mor We solicit the aid of our friends in extenda our ofreatation.

REPORT OF THE CONTINUEN. Appointed by Gov. Holden, under an Ordinames of the Convention, to prepare a Code for the Freedman of this State (CONCLUDED.)

The committee will proceed to give some of the reasons which have induced them to recommend the reception of the cyldence of negrous.

as provided in section 11. First. The present helpless and unprotected condition of the ruce demirnds it. Their condition of personal security is greatly changed. Prior to emancipation, they were grouped on farm-which they seldom left, and were overlooked by their masters or overseers, surrounded by families of white children.

They were not watched by the whites to pre-

serve the discipline necessary for servitude, and t prevent spellations, but were cared for and protected as property. It was the laveholder's atterest to prevent, and, when committed, to ponish any injuries done to the persons of their The interest of one slaveholder was the interest of all; so that their security was guaranteed by the common interest of the wealthiest and most powerful men in the country, and, of course, of all their kindred and adherents, among whom, generally, were their poorer white neighbors. Thus the person of the slave (without reckoning the feelings of humanity which have generally characterized the slaveholders of this State) became the subject of general protec tion by every class of white men, and any outrage on his person a general cause for common vindication. With this shield for scenity, the white aggressor was checked in his violence; and, if not, his detection was almost sure. These sources of personal security are all removed by emancipation, and, without the capacity to bear evidence, he stands, in numerous cases, utterly defenceless, except by opposing force to force against every species of outrage offered to him-self or to his family, whether in his presence alone, or under the eye of other colors d persons. If he should submit to the violence, and suffer the most grievous wrongs, there is no one who can be heard in his behalf; and he could expect,

from his submission, nothing less than a repeti-tion of his unredressed wrongs.

If he should oppose force to force, in the justest cause, whatever might be the result, his mouth and the mouths of all colored witnesses would be closed.

It is a truth not less obvious than established by all experience, that breaches of the peace always decrease in proportion to the facility and impartiality with which the violater is brought Citizens will not readily avenge themselves when the sword of the law is at hand to do it for them. But when the law is powerless, from whatever cause, the hand of private violence will be sure to come to the aid of selfdefence. It is, therefore, clear that by protecting the person of the negro, we shall most certainly protect the person of the white man. the former may be outraged in his domicil, or in secret places, or along the highway in open day, with impunity, because he may be incompetent to testity to the wrong, he will turn from the door of the courthouse and seek his redress elsewhere, and in a way too that will likewise shut the mouth of him who may witness the fact. Let no one suppose such a result/improbable, if the great and just lawgiver of the Jews has him-

self set the example to an evaluated people.

Secondly. The admission of such evidence is

citizenship, and become actors in all the departments of social life. They are allowed to trade with the white man in every article of property; to possess and cultivate lands, and, by all wise means, should be encouraged to habits of industry and a desire for honest acquisition, The p otection of a man's honest gains should

ever be, after the protection of his person, the next great policy of a wise commonwealth. If the property which a negro shall own, his cat-tle, his money, may all be carried off, yea, his very house robbed of its farantare, and his person of his valuables by abandoned winte men, and he shall be unable to bring the robbers to justice because the witnesses are colored, can the race feel any ardest disposition to labor for themselves? On the contrary, will they not feel doubly tempted by such what of sociality their own property, to become depredators themselves especially, when they reflect that it is the white man's policy, which thus ex-

poses them to licentious waite men?

But, besides such glaring cases of public wrongs which would go unredressed by exclutheir evidence, there are many of a more private nature, which depraved white men ould perpetrate on them or procure to be done y their negro associates, as their instruments. by their Already the wicked white man and corrupt de-pendent negro have banded together in lawless befts and frauds on industrious and peaceful both white and blac ; and the white e, if negro evidence shall be excluded, will stand secure in his villiany behind his col-

The calamity to public virtue and private rights will be incalculable, it those who were injured could not testify against the perputrator of the crime. How shocked would every citizen of North Carolina feel, if the Legislature should exact that no person assaulted and beaten, no one whose property was stolen, and no one rawiched, should bear evidence of the crime? The exclusion of negro evidence places that race in just such a condition.

The committee are of opinion that the pro

tection of person and property imperiously demands that the evidence of colored persons be admitted for that purpose, unless it should be excluded upon some ground of public policy still higher that such as favors its introduction.

We have how not prepared to admit, nor indeed we believe, that the colored man in North-C colored for that purpose, unless it should be excluded upon some ground of public policy still higher than such as favors its introduction.

DAILY SENTINE

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

RALEIGH, T URSDAY, FEBRUARY 1, 1866

NO. 147.

ple in slavery. Universal and unvarying truth late and encourage others of their race to practise the highest and purest of all virtues; and it the the virtues of honesty and truth, which have served to distinguish the few. vitnesses, there would be many cases of the ighest interest to the public without a single vitness. Such a rule, however, has never mark of the policy of justice in its investigation of

It has been said that in a by-gene age, the cules of evidence with us were trained ratior to exclude falsehood than to admit truth; but even when these rules were administered in this spirit, all persons above seven years old, of sufficient understanding, not religiously insensible to the rerested in the cause, were competent witnesses unless they had been rendered infamous by con viction of some infamous crime, and judgment rendered thereon. These were English r les of the common law; and, so long as they prevailed, there w: s oo nation on the earth whose inhabitants were excluded as witnesses from English courts. It mattered not what was their color, clime or religion. It is probable that ut a very early period, after the introduction of African slavery in this State, the lave was for-bidden to testify against a white person, and, it is probable also that the exclusion was soon extended to free persons of color. Slaves were not allowed to bear testimony against free perons of color until 1821.

The policy of excluding such testimony was founded on two considerations. First, The en-tire and absolute dependence of a slave on his asstor, and their social relation which rendered im unfit to bear witness for or against his master; or for or against any person to w our his master extended his favor or dislike. Besides this, the settled po icy was to humble the slave and extinguish in him the pride of independnce. - This latter policy was extended in 1821, o the free pegro, who, it was alleged, was greatcorrupting the slave by claiming superior

grivileges over him. Emancipation having destroyed the distinct tion, all legislation concerning the colored race,

must be the same. The rules regulating the admissibility of the evidence of white persons, with a few exceptions, remain with us so they were a century since. But all at once the slave has disappeared, and upwards of 300,000 free persons of color are added to the population; these, with those before existing, constitute one-third of our entire people. Shall they be admitted to the witness stand? If it ever was, it is certainly not now, our policy to degrade them. On the con-trary, our true policy is to elevate them in every way consistent with the safety and good gov-ernment of the community. They must be edcated out of their ignorance, and reformed out

of their vicious habits.

If the admission of their evidence will not criously endanger the administration of our laws, our manifest policy is to allow it, for noth ing, in our opinion, tends more to inculcate a regard for truth than the almost unavoidable detection of falsehood, which occurs in judicial investigations before a jury, where the parties and witnesses are known, and their manner and conduct are scrutinized in the ordeal of trial.

If it be true that either the negro race, or the

negro in our midst, civilized as he is beyond his native condition, be so mendacious that he cannot be safely heard in our court of justice, it seems to us that it is one of your highest duties to exclude them as witnesses in all cases whatsoever, as well as those in which they are the While in slavery they had no property. What was set apart for their use belonged to their master, and was under his protection. In their new state they enter on the broad ground or eitheanable, and become autorain all the decree. own color is on trial, then it follows that he yet loves truth better than falsehood, unless he seduced by his prejudices against the white man. Now, if this he so, this general character litic of the race will soon develope itself, and thenceforth receive its just estimate at the hands of a white judge and a white jury. is just to truth, however, for us to admit that neither during the wonderful and enduring conflict of arms, popularly announced, in their very midst, to be in behalf of their freedom, they did not exhibit, nor since its termination have they exhibited any decided marks of prejudice against their late masters.

It must be conceded by the opponents of such evidence, that if strong prejudices be sufficient to exclude the testimony of witnesses, all experience teaches that public prosecutors, near kindred, and personal enemies to be set aside as incompetent; and, if general corruption be also sofficient cause for exclusion, the man whose character for truth on oath, is proved by all his acquaintances to be bad, nught no more to be heard in the ascertainment of facts, than a ne-Yet in all these cases the witness is heard, subject to so many "grains of allowance" on account of his established and admirted infirmity as a jury may judge to be the proper measure. It is settled by our highest judicial tribunal, that the testimony of a witness who commits a perjury, apparent to the jury in the very case in which he is examined, must, nevertheless be weighed by the jury for what it is

By the laws of all civilized Europe, regulating the competency of witnesses, none are ex-cluded by reason of character, race, color, or re-ligion. We, ourselves, admit the semi-burbari-an of every continent and faland; of every nation and tongue; of every religion, christian, heathen and pagan; and of every color and race, unless he may fall under the ethnological varieties of the human species, denomi-Negroes and Indians.

We are not prepared to admit, nor indeed do we believe, that the colored man in North-Car-olina is entitled to less Caristian cath, than the

The committee intacrto have argued that, it proposed evidence be admitted, subject to the rules long established among us, and de rived from our English ancestors, the administration of justice will have fittle to apprehend from the depravity or prejudice of the witness. In proof of this, they beg leave to invoke the ion of your honorable body in the recent experiments on those rules, made in England. and in many of the United States. They will specially notice only those made in England within the 'ast twenty two years.

Up to h year 1845, like rules, for the most presuded in this State and in England .lo that year a great innovation was made by tatute # & 7 Vict. removing many disqualifica tions, because of interest in the witness. So beneficial to the ascertainment of truth (contrae to all previous theory) did this experiment prove, that, in 1852, the Parliament (St. 15 & 6 Vict.) took another and a very long step iu the same direction, and allowed each party/not only to put the other, but evan himself, on the witness stand against his adversary. A proposition of this kind, made forty years ago in this country, would have been regarded as the vis-ion of a disordered intellect; yet the daily practice under this law, has so illustrated its bene fits that it is regarded as the most successful neaus towards perfecting the administration of justice in that country; a country which has no superior, if indeed, any equal on the globe, in ver exhibiting the most intelligent and careful solicitude to pravide for the rights of perso and property of every subject within its vast

> Respectfully submitted, B. F. MOORE, W. S. MASON,

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easity of work; of a secasing, restless, tireyess errgy in the service of her Mester and Heat; this hall be our first and chister aim In this we need ings Our brethren must hope aufficient for these attributions from the rown stores of thought and study; by raious cooperati a in a common cause, for the benefit of all, by extending our cir-cular on throughout all our berders, and thus giving us the managed the opportunity o performing If the work to which se have consecrated all that we have, and all we hop tor on earth,

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