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MESSAGE

OF

GOV. JONATHAN WORTH.

To the Honorable, the General Assembly of North Carolina.

(Concluded.)

The number dependent for subsistence on public charity is vastly greater than it ever was in any past period of our history. A benevolent feature of the Freedmen's Bureau was the issuing of rations to indigent blacks. This, I understand, will be, or has been discontinued. Large numbers of them, too old or infirm to labor, and a still larger number of children too young to labor, and without parents, or with parents not providing for them, must be cared for. In addition to these is the large number made dependent by the loss or the maiming of their fathers in the late war. As to the number of these last I cannot furnish the statistics, contemplated by the resolution of the General Assembly of the tenth of March last, the chairman of the County Courts of some three or four counties only, having sent me any returns, and these do not profess to be full and accurate. The pauper negroes, formerly supported by the master, must now go to the poor houses. I recommend a revision of the poor laws.

I am not prepared to suggest any specific alterations of them, but hope your wisdom may be able to devise some plan of lightening the heavy burthen which the proper care of the poor must soon impose upon us.

I recommend a revision of our laws in relation to apprenticeship. The future well-being of the State depends much upon the manner in which our children and youth are brought up. Great numbers of the rising generation, white and black, are growing up without proper training in the habits of steady industry essential to make them, moral and useful citizens. Some of these children, having no father to guide them; many of them, (in the language of one of our statutes,) when the parents with whom such children may live, do not habitually employ their time in some honest, industrious occupation." But to attain the proper ends of apprenticeship, no pains should be spared in selecting the masters to whom the tutelage of such children is committed. In this, I think the administration of our laws requires amendment. When a child is to be bound apprentice, I fear that our country Courts, to which this duty is confided, and which are expected to act in *loco parentis*, often neglect to look properly to the fitness of the master to bring up the child. Now when the welfare of the State requires the exercise of this power much more extensively than formerly, it is well to inquire whether something may not be done for the better protection and rearing of this class. In practice, I fear, that the eminently wise and beneficent provision of our Statutes, Rev. Code, Chap. 54, Sec. 18, has not been sufficiently observed. It requires the Grand Jury of every county annually, at the orphan's court, to present to the Court, in writing, the names of all orphan children within their county, that have not guardians, if not bound out to some trade or employment; and also all abuses, mismanagement and neglect of such guardians as are appointed by the court of their county. I recommend that the provisions of this section be enlarged so as to embrace all children whom you may declare fit subjects of apprenticeships, and that the Jury report at every term of the court, and that it be made the duty of the county attorney, at each term, to give the act in charge to the Grand Jury. I suggest further that it would tend much to the security and proper care of apprentices, if it were made the special duty of the county solicitor to attend to the binding of each apprentice, and attest the indentures, with power in every case where he may deem it expedient, to carry the case by appeal to the Superior Court, and that proper provision be made for his compensation for this service.

I have received from Thos. P. Devereux, Esq., an aged citizen, distinguished for his intelligence, and long the owner and manager of a large number of slaves, a letter on this subject, presenting many views and

reflections, the result of his experience.—I transmit his letter with this message, and command his suggestions to your consideration.

It has been the policy of the General Assembly, since the ordinance of emancipation, to so reform our laws, as to personal rights, that no distinction should exist to the prejudice of the blacks. I find some distinctions still exists to apprenticeship, inadvertently overlooked I presume. Our laws require the binding of white females to the age of eighteen, and colored females to the age of twenty-one years; and power is conferred on the court to bind as apprentice, "the children of free negroes, when the parents with whom such children may live, do not habitually employ their time in some honest industrious occupation." There is no provision for binding white children so neglected by their parents. I hope the law will be so altered as to abolish these discriminations, and all others, if any others be found to exist.

An embarrassing difficulty, as to the binding of negro children, has lately presented itself. I was notified by a citizen, to whom negro children had been bound as apprentices by the county court, that he had been notified by an officer of the freedman's bureau, that such binding would not be respected, and that he was required to surrender such children, the indentures having been declared null by authority of the officers of the bureau, I had no previous notice that such interference was contemplated. In reply to a letter of inquiry which I thereupon addressed to Brevet Major General Robinson, the Assistant Commissioner of the Freedman's Bureau in this State, he sent me a copy of the order under which his subordinate acted, in these words: "The civil courts will not be allowed to make any discrimination between whites and blacks, in the apprenticing of children. No child whose parents are able and willing to support it, can be bound without the consent of the parents; children over fourteen years of age will not be bound out as apprentices under any circumstances. Col. Rutherford will see that the above rules are strictly carried out, and will at once cancel all indentures not made in conformity therewith." This order, if carried into effect, substantially annuls, as I conceive, the powers of our courts over minor children of color. The correspondence on the subject is not concluded. I hope the order will be revoked. As soon as a final decision shall be reached I will communicate it to you.

Soon after the adjournment of our Convention, I addressed a communication to General Robinson, calling his attention to the fact that our laws had been so reformed that no discrimination existed as to the administration of justice, to the prejudice of free persons of color. He promptly issued an order, a copy of which accompanies this communication, dated July the 15th, 1866, restoring to our courts, with one exception, all cases to which freedmen are parties. This order relieved our people from one source of great annoyance. It has been faithfully observed on the part of the bureau, and the power so justly and wisely exercised by our courts, that nobody now doubts that the change of jurisdiction was a proper one.

Our anomalous condition, the boundaries of jurisdiction between the military and civil authorities being illy defined, has led to much correspondence between the Executive and Military Commandants of the State. It is spread out on my letter book, subject to your inspection. It shows, as I think, a disposition on both sides, to avoid unnecessary conflict.

For a time I was distressed by a portion of our people, who, by petitions addressed to the President and otherwise, charged upon our courts partiality and favoritism, to the prejudice of the United States' soldiers and negroes; and by reports tending to the same end, made to me by the military commandant of the State, covering complaints made to him, by certain of our citizens, who represented that they could not have justice in our courts. Investigation has shown these complaints to have

had no just foundation, and the manifest fairness with which our judicial officers have held the scales of justice, has won the admiration of all. At one time these complaints seemed alarming. I deemed it of vital importance to ascertain whether there was any just grounds for them, and if they were found to be unfounded, to counteract their baneful influence. And, upon receiving from the military commandant of the State, a complaint from a citizen of Wilkes County, imputing grossly disloyal conduct to certain persons, being organized State militia, I deemed it necessary to send an agent, in conjunction with one appointed by the military commandant, to enquire into the truthfulness of these allegations. I appointed William S. Mason, Esquire, of this city. His report, as well as that of the officer sent with him by General Robinson, showed the groundlessness of the complaint. Mr. Mason bore his own expenses and performed this service, with the knowledge that I had no power to give a warrant for his compensation. His services were valuable to the State, and I trust you will have no hesitation in giving him suitable compensation.

The term for which the Honorable John Pool was elected United States Senator will expire on the fourth of March next. Although we have no indications how long it will be the pleasure of the dominant party in Congress to exclude us from any participation in national legislation, we ought, as I think, to continue to perform on our part, all our constitutional duties, among which is the election of a Senator, with all the qualifications prescribed in the Constitution; and I, therefore, deem it proper to call your attention to an act of Congress, approved July 25th 1866, entitled "an act to regulate the times and manner for holding elections for Senators in Congress," a copy of which accompanies this message.

Under the resolutions, authorizing the furnishing of maimed soldiers with artificial legs, passed at the last session of the General Assembly, devolving on the Governor the duty of carrying the same into execution, I addressed a letter to the Sheriff of each county of the State, requesting him to report to me, at an early day, the number in his county who had lost limbs, distinguishing those who had lost legs, from those who had lost arms. I also addressed letters to a number of Manufacturers of artificial limbs, whose patents had been approved, and who were manufacturing limbs for the maimed soldiers of the United States, requesting them to send me samples of their manufacture, and to submit proposals for supplying the State. Many specimens were sent and proposals made. After a careful examination and extensive inquiry, I closed a contract with Jewitt & Co., at seventy dollars for each leg and fifty dollars for each arm to be supplied. To insure an easy fit, it was necessary that the soldier should be in the shop and there have the limb fitted to the stump, and the contract, therefore, required the manufacturer to make them in a shop in this city. To enable the soldiers to come here without cost, I wrote to the Presidents of each of the railroads and transportation companies, requesting free passage for them, coming and going, to which all of them promptly assented. I caused to be fitted up a house with suitable bedding, &c., for such of them to occupy as might choose to do so, they being at no expense except for provisions, which they could bring with them or otherwise procure. I employed Mr. S. G. Ryan to attend to the details, whose report, to me accompanies this message. The Sheriffs, without exception, have given me their prompt cooperation.

The government of the United States pays the same contractors seventy-five dollars for each leg. It will not cost the State more than this sum, including all the incidental expenses. The manufacturers are executing their undertaking faithfully, and giving, so far as I have heard, entire satisfaction to the maimed soldiers. I am much gratified with the successful and satisfactory manner in which this work is progressing, which gave me much anxiety and solicitude in the selecting of the patent, and

arranging the beginning of the work. I refer you for further particulars to the accompanying report of Mr. Ryan, who has faithfully and diligently kept the books and attended to all the details.

The case of the war left the Lunatic Asylum in a most deplorable condition. On the occupation of this city by the United States army, the benevolent design of this Institution did not protect it from spoliation. The fencing which inclosed its grounds, some 88 acres, was torn away and used for fuel, or other purposes. The orchard and garden were exposed. Its stock of milch cows, hogs, corn, pork, &c., was seized and taken away. It is just to the United States officers in command here, to say, that they prevented the disbanding of the Institution and the turning out of the poor maniacs by furnishing the needful supplies until, by the partial restoration of the civil authorities, the State could resume her guardianship over it.

Under the act ratified the tenth day of March last, "to secure a better government for the Insane Asylum," vesting the government of the institution in five supervisors, to be biennially appointed by the Governor, and the Governor to be *ex officio* Chairman of the board, I solicited and obtained the consent of five gentlemen, distinguished for capacity and benevolence, and all resident in Raleigh, to serve as supervisors, to wit: Thos. Bragg, Geo. W. Mordecai, Dr. E. Burke Haywood, T. H. Selby, and C. Dewey, and, upon the resignation of Dr. Haywood, after a few months service, I obtained the consent of Dr. Charles E. Johnson, and appointed him to fill the vacancy. These gentlemen are entitled to the thanks of the State for their diligent effort, requiring much of their time, often upon sudden call, in the discharge of their duties. The journal of our proceedings are open for your inspection. We have endeavored to do everything we deemed compatible with the laws and consistent with enlightened benevolence, to diminish the expenses of the Institution. Your attention is invited to the report of the Superintendent, Dr. E. C. Fisher, which I herewith transmit to you, indicating the particulars as to which we deem additional legislation necessary. It is believed that it presents a full and fair showing of the management of this great charity, and its future wants. The whole of the appropriation for its support has been exhausted. A further appropriation will be needed at an early day to lay in supplies for the coming year. We did not construe the act making the appropriation for the support of the Institution this year, as contemplating the payment of sundry debts contracted for supplies, salaries, &c., towards the close of the war and afterwards. We have had much trouble in scaling these debts, mostly on the basis of Confederate money. If adjusted according to the scale of depreciation established by the General Assembly, some of them would get much more and others much less, than we deemed equitable. We submit a report of the amount which, we think, ought to be paid to each of these creditors—and I recommend that an appropriation be made for their payment.

It will be seen by the able report of our Public Treasurer, which I herewith transmit, that we received some months ago, the scrip for one hundred and seventy thousand (170,000) acres of public lands, being our share of a donation of public lands, by Congress, to aid in establishing colleges in the several States and territories, to impart instructions in agriculture and the mechanic arts. By the section of an act of the General Assembly, ratified the first day of March, 1866, the public treasurer is empowered, by and with the advice of the Governor, to sell this land, and invest the proceeds in stocks of the United States, or of the States, or other safe stocks, yielding not less than five per centum interest. Owing to the Homestead law, which grants limited quantities of the public lands to actual settlers, at a nominal price, our scrip, if now put in the market, will bring little more than fifty (50) cents per acre. If sold at this price, the endowment of the proposed college would be very small, and