanent secretary of the Conference, and Hon. P. H. Davidson, of Escambia, assistant secretary. Agreed to.

Hon. P. H. Davidson moved that Mr. David Crocket, of Santa Rosa, be sergeant-at-arms of the Conference. Agreed to.

Gen. Josiah T. Walls submitted the following resolution:

*Resolved*, That the call as published in the *Florida News* suggesting this Conference be adopted as the call under which we now assemble.

Rev. Joseph E. Lee moved the following amendment: Strike out all after the word "in" to and including the word "autocrat," and insert in lieu thereof, "favor an Independent for Governor, should the existing circumstances then warrant it."

General Walls accepted the amendment, and the call as amended was unanimously adopted and afterwards embodied in the platform (*quod vide*).

Gen. Josiah T. Walls moved that a committee consisting of one conferee from each county represented be appointed on platform, and to select a State Executive Committee for the colored voters of Florida. Agreed to.

The chair thereupon appointed the following committee:

Gen. Josiah T. Walls, Alachua County.

K. B. Bonner, Marion County.

John Wallace, Leon County.

Wm. M. Artrell, Monroe County.

P. H. Davidson, Escambia County.

J. E. Lee, Duval County.

David Crocket, Santa Rosa County.

H. Brooks, Sumter County.

W. R. Long, Jefferson County.

Riley E. Robinson, Nassau County.

P. W. Bryant, Hillsborough County.

E. I. Alexander, Madison County.

A. C. Lightbourn, Gadsden County.

J. F. Murrell, Levy County.

B. W. Wiley, Volusia County.

Fred. Martin, Columbia County.

C. H. Thompson, Bradford County.

C. H. Boger, Orange County.

At 5:30 P. M. it was moved that the Conference take a recess and reassemble at 7 o'clock in the Court-House, which had been tendered to the Conference by the county sheriff. Agreed to.

#### EVENING SESSION.

The Conference reassembled at 7 P. M. in the Court-House and was called to order by the vice-president, Hon. Geo. W. Witherspoon.

General Josiah T. Walls, from the Committee on Platform, etc., submitted the following report:

## REPORT.

We, the Committee on Platform, and the selection of an Executive Committee, have considered the matters referred to us and beg leave to report as follows:

## PLATFORM.

Whereas it is charged that the Danville massacre was the result of a Democratic plan to defeat the Independent movement in the South and to solidify the South in the next Presidential campaign, and to secure thereby the electoral vote of the South for the Democratic candidate for the Presidency in 1884; and

Whereas it is feared that the present division among the colored voters in this State, between the two old parties and the Independents, will lead to weakness, and thereby render our political future hopeless and our large vote ineffective in the next election, as it was in the first district in the last campaign;

*Therefore the colored men of Florida, in conference assembled do now resolve,* That we determine on such a course of action as will unite our vote in favor of the election of an Independent for Governor, should the circumstances then existing warrant it.

By uniting we can effect the election of such men to office as will secure to our people redress for the following evils and grievances to which we are subjected:

(1) We want increased facilities of common school education and the highest branches, so as to be able to reduce the high rate of illiteracy which the last census shows to exist among our people in this State.

(2) We want a fair representation on juries, and a fair show in the courts and before justices of the peace.

(3) We want to cast our votes freely and have them fairly counted, and also a better system of registration, one which shall give county commissioners less power to do injustice to colored voters.

(4) We want a fair recognition and representation in the offices of the State and county, and also under city governments.

(5) We want to enjoy the same rights and privileges accorded to others in all public places, on railroads and steamers, when we pay the same fare.

(6) We want a law enacted restoring to the right of suffrage all men, (most of whom are colored,) disfranchised for alleged petty offenses tried before justices of the peace.

These are our grievances and disadvantages, and it will be to our interest hereafter to act in full political accord in local and State matters, with such of the whites as will deal justly with our people and give them such chances as will enable them to enjoy the full rights of citizenship, and to bear their just share of public burdens and responsibilities.

*Resolved.* That we adopt the speech of the president, James Dean, Esq. as the address of this Conference to the people of the State of Florida, and we recommend that the same be printed in pamphlet form, with the proceedings of this Conference.

## STATE EXECUTIVE COMMITTEE.

We recommend the following gentlemen to be a State Executive Committee, for the colored voters of Florida, whose duty shall be to recommend such a political policy as is suggested in the platform:

General Josiah T. Walls, Alachua County.

Hon. W. A. Wilkerson, Marion County.  
 Hon. P. H. Davidson, Escambia County.  
 Major P. W. Bryant, Hillsborough County.  
 A. C. Lightbourn, Gadsden County.  
 J. F. Murrell, Levy County.  
 Hon. R. L. Brown, Duval County.  
 Rev. B. W. Wiley, Volusia County.  
 J. H. Tanner, Sumter County.  
 C. H. Thompson, Bradford County.  
 Fred. Martin, Columbia County.  
 C. H. Roger, Orange County.  
 W. R. Long, Jefferson County.  
 L. A. Hadley, Madison County.  
 David Crocket, Santa Rosa County.  
 James Dean, Esq., Suwannee County.  
 Hon. Samuel Petty, Nassau County.  
 Hon. J. Willis Menard, Monroe County.  
 Hon. John Wallace, Leon County.  
 Rev. H. Call, Washington County.  
 B. F. Livingston, Jackson County.  
 John Campbell, Holmes County.

(Signed)

JOSIAH T. WALLS, *Chairman.*

WM. ARTRELL, *Secretary of the Committee.*

The report of the committee was unanimously adopted, after which the following resolutions were offered and adopted:

#### RESOLUTIONS.

*Resolved*, That this Conference do hereby invite the colored people of the various States to immigrate to Florida where there are large quantities of unoccupied public lands, furnishing them opportunities to get homes.

JAMES DEAN.

*Resolved*, That we express our appreciation and high regard for the National Administration, at the head of which stands Chester A. Arthur, the life-long friend of our people. And we thank Hon. John Sherman, of Ohio, for the course he has recently taken in the Senate in defense of political rights in Virginia and Mississippi.

J. E. LEE,

GEO. W. WITHERSPOON.

*Resolved*, That James Dean, Esq., and Mr. L. W. Livingston, be the members of the Colored Men's National Executive Committee, to fill the vacancy caused by the failure of Florida to send delegates to the Louisville Convention, September, 1883.

J. W. MENARD.

GEO. W. WITHERSPOON.

Whereas the habitual use of intoxicating liquors promotes habits of idleness and extravagance in any people, and is the shortest road to beggary and degradation, while temperance is the handmaid of thrift and economy, leading to the attainment of wealth and the enjoyment of ease and happiness. And

Whereas this Conference is not unmindful of the fact that the drink-habit prevails to an alarming extent among the colored race, is most ruinous in its tendencies, is inimical to the true interests of society and destructive of its order and welfare;

*Resolved*, That this Conference recommends temperance as one of the most powerful levers whereby the colored race can be raised to a

higher plane of civilization, refinement and independence, and invokes the ministers, the teachers, the heads of families, the mothers, wives and daughters, the husbands, brothers and sons of the race, to do all in their power to further its advancement.

WM. M. ARTRELL.

*Resolved.* That we hereby tender a vote of thanks to Hon. M. M. Lewey for the efficient manner in which he has discharged the duties as Secretary of the Conference.

JOSEPH E. LEE.

At 10 o'clock P. M., on motion of Hon. H. W. Chandler, the Conference adjourned *sine die*.

JAMES DEAN, *President*.

M. M. LEWEY, *Secretary of the Conference*.

#### ORGANIZATION OF THE STATE EXECUTIVE COMMITTEE.

The Executive Committee appointed by the Conference, consisting of one from each county, met the next day after the adjournment of the Conference, and organized by electing Gen. Josiah T. Walls, chairman; Hon. John Wallace, secretary; Hon. M. M. Lewey, assistant secretary, and Thomas V. Gibbs, corresponding secretary.

After considering the matters connected with the work of the committee the following resolutions were adopted:

Whereas, a change in the Constitution of this State is very desirable in order to render the machinery of the State government less cumbersome, less expensive and more in accordance with the true principles of popular government;

*Therefore, be it resolved,* That this committee respectfully recommend to the colored voters in every county the necessity of organizing and considering this subject.

Whereas, we believe in the practical application of the doctrine of equal rights and equal chances in life for all men, regardless of color; and,

Whereas, in the distribution of Federal patronage in this State, we find this doctrine faithfully carried out by Col. F. N. Wicker, collector of customs at Key West by Gen. Wm. M. Ledwith, postmaster at Jacksonville, and by Mr. J. W. Howell, collector of customs at Fernandina;

*Therefore, be it resolved,* That these officers are hereby tendered the thanks of this committee for their fidelity to the great principles of equal rights and their tried friendship to the colored people of Florida.

*Resolved,* That we commend the able, bold, and faithful course of the *Florida News* as the organ and medium of the independent sentiment of the colored people of this State; and that we recommend it to the cordial support of our people in all sections of the State.

The committee then adjourned to meet at the call of the chairman.

JOSIAH T. WALLS,

JOHN WALLACE,

*Chairman.*

*Secretary of the Committee.*

## THE ADDRESS.

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GENTLEMEN AND FELLOW-CITIZENS: The purpose for which we have assembled in this Conference is one of grave concern to us as a race, and as a part of the body politic of this commonwealth. The framers of the organic law of this nation and of this State foresaw from ripe experience in public affairs that just such assemblages as this of to-day would be necessary from time to time, to discuss the great needs of the people, set forth their grievances and adopt measures and courses of action that will lead to an improvement of their condition. Hence, the first amendment to the Constitution of the United States, and the ninth and tenth sections of the declaration of rights in the constitution of Florida declare that "no laws shall be made abridging the freedom of speech or of the press, nor of the people peaceably to assemble and consult for the common good, and petition the Government for a redress of their grievances." And in order not to abuse the privilege accorded us by the organic law of the land, it is important that such wisdom and cool judgment should prevail our council, and such careful thought and deliberation should characterize our work as will reflect credit upon this body.

We have met, then, to calmly, carefully, completely, and manly discuss our condition from every needed standpoint, and to determine upon a prudent course of united action that will commend itself to the cordial support of all lovers of justice and fair play to our people, and of the prosperity of the State of Florida.

The call for this Conference, which is the guide to the channel of our deliberations, sets above all other things our grievances; and to our views upon them, let us have your careful attention.

What are public grievances?

Public grievances are any injuries that are inflicted upon the people, or any class of the people of a State by the imposition of oppressive laws, without just cause; or injuries that arise from the failure of the Government to make and enforce such salutary laws as are necessary to a full and complete protection of the people, and to promote the peace, good order, and general welfare of the State.

The necessity for the protection of life, liberty and personal security, and the advancement and improvement of certain great facilities for the benefit of mankind lie at the bottom and constitute the fostering spring or fundamental cause that leads to the formation of all civil society under free government. These great facilities are all comprehended under the five following heads: (1) property, (2) religion, (3) education, (4) civil rights, (5) political rights. These facilities form vital parts of the sub-structure of government, and as such are public institutions, any injury to which, to the prejudice of the people, is a grievance worthy of public attention. Let us consider them separately in order to discover in what our grievances consist.

#### PROPERTY.

The material facilities of the people comprise their industrial, financial, and business operations of every kind, which are employed for the acquisition of real or personal property. To protect property rights or secure a man in the sole possession and enjoyment of certain external things of the world, to the exclusion of every other person, is one of the chief ends of government. We do not believe that we have upon this score any complaint that amounts to a public grievance. We are of the opinion that the prevailing sentiment of the State favors the security and enjoyment of our property rights in all cases where we place ourselves within the pale of the law. It is true that there seems to be a feeling among a few of our white friends in some cities that conspires at times to prevent us purchasing lots in some particular locality, but we trust and honestly believe that in the course of time that spirit of caste will vanish away. While we have no public grievance relative to our property rights or material condition, yet there are some things pertaining to it that require the attention of the individual members of this Conference.

All other things being equal, the rule for determining the importance of one citizen in a State over another is the superior quantity of property that he has, the amount of capital that he controls, or the annual income of the business that he carries out. This forcibly suggests the bounden duty of every homeless colored man in Florida to himself, to his posterity, and to his State, viz: that he should begin to-day, and continue his exertions without flagging energy, till he has acquired lands, a home, and such personal property around him as will

make it comfortable. And those who have lands and homes should get more lands, or go into business enterprises, form joint stock companies for mercantile and other financial operations.

Such enterprises as that of M. J. Christopher & Co., commission merchants in Jacksonville; D. Y. Hill & Co., commission merchants in Palatka; Chestnut & Clinton, merchants in Gainesville; the Men and Women's Saving Society in Key West; the Hon. Josiah T. Walls, the successful horticulturist of Alachua, whose names are all familiar to the reading public, are moves in the right direction. Those enterprises speak volumes toward the elevation of our people to the desired plane of life. Let us follow their noble examples, and get wealth, and with it the accompanying incidents, prestige, and power. By these means we will not only demonstrate more clearly our capabilities as men and citizens, but we will increase our importance to the commonwealth of which we form a part.

There is a class of our people in this State, and which class I am sorry to say is very large, that is in the condition of what are known as squatters. That is, some have made homestead entries on Government lands and lived upon them the required five years, within two years after which they are required to make final proof of their entry and continuous residence thereon for five years, in order to obtain a clear title by United States patent; but, instead of doing this, they have remained on the lands without complying with the law in this particular, and the lands have reverted to the Government. And others have settled upon State lands without a shadow of title, and the result is, that they are to day in the eye of the law trespassers, without lands to till, homes to shelter them, or places to lay their heads. This is a deplorable thing, but it is nevertheless true, and needs immediate and effective attention. This Conference can well recommend that on returning to our respective homes let each of us make it a special duty to bring this matter to the notice of those of our people in every county where they have been negligent in this matter, and insist upon them to immediately employ attorneys to examine the condition of their land titles, and take such steps for them as their cases may need to place them on sure foundations. I would that I were situated so that I could; nothing would afford me greater pleasure on earth than to travel from Duval to Escambia, and from Escambia to Monroe, touching every

towenship, if necessary, in this land of my birth, and assist my needy brethren in securing their claims to the soil upon which they live.

#### RELIGION.

Religion is the basis of Christian civilization. It is the means by which the moral lessons of life are constantly set forth, delineated and instilled into the hearts of the people. When properly disseminated it stamps its impress upon the course of human conduct in every sphere of action, whether it be around the fireside, or in the affairs of State. In the breast of the legislator, the executive and the judge, it is the impulse that fosters integrity, honesty and justice, and crushes asunder dishonesty, corruption and fraud. It has been and is still one of the safeguards of this republic. To the triumph of Christianity in its influence upon the public opinion of this country, we owe to a great extent the boon of human liberty that we enjoy today.

We have no public grievance in this behalf. No man is compelled to accept the religious creed of any particular denomination. The theological doctrine of free agency is recognized by the fundamental law of our country, and every man is protected in the worship of God according to the dictates of his own conscience. The reports from the annual conferences and religious associations of our people in this State show that their moral status is on the upward march; the results of the improvement in the intelligence of our colored ministry.

The foundations of the temperance cause is based upon the teachings of the Bible. That book bears record of the solemn injunction: "Look not thou upon the wine when it is red, when it giveth his color in the cup, when it moveth itself aright. At the last it biteth like a serpent, and stingeth like an adder." And further says: "The drunkard and the glutton shall come to poverty, and drowsiness shall clothe a man with rags;" and "no drunkard shall inherit the kingdom of heaven." Since the Bible marks out the course of labor for the Christian ministry the cause of temperance plainly comes within its scope, and should receive its vigorous support from every pulpit in this State, white and colored.

The man whose thinking faculties are deranged, and whose reason is dethroned by strong drink, is unfit to be argued with concerning the rewards of the righteous and the punish-

ments of the wicked that await man in the future state. He must be sobered and restored to his normal state first, which shows all the more strongly that temperance is an actual part of ministerial work. It is to be hoped that our ministry feels and rightly appreciates the weight of its responsibility as a potent factor in the advancement of civilization; and that it will spare no pains in the effort to perform its just part of that great work.

#### EDUCATION.

The general diffusion of knowledge is one of the most powerful agencies of human progress. It enlightens the people in the more convenient methods of transacting business. It affords the benefits to be derived from the arts and literature of the world, past and present. Education leads men into channels of thought that familiarize them with the sciences, by which they become acquainted with the hidden forces of nature and enable them to turn those forces to the practical purposes of life. And it prepares men for acquiring a knowledge of those duties and responsibilities of citizenship which make them useful members of the body politic.

Success in war depends largely upon skillful maneuvering, but it depends more so upon the employment of a sufficient force to overcome the enemy. This is true of the alarming rate of illiteracy which the last census shows to exist in Florida. While success in dispersing it depends to a great extent upon the competency of the educators, yet it depends to a greater extent upon the employment of a sufficient number of them to do the work effectually.

The failure of the State government to provide ample facilities for this purpose constitutes a grave public grievance among us. Ours is a free government. The people are not compelled to bow at the behest of any one man, or any privileged class of men. Every man, white and colored, is, in a measure, his own ruler, and we all unite, by means of the ballot in exercising the powers of sovereignty. Education is indispensable to the success of all forms of government, but it is more so to a popular form of government, because experience has shown that good self-government is impossible without an intelligent and honest ballot. Hence the common school bears a most important relation to the welfare and prosperity of the commonwealth of Florida. It is the means by which education is spread among the masses, whose ballots are as effectual, under our system of government, as those

of the millionaires. That more ample common-school advantages are needed can plainly be seen from the numbers of persons that have reached their majority without a common-school training, since it has been the duty of the State to provide the same for all persons within its borders. The best public policy demands it. The more general education that there is in a State, the more human liberty. Modern political science teaches that the best government is that which governs well but governs least; and that the minimum of education is the maximum of governmental restraint. That is, education substitutes the teacher for the sheriff, the school-house for the prison, and the work-shop for the poorhouse. Another reason why the educational advantages should be improved and made sufficient to overcome the illiteracy that prevails largely among us is, that it is now a fixed fact in contemplation of organic law, that the colored people of the United States are an unquestionable part and parcel of the body politic of this country; and, like the white people, we are here to stay. Some few of us may see fit to make our future homes in some foreign country, as Europe, Africa, or elsewhere, like some few of our white friends, but the body of us will remain here in the land of our birth. For the very reason that the whites needed education as a means of ensuring the success of self-government, for those same reasons it is necessary that the opportunity should be afforded to us of obtaining an education, since we occupy a similar relation towards the government that the white people do.

The question of a uniform system of public schools has been discussed in some of the Southern States in an unfavorable light within the last few years. It has been urged that the revenues raised on the property of white people should not be expended in educating the colored people. This false idea has gained such prominence in public circles as to have taken the shape of a movement in some of these States to divide the school taxes so that the whites shall raise funds for their children and make the colored people raise funds for theirs. Such a movement is based on the most unsound public policy imaginable. No public institution, like the uniform system of public schools, which bears such an important relation to the primary idea of free government, can be tampered with without jeopardizing the perpetuity of the Government itself. The adoption of such an unwise measure would overthrow the entire system of common school education, hamper and retard the advancement of the State by

burdening it with an illiterate voting populace, whose improvement by general education would then become impossible. This would be true, because universal education cannot be accomplished without governmental processes and public revenues. It has never existed except when furnished by these means.

Happily for us, however, I do not believe that such a death-blow to our public institutions is desired by the white people of this State; nor, under the existing constitution of Florida, can such a thing be done, because article 8, section 1, says: "It is the paramount duty of the State to make ample provision for the education of all the children residing within its borders, without distinction or preference;" and section 2: "The legislature shall provide a uniform system of common schools, and a university, and shall provide for the liberal maintenance of the same."

It is sometimes asked that, aside from all questions of public policy, is it just and equitable that the white people should be taxed to educate the colored, as they are under our present public school system? My answer to this is most positively in the affirmative; and I further assert that the reasons why it should be so, from an equitable standpoint, are stronger by far than any that can be urged in favor of it upon grounds of public policy. It is a settled principle that runs through the entire business transactions of the world, that when a person renders to another something of pecuniary value, he is entitled to a *quid pro quo*, or something of equal value in return. This principle is well founded in law, constitutes a bed rock in equity, and is taught by holy writ in the living language that "the laborer is worthy of his hire."

From 1830 to the close of the war in 1865 there was an average laboring population of 29,000 colored people in this State. In equity and justice they were entitled to their earnings; and if they had been allowed wages during this period at the low rate of 40 cents a day, and board, their earnings would have aggregated the sum of \$145,000,000—a sum equal to more than four times the assessed valuation of property in the entire State of Florida to-day. This amount could have been judiciously invested, and under the present tax law we could have raised an annual sum of \$145,000 for school purposes, \$435,000 for the expenses of the State government, and \$435,000 for interest on the State debt. This Conference should take some steps looking towards a more liberal support for education, and petition the Congress of the United States for national aid for the same.

## CIVIL RIGHTS.

The term civil rights, in a comprehensive sense, might properly be applied to all classes of rights not strictly political, such as the right to acquire and hold property, to maintain suits, to obtain an education, and the right to worship according to the dictates of one's own conscience. But within the last eight or nine years the term civil rights has been used in a comparatively limited sense in connection with certain legislation that has been made to prevent unjust discrimination against our people. This brings before us a consideration of the late decision of the Supreme Court of the United States in the civil rights cases, which it is well that we all should thoroughly understand, in order that we may know just what our present status is in this particular since the rendition of that decision. On the 1st of March, 1875, an act of Congress was approved, the first section of which provided as follows: "That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land and water, theatres, and other places of public amusement, subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude." And section second provided a penalty of \$500 for the violation of the first section, to be collected in a civil action in the United States District and Circuit Courts.

About three years ago eight cases, in which suits had been brought under this statute, were taken up from the United States Circuit Court in different parts of the country on writs of errors to the Supreme Court of the United States. These cases involved the equal rights of colored citizens in hotels, and theatres, and on railroads. It was claimed by the plaintiffs in error that this statute was unconstitutional and void, which formed the principal issue. Hence, when these cases were reached it was necessary for the Supreme Court to pass upon the constitutionality of the statute, and determine whether Congress was legally vested by organic law with the power that it exercised in passing the civil rights act. The majority of that court decided that the matters contained in the civil rights bill were exclusively within the legislative province of the various States, and that Congress had no power under the Constitution to pass that law;

therefore it was unconstitutional and void. The feeling that has been cultivated among us since the war to look up to the National Government as the great repository and protector of all the civil and political rights with which we are vested has caused us to overlook one of the cardinal doctrines of our constitutional law, which holds that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The effect of the decision, according to this doctrine, makes the court hold that the power exercised by Congress in passing the civil rights act was not delegated to the United States by the Fourteenth Amendment, nor was it prohibited by it to the States, therefore it was reserved to the States or to the people.

Now let us see how the decision affects us. Hotels, restaurants, or public inns; vessels, steamboats, rail ways, or common carriers; shows, theatres, and places of public amusement are held in law to be of a *quasi* public character, because their primal object is largely for the benefit, accommodation and entertainment of the general public; and from time immemorial the public have had rights which according to the common law they were bound to respect. And when we were made citizens, and as such a part of the public we that moment (other things being equal) became entitled to all the rights and privileges enumerated in the civil rights bill, and to the same respect and treatment from those *quasi* public institutions that have always been accorded to other men. Nor did the Supreme Court decide to the contrary of this. It merely decided that the various States had jurisdiction of these matters, and not the United States; and that the State legislatures could pass statutes declaratory of what the common law was, but not Congress. Again under the civil rights law we could sue in United States courts for infringements of our civil rights. The Supreme Court holds that we cannot bring suits involving such matters in those courts, but that we must enter such suits in the State courts.

Justice Harlan, a brave man, of Southern birth, dissented from the opinion of the court. He thought that Congress had power under the amendments to the Constitution to pass the civil rights bill, but the majority of the court decided differently, and as the majority ruled, that settled the matter. That decision did not destroy a single one of our rights. They are the same to-day as any other class of people in this

country, and in this State, where the proprietor of a common carrier, or place of public amusement, so far goes against his manly impulses as to treat respectable people, white or colored, in a manner unwarranted by law, they have their choice of two methods in suing for redress. First, they may sue for damages by the common law, which forms the foundation of the jurisprudence of this State, and which has guaranteed these rights from time whereof the memory of man runneth not to the contrary; or, secondly, they may bring suit under the following law, which graces the statute books of Florida: "No citizen of this State shall, by reason of race, color, or previous condition of servitude, be excepted or excluded from the full and equal enjoyment of any accommodation, advantage, facility, or privilege furnished by innkeepers, by common carriers, whether on land or water, by licensed owners, managers, or lessees of theatres, or other places of public amusement."

People assuming an unfriendly attitude towards us in this matter have unfairly construed our demand for civil rights as a demand for social equality. Civil rights have their origin in common and statutory law, and hence are the subject of legislation. Social equality originates from a mutual understanding between individuals, by which they reciprocally accept each other on equal terms of friendly intercourse. It is a matter of private concern, and not the subject of legislation. Civil rights, from their inception, have been, and must continue to be, protected by law. Social rights or social equality will take care of themselves.

From the foregoing, I am of the opinion that we have no public grievance under this head. Perhaps the severest hardship that we have to suffer in this behalf is from being financially unable in many cases to employ lawyers, and thus call to our relief the protection which the law affords us. And advantage is taken of us on this account in many cases where the attempt would not be made if we were backed by property and the means to defend ourselves.

#### POLITICAL RIGHTS.

We now come to political rights, which, in a free government, are the rights that are preservative of all rights. They embrace the right of the people to vote without fear or molestation, to be voted for for any office of trust, national, State, county, or municipal, or whatever constitutes an effective participation in the making of the laws and in the gen-

eral affairs of the government. The political as well as civil rights of the colored and white are placed upon the same plane in this State, by the 28th section of article 16 of the constitution of Florida, which says, that "there shall be no civil or political distinction in this State on account of race, color, or previous condition of servitude, and the legislature shall have no power to prohibit, by law, any class of persons on account of race, color, or previous condition of servitude, to vote or hold any office beyond the conditions of this constitution."

At this juncture let us discuss the question of disfranchisement of citizens by convictions for petit larceny in courts of justices of the peace. The latter clause of the 2d section of article 14 of the constitution of Florida says, that "no person convicted of felony shall be qualified to vote at any election, unless restored to civil rights."

This is the fundamental criterion for determining who shall be disqualified for exercising the right of suffrage on account of crime. The intention of the framers of the constitution is one of the main guide-posts to the proper legal interpretation of constitutional law; and this clause plainly indicates that the intention of the framers of the constitution was that no citizen of this State shall be debarred from voting on account of crime, except it be for the commission of some offense whose gravity makes it a felony. In order to more fully understand this limitation, the question arises, What is a felony?

McClellan's Digest of the Laws of Florida, page 348, section 1, says that "any crime punishable by death or imprisonment in the State penitentiary is a felony, and no other crime shall be so considered. Every other offense is a misdemeanor." Section 4, article 14, of the State constitution, says that "the legislature shall have power, and shall enact the necessary laws to exclude from every office of trust or profit, and from the right of suffrage all persons convicted of bribery, perjury, larceny or infamous crime." All these offenses under the laws of Florida are felonies, punishable by imprisonment in the State penitentiary, and this *a fortiori* confirms the interpretation, which maintains that felonies are the only offenses that are contemplated by the constitution, to work a forfeiture of citizenship to the extent of debarring a citizen of the right to vote.

The constitution of Florida gave the legislature the power to establish courts of justices of the peace, and also gave it

the power to provide regulations for the trial of cases of petit larceny without indictment by the grand jury. These courts were established in 1875, with civil jurisdiction in cases involving an amount not exceeding one hundred dollars. A few years later they were given criminal jurisdiction in cases of larceny where the amount involved does not exceed twenty dollars. But this does not change the legal rule making felony the lowest crime that will forfeit the right of suffrage, in the least, and for the reason that a felony is punishable by confinement in the penitentiary of the State, and justices of the peace cannot sentence persons convicted of petit larcenies to any such confinement; their highest punishment under the law being imprisonment in the county jail for not longer than three months. Hence this establishes the fact beyond question, that the petit larceny which by law comes within the trial jurisdiction of justices of the peace is not felony under the constitution and laws of this State; nor can it be made so except by a change in the law defining a felony, or by constitutional amendment, and therefore no citizen that is convicted of petit larceny by justices of the peace can be legally prohibited from voting, the same as any other citizen in the State of Florida.

The construction placed by the officers of the law upon the statute giving justices of the peace trial jurisdiction in cases of petit larceny, whereby it is held that persons convicted by them for such offenses are disqualified for the right of suffrage, and which has been allowed to go uncorrected by the government, is unjust, illegal, and pernicious. These courts convict persons on unfair and trumped-up charges, and are thus made engines of public mischief. This comes within the meaning of a public grievance to the extent that it is a failure of the government to redress a public wrong that results from the illegal practices of the officers of the law, who are amenable to the State for the proper discharge of their public duties.

We should take steps to secure the passage of a law by the next legislature, setting forth the proper construction that should be placed upon that statute, showing that under the constitution and laws of Florida no person convicted of petit larceny by justices of the peace can be prohibited from voting.

The laws of this State provide that every registered voter shall be liable to be drawn for jury service, and since we form an important part of the registered voters, there is no reason why we should be persistently passed by and discrimi-

nated against in the selection of persons to serve on jury. Therefore we demand as our just due equal rights in the jury-box.

#### PUBLIC OPINION.

Public opinion is that which indicates the prevailing tenor of popular feeling upon any public matter. In other than popular forms of government it may directly oppose any existing course of administering the affairs of State; or it may vigorously favor the redress of some public wrong and yet be powerless in either case to accomplish the desired end. But in a country like ours, whose Government is by the people and for the people, public opinion is the forerunner of all great reforms and improvements in the public affairs of men; and it is also the subsequent moral force that perpetuates those reforms. It is a power that asserts itself in free government and frowns down crime and violence, and enforces peaceable obedience to law; and an acquiescence in the radical changes that are made for the better in civil society. Then after all necessary legislation has been effected, what we need is a strong, impartial and progressive public sentiment among all classes in this State, that will favor the sound policy of securing to every citizen, regardless of color, an equal chance in the struggle for life, embracing fair play in every sphere of life, civil or political. Prejudice between any classes of citizens in a State tends directly to the subversion of the best interests of all. Hence, the prejudice that has been allowed to grow among some of our people against the whites, though on account of past treatment, is nevertheless unwise and impolitic; and should be discouraged by our ministers, orators and public press. The *Florida News* has taken a noble stand on this point, and other journals should do likewise. The prejudice that has long existed among a majority of the whites of this State against us, and for no fault of ours, is equally as unwise and impolitic; and their newspapers, ministers, orators, and such means by which public sentiment is moulded should also labor to suppress that hostile feeling; so that we can reach that plane upon which we can realize that a mutual, friendly relation exists between the two races.

#### PROPOSITIONS.

From the foregoing we derive the following propositions or duties: (1) We should engage more generally in business enterprises, encourage industry, and acquire more real estate and

personal property. (2) Labor to promote the cause of religion and temperance. (3) Secure better educational facilities to meet the demand for the removal of the illiteracy that exists among us. (4) Obtain the enactment of a law to enfranchise our unfortunate fellow-citizens, who are denied the right of suffrage for unconstitutional and illegal reasons. (5) Secure the appointment of officers of the law that will not discriminate against us, to defeat our equal rights in the jury-box. (6) Insist upon having our just rights in all civil capacities. And (7) Labor to bring about and encourage a liberal public sentiment between the races, as a guarantee of that which law is powerless to secure.

#### POLITICAL PARTIES AND POLICIES.

The conservation of public interests and the advancement of the great ends of civil government are the causes that lead to the formation of political parties; and no organization can maintain its character as a political party whose primal purpose does not contemplate the public advantage of the people. Certain moral truths, whose practical enforcement is shown by wisdom, experience, and sound judgment, to be best promotive of these great ends, make up the principles of parties; and the course of action that is adopted as the method to obtain these ends, by the enforcement of these truths, constitutes the policy of a party. The genius and design of political organizations are such that a party is a political instrument, and the public good is the thing to be effected by that instrument. Hence the welfare of the constituency is superior to the party itself, and the policy of the party should always be subordinate to, and shaped and swayed by, the best welfare of that constituency. No man should be the slave of any party; for men make parties; parties do not make men. Therefore, when, in the course of public affairs, it is found that the greatest good to the greatest number cannot be conserved by a particular policy, prudent political management dictates the propriety of adopting another; or, if it be found that a particular political organization, party or instrument cannot serve the desired purpose, the general welfare of the people demands the formation of another.

We have mentioned some of the important advantages that we need, and which we do not fully enjoy, and some of the public grievances which we desire to be redressed. Now, the question arises, what policy must we pursue to achieve

these ends? Near eight years of bourbon rule in this State shows that the Democratic party is inimical in many respects to the general improvement of the 126,000 of colored population in the State, and for this reason, while we are grateful for the facilities that have been furnished to us, yet bourbon Democracy should be overthrown. Again, as far as State matters are concerned, the Republican party of Florida has been made powerless to influence the administration of State affairs, so as to secure to this large class of people that full protection in the exercise of certain civil and political rights, and the equal and impartial participation in the public responsibilities to which they are entitled as a part of the body politic, and that by means well known to us all. Hence, it is plain that since we need not expect anything of bourbon Democracy, and since the Republican party is powerless to better our condition, under the present state of affairs, we must take a different course. The local and general welfare of well-nigh half the population of this State requires that we adopt some wise policy on State matters, differing from that which we have pursued heretofore.

The indorsement of the Independent movement in State politics, presents itself to us as *that policy* which will secure to us the desired ends, and we as men and voters should unite with this movement and give it a faithful trial, if the circumstances existing at the proper time warrant it.

We submit the foregoing facts and premises to the calm and impartial consideration of those whom we represent in this Conference, and to the people at large of the State of Florida.