THE DAILY SENTINEL.

WH. E. PELL, State Printler. TERMS OF SUBSCRIPTION. The SERVINE is published every marning ex-cept Sunday, on the following terms : for ene month, -Fat two months, 2.00 Three months, 3.00 5.00 Six months, see We solicit the aid of our friends in extend-

VOL I.

man," as used in that instrument.

ind the other without distinction. In a word, the common law is the law of the

State in all matters where it has not been su-

where it is changed by statute, the change ope-

By sections 15 and 16, wardens of the poor.

an additional Court of Wardens. The remainder of the sections of the bill are

their duty, in view of the very great changes

ag our circulation.

## REPORT OF THE COMMISSION. Appointed by Gov. Helden, under an Ordi-nance of the Convention, to prepare a Code for the Freedman of this State.

To the Honorable, the General Assembly . of the State of North Carolina

The undersigned, a committee appointed by the late Provisional Governer, in pursuance of a resolution passed at the recent session of the Convention, directing that a committee of three persons be appointed " to prepare and report to the Legislature at its next session, a system of laws upon the subject of freedmen, and to desig-mate such laws, and parts of laws, now in force, a should be repeated in order to conform the as should be repeated in order to conform the statutes of the State to the ordinance of the Convention abolishing the institution of slavery, have considered the matters intrusted to them and herewith submit as their report, "A bill and networks account in that report, "A bill concerning Negroes, Indians and persons of col-or, or mixed blood ;" and also several other bills or, or mixed blood; and also several other bills differing somewhat in character from that one, The committee, in presenting their report, deem it proper that they should explain the

deem it proper that they should explain the course they have pursued, and, to some extent, the reasons by which they have been governed. Priorto the emancipation of slaves, there had existed in the State three classes of population, besides Indians, to wit: the whites, the slaves, word, of master and servan, and of master and apprentice, exists alike for both classes. The same power of making contracts, and the same remedies for enforcing them in courts open alike to both, are equally the rights of the one race besides Indians, to wit: the whites, the slaves, and the free negroes; and for many purposes, there existed a special legislation for each class. Upon the emancipation of the slaves, the laws specially respecting them, ceased to have any force, and that class fell under the laws respect-ing free negroes: the political and civil condi-tion of all the colored population became that which had already been established for the free negro. It became the duty, therefore, of the committee to look through the chire body of the laws of the State, for the purpose of ascerperseded by statute; where it has not been su-and white persons are equally protected unifer its shield, and exposed to its punishments, and rates on all. for persons of color, may be appointed. This is left to the discretion of the appointing court, only because, in some counties of the State, per-sons of color are too few in number to require the laws of the State, for the purpose of ascer-taining what part of them governed the free ne-gro, as distinguished from the white man. In gro, as distinguished item the white mail. In performing this duty, your committee have deemed it the more advisable course, (as this species of special legislation was scattered throughout the civil and criminal laws.) to ad-The remainder of the sections of the bill are appropriated to the repeal of "such have and parts of laws now in force, as in the opinion of the committee should be repealed in order to conform the statutes of the State to the ordi-nances of the Convention abolishing the institu-tion of slavery," and the new condition of things arising out of the same. Secondly, The committee have deemed it their duty, in view of the very great changes vise the repeal of all laws that specially affected the colored race, and re-enact such as, in their the colored race, and re-enact such as, in their opinion, ought to exist; and also to reportmend other and original legislation, when it was deemed expedient. Believing that a brief sy-nopsis of the several sections of the first-named bill, and also of the other bills, would not be un-bill, and also of the other bills.

which have so suddenly taken place, to recom-mend the passage of certain laws equally appli-cable to both populations. It is conceded that the industry of the negro race has become great-ly relaxed and demoralized, the natural conse-quence of which is an unsettled and roving inserting a desire to avoid study work acceptable, they proceed to furnish it : The first section of the bill "concerning groes," &c., defines who shall be deemed a negro or colored person, or person of mixed blood, within the generations designated.

The second declarge that in all statutes and ju disposition, a desire to avoid steady work, and a disposition to pick ap a precerious ex-istence by pretended hunting of wild game, though in most localities, it is too scarce to be dicial proceedings, such a person shall be pro-perly described by the term "person of color." The third declares persons of color to be citizens of the State. The fourth confers on them all the privileges

of white persons in conducting their suits, and in the mode of trial by jury. The fifth places the colored apprentice on the

same footing with a white one; and leaves the law declaring in what cases they should be bound, as it now exists in the Revised Code.

bound, as it now exists in the Revised Code. By the sixth, certain marriages, deemed to be not void, but voidable, though celebrated in due form, between slaves or between slaves and free negroes, are declared valid. By the seconth, certain past marriages between them, existing at certain fixed periods, by mere consent and without due celebration, are vali-dated; and provision made for perpetuation dated; and provision made for perpetuating the evidence thereof by being recorded. By the eighth, inducements are held out to such as are thus married under section 7, to have their marriages recorded. It has been held, that under our laws, the It has been held, that under our laws, the marriages of slaves by their own mere consent, and simply consented to by their masters, are void; and, as the Legislature is forbidden to legitizate persons born in bastardy, the provis-ion for such legitimation, which was contained in an ordinance offered before, but rejected by the Convention, (because of the adoption of the resolution under which the Committee are new provided in the description of the test of the the convention.) now reporting) must be again submittee are body, or the freedmen now living will all be bastards, and incapable of inheriting from their fathers any estate which he may chance to die athers any estate which he may chance to die possessed of. It is believed that a marriage merely voida-ble may be validated by the General Assembly: and that when thus confirmed, all the incidenta of ratification follow; one of which is the legitimation of the issue previously born. But, it is more than doubted whether such result follows the enactment of a marriage under sec-tion 7. tion 7. By the ninth section, contracts between per-sons of color, and between them and whites, for live stock, are required to be in writing.— The numerous theft of such spocies of proper-ty, in which the whites and blacks associate to-gether, require this provision; as thereby the thief will be the more certainly detected. The section also embraces other contracts of a cer-tain value. And, one of its main objects is to protect the colored person from imposition by cunning, and the white man from the effects of corrupt evidence. 0

Many years since it was solemnly decided by 7. "A bill more effectually to secure the highest Court of the State, and indeed, it maintenance of bastard children, and the pay-nent of fines and costs on conviction in crimi-he which more used in the declaration of he highest Court of the State," and indeed, it has been so regarded, that the term "freedmen," (than which none used in the declaration of rights and the Constitution of the State, to de-· The purpose this bill is to relieve the County

scribe a citizen, is of higher dignity.) included in its fullest extent, a free negro, whether free in 1776, when the Constitution was framed, or Treasuries ; first, from the burden of supporting bastard children, which are likely to greatly in-crease in number, in the midst of a domoralized become so since by emancipation. He was, at the beginning of the late unhappy conflict of arms, and is now, included in the term "freepopulation.

It is naturally just that the father should support his offspring, whether born in or out of wedlock. No one, if able to work, ought to be This class of our population have never been allowed to dast his spurious progeny on the debarred from owning any species of property, except by one enactment, that of 1861, which charity of the industrious poor, whose toil is stretched to its utmost extent in supporting the forbade them thereafter to own slaves. They public charges and their own virtuous families. Secondly, From the burden of maintaining, have ever been protected from trial for crime, except through presentment by a grand jury, and trial by a petit jury, with all the rights of at heavy expense, the judicial tribunals of the land established for the preservation of the pubchallenge accorded to white persons. They have ever been allowed trial in the same tribulic peace against the turbulence and violence of who, having been the principal instrument the of its breaches, seek, when brought to justice, to evade by an idle life, the payment of the costs nals where, for like offences, the white man was prosecuted. The same common law which yet prevails so extensively in this State, and regu-lates, almost entirely, the duties of hashand and wife, of parent and child, of guardian and ward, of master and servant, and of master and ward, of master and servant, and of master and

of suppressing their own disorders. As yet, no steps have been taken by that au-thority, which claims exclusive jurisdiction, both civility and criminally, over all matters that concern the freedmen, to encourage or enforce the marriage of such as, while slaves, were long living together willingly, as man and wife. By the laws of this State the husbands and wives popularly so called, of a population of 300,000 numan beings, are lewdly and laciviously co-habiting together, without any other link of cannection than their own free will. They may part when they choose, and select new partners for a day or month. Among the whites such case are indictable. If, after the courts shall assume their criminal jurisdiction, the colored people shall still be allowed to continue in the practize of such ankwfut connections, without reproof or punishment, they will be in a more demonstrated condition, in respect to that rela-tion, which, among all civilized human beis deemed so sacred, than were free perngs

sons of color, or even alayes, before the late croch of estancipation. The former were not allowed to schabit without marriage, duly cele-brated; and the latter were much restrained from such licentious co-habitation; by the care and prodence of their masters. If the Freedmen's flureau will neither turn

wer to the civil authorities for correction, this species of crime, nor take efficient means, itself, for its correction, it will be impossible to elevate the race by any legislative means yet prac-ticed or devised. No race of mankind can be expected to become exalted in the scale of huexpected to become exaited in the scale of hu-manity, whose serces, without any binding obli-gation, cohabit promiscounsly together. Among such a people, chastity can have no name or place; and the performance of parental duties, po encouragement or sanction. It is much hoped that the Freedmen's Bureau will take the subject into scrious consideration. & and lastly, "A bill fo establish work-hous-es of correction in the average conntices of the

in the several counties of the State.

Tt is also vain for us to attempt to disguise the fact that the industry of the white man too, the fact that the industry of the white man too, is greatly unnerved and demoralized, and like evil consequences are ready to follow. Indeed, they already exist. We conceive it to be among the first of legislative duties, to check this de-moralization and direct the energies of the en-tire population in appropriate channels of hon-est labor. In the opinion of the committee, this institution has long since demanded, and now more than at any time heretofore. Though its cost in the present embarrassed pecuniary condition of the country, may be somewhat burden-some, there is little doubt that, if managed with

the population in appropriate channels of non-est labor. Among the most efficient means of accom-plishing this object, they deem the protection of every man's property against unauthorized intrusions, trespasses and thieve of the idle and vicious.

DAILY SENTINEL.

"I.WOULD RATHER BE RIGHT THAN BE PRESIDENT."-Henry Clay.

RALEIGH, WEDNESDAY, JANUARY 31, 1866

The committee have not discovered, hor /h it been maintained, that the mixed blooded slave has been elevated in the moral virtues of the white race, as he advanced toward it in color. It may not be amias to remark that the

color. At may not be amins to remark that the punishment by hiring, is rather of modern date The first enactment to this effect was in 1891, and its constitutionality was seriously question of by eminent lawyers, though settled by an able court.

To be correctly and a second of the second o

ed to have been done by, or on them, is put directly in issue. If the testimony is to be admitted at all, it

ought to be extended to such cases. The effect of thus limiting it will not deny them any ad-Crowded Assemblages, vantages, but on the contrary, will scure to them the most perfect protection that human evidence can afford. Beyond the accomplishpriorit of this object we have not felt ourselves authorized to go. The result of allowing it to this extent will be, that when colored persons are parties, they may call to the witness stand the whole population of the land, not rendered incompetent by want of understanding, interest or religious unbelief; while in cases where Comfort white persons alone are parties, white person only will be competent witnesses.

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THOS. BRANCH & SONS,

orrupt evidence. The teath section makes void all marriages be

tween whites and persons of color. Section classes allows persons of color to bear witness where their rights of person or proper-ty are concerned. In respect of this action the committee will comparent more at large here-

Sections tables and thirteen require no com-

ment. By section fourtees the criminal code affecting white persons, is extended to colored persons, in all things, unless other wiss expressly declared in the bill reported. The only exception in the bill, or in any law, which will exist after repeal-ing such as are recommanded to be repealed, will be found in section 13 of the bill reported, which punishes with death a person of color which punishes with death a person of color which her

In our present demoralized condition there is

In our present demonstrated escapes the roy-no species of live stock which escapes the roy-ing robber; and every musis plundered, when the market is convenient, of whatever may be found on his lands, growing or severed; that is valuable for sale.

found on his lands, growing or severed, that is valuable for sale. Wilful trospasses on lands have long been a greviance greatly complained of. The common haw did not allow criminal prosecutions for this species of wrong; but the General Assembly have, from time to time; in many instances, de-parted from this rule in order to alford protec-tion against the lawless idler and insolvent tres-passer. In proportion as circumstances may increase the frequency of such wrongs, it will become the legislative power to follow them with appropriate remedies. The committee, therefore, report and recom-mend the passage of the following bills : I. "A bill to prevent wilful trespasses on them."

2. "A bill to prevent wilful trespasses on lands and stealing any kind of poperty therefrom."

from." 8. "A bill to punish vagrancy." In regard to this bill, the committee have deemed it advisable to recommend the repeal of the two provisions upon the same subject, and he passage of this bill in lieu of both said pro-visions.

visions. These provisions are to be found in the Revised Code, chap. 24, sec. 43; chap. 107, sec. 60; the former was intended for white vagrants, and the latter for free negro vagrants. The bill herewith reported, embraces both constitues.

populations : A bill to punish seditious language, in-surrections and rebellion in the State." In regard to this bill, the substance of it has long existed in the State, under several provis-ions to be found in the Revised Code and else-where. The bill now offered is intended as a substitute for all provisions upon the same sub-

ject. 0. "A hill to secure to agricultural laborers their pay in kind." The object of this bill is to encourage the field laborer, by securing to him the fraits of his toil. Every legitimate means should be em-ployed to stimulate holdstry, and the enjoy-ment of its fruits has ever been found the strongest incentive to produce the desired from

init such as are recommended to be repealed, will be found in section 13 of the bill reported, which pumishes with death a person of color the civil rates, much legislation to any section a person of color the civil rights which bolong to white mee. In this state very little is necessary : indeed, none beyond a repeal of the laws, which from time between whites and colored persons. And, it may be observed, that some of the provisions of this bill which seem to colored or the provisions of this bill which seem to confer rights and privileges, were strictly mancesary ; because persons of color were emitted to these without any new emaximent. But it was deemed better, at this time to solemuly delate them, in a bill drawn to define their civil states.

I mes and coses that the interact of the present jails will be unequal to contain those who will be com-mitted to prison. Their proper enlargement for the reception of both species of population, and and the different aexes of each population, will cost, at once, as much as a work-house and farm on a small scale, which may be enlarged as oc-vation may receive.

ision may require. The Committee have left it discretionary with The Committee have left it discretionary with the Instices of the Pance whether they will establish such a house; because, in some coun-ties it may be little needed, and in others very greatly; and because, also, some counties are more able to establish them at once, than others are. If even one county shall establish such an institution, self defence will soon render it ne-cessary for all the adjacent counties to follow the example; and a few years only, will be re-quisite to extend the institution over the State. If this, or some similar policy should not be inaugurated, it is not difficult to foreses that this State may become, in the process of time, the land of immigration from all parts of the Union, of the demoralized freedman and the dissolute white man.

ute white man.

The Committee are aware that the great an

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-R. FRANK CON, HEQ.,

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great suchess.' Wishing you avery success, I am. Respectfully, pt

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