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REPORT OF THE COMMISSION, Appointed by Gov. Holden, under an Ordinance of the Convention, to prepare a Code for the Freedmen of this State.

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

The undersigned, a committee appointed by the late Provisional Governor, 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system of laws upon the subject of freedmen, and to designate such laws, and parts of laws, now in force, as should be repealed in order to conform to the statutes of the State to the ordinance of the Convention abolishing the institution of slavery; they have the honor to submit to your report, "A bill concerning Negroes, Indians and persons of color, or mixed blood," and also several other bills, and herewith submit as their report, "A bill concerning Negroes, Indians and persons of color, 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 course they have pursued, and to some extent, the reasons by which they have been governed. Prior to the emancipation of slaves, there had existed in the State three classes of population, 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 respectively of the free negroes and the free white population. 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 advise the repeal of all laws that specially affected the colored race, and to enact such as, in their opinion, ought to exist; and also to recommend other and original legislation, when it was deemed expedient.

Believing that the brief synopsis of the several sections of the first-named bill, and also of the other bills, would not be unacceptably, they proceed to furnish it.

The first section of the bill "concerning Negroes, &c.," defines who shall be deemed a negro, or colored person, or person of mixed blood, within the generations designated.

The second declares that in all statutes and judicial proceedings, such a person shall be properly 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 bill declaring in what cases they should be 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 null and void.

By the seventh, inducements are held out to such as are thus married under section 7, to have their marriages recorded.

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

Many years since it was solemnly decided by the 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 describe a citizen, is of higher dignity,) included in its fullest extent, a free negro, whether free in 1776, when the Constitution was framed, or become so since by emancipation.

This class of our population have never been debarred from owning any species of property, except by one enactment, that of 1861, which forbade them thereafter to own slaves. They 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 challenge accorded to white persons.

By sections 15 and 16, wardens of the poor, 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, persons of color are too few in number to require an additional Court of Wardens.

The remainder of the sections of the bill are appropriated to the repeal of "such laws and parts of laws now in force, as in the opinion of the committee should be repealed in order to conform to the ordinance of the State to the ordinance of the Convention abolishing the institution 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 which have so suddenly taken place, to recommend the passage of certain laws equally applicable to both populations. It is conceded that the industry of the negro race has become greatly relaxed and demoralized, the natural consequence of which is an unsettled and roving disposition, a desire to avoid steady work, and a disposition to pick up a precarious existence by pretended hunting of wild game, though in most localities, it is too scarce to be worth the pursuit.

It is also vain for us to attempt to disguise the fact that the industry of the white man too, is greatly unimproved 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 demoralization and direct the energies of the entire population in appropriate channels of honest labor.

Among the most efficient means of accomplishing this object, they deem the protection of every man's property against unauthorized intrusions, trespasses and thieves of the idle and vicious.

In our present demoralized condition there is no species of live stock which escapes the roving robber; and every man is plundered, when the market is convenient, of whatever may be found on his lands, growing or severed, that is valuable for sale.

Without trespasses on lands have long been a grievance greatly complained of. The common law did not allow criminal prosecutions for this species of wrong; but the General Assembly have, from time to time, in many instances, departed from this rule in order to afford protection against the lawless and insolvent trespasser.

In proportion as circumstances may increase the frequency of such wrongs, it will become the legislative power to follow them with appropriate remedies.

"A bill more effectually to secure the maintenance of bastard children, and the payment of fines and costs on conviction in criminal cases."

The purpose of this bill is to relieve the County Treasurers; first, from the burden of supporting bastard children, which are likely to greatly increase in number, in the midst of a demoralized population.

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 allowed to cast his spurious progeny on the charity of the industrious poor, whose toll is stretched to its utmost extent in supporting the public charges and their own virtuous families.

Secondly, From the burden of maintaining, at heavy expense, the judicial tribunals of the land established for the preservation of the public peace against the turbulence and violence of those who, having been the principal instrument of its breaches, seek, when brought to justice, to evade by an idle plea, the payment of the costs of suppressing their own disorders.

As yet, no steps have been taken by that authority, which claims exclusive jurisdiction, both civilly 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 husband and wife, popularly so called, of a population of 300,000 human beings, are lawfully and licitly cohabiting together, without any other link of connection than their own free will. They may part when they choose, and select new partners for a day or month. Among the whites such cases are indictable. If, after the courts shall assume their criminal jurisdiction, the colored people shall still be allowed to continue in the practice of such unlawful combinations, without reproof or punishment, they will be in a more demoralized condition, in respect to that relation, which, among all civilized human beings, is deemed so sacred, than were free persons of color, or even slaves, before the late epoch of emancipation.

The former were not allowed to cohabit without marriage, duly celebrated; and the latter were much restrained from such licentious cohabitation, by the care and presence of their masters.

If the Freedmen's Bureau will neither turn over 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 practiced or devised. No race of mankind can be expected to become exalted in the scale of humanity, whose sexes, without any binding obligation, cohabit promiscuously together. Among such a people, chastity can have no name or place; and the performance of parental duties, so encouragement or sanction.

It is much hoped that the Freedmen's Bureau will take the subject into serious consideration, and, lastly, "A bill to establish work-houses of correction in the several counties of the State."

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 burdensome, there is little doubt that, if managed with economy and care, it will soon prove a great relief to the honest industry of the country. The freed of involuntary labor is much more effectual to suppress misdemeanors and idleness than a few days of imprisonment, with a discharge of fines and costs under the insolvent debtor's law.

Without such a house, the present jails will be unequal to contain those who will be committed to prison. Their proper employment for the reception of both species of population, and the different sexes of each population, will cost, at once, as much as a work-house and farm on a small scale, which may be enlarged as occasion may require.

The committee have left it discretionary with the Justices of the Peace whether they will establish such a house; because, in some counties 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 necessary for all the adjacent counties to follow the example; and a few years only, will be requisite to extend the institution over the State.

to the vicious nature peculiar to the race, we ought to be able, by this time, to trace some steps of improvement in the mixture of its blood with that of other races of men.

The committee have not discovered, nor has 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 amiss to remark that the punishment by hiring, is rather of modern date.

The first enactment to this effect was in 1831, and its constitutionality was seriously questioned by eminent lawyers, though settled by an able court.

Your honorable body will perceive also, that we recommend, that the Courts should be fully opened to the negro race, for protecting their persons and property, and all the rights of freedom, by being heard as witnesses, whenever these rights are in controversy.

The enactment recommended, allows their evidence in civil cases only where the rights of person, or property of persons of color would be precluded by the judgments or decrees made in those cases. And in criminal cases, only where the violence, fraud, or injury charged 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 advantages, but on the contrary, will secure to them the most perfect protection that human evidence can afford. Beyond the accomplishment 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 white persons alone are parties, white persons only will be competent witnesses.

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