

LETTER
OF
THE SECRETARY OF WAR,

COMMUNICATING,

In compliance with a resolution of the Senate of December 17, 1866, reports of the assistant commissioners of freedmen, and a synopsis of laws respecting persons of color in the late slave States.

JANUARY 3, 1867.—Read and referred to the Committee on Military Affairs and the Militia.
JANUARY 21, 1867.—Ordered to be printed.

WAR DEPARTMENT,
Washington, January 3, 1867.

SIR: In compliance with the Senate's resolution of December 17, 1866, asking for reports of assistant commissioners of freedmen, and a synopsis of laws respecting persons of color in the late slave States, I have the honor to transmit herewith a report of 21st December, 1866, by the Commissioner of Freedmen, containing the information desired.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON,

Secretary of War.

Hon. L. F. S. FOSTER,
President of the Senate,

WAR DEPARTMENT, BUREAU OF REFUGEES,
FREEDMEN, AND ABANDONED LANDS,
Washington, December 21, 1866.

SIR: In response to the resolution of Congress asking for the reports of the assistant commissioners of this bureau, together with a synopsis of the local laws respecting persons of color as they now exist in the late slave States, I would respectfully submit the enclosed reports.

Questions from this office to the assistant commissioners with reference to the present population of freedmen in the south have been only partially answered. In Virginia the freedmen have decreased in number; estimated population at this date, 500,000. North Carolina, estimated at about the census of 1860, 361,500. South Carolina, decreased; present population estimated at 375,500. Georgia, estimated at 465,500. The population of Florida has remained about the same as when the census of 1860 was taken, 62,677. In Mississippi a partial census has been taken since the close of the war, showing a slight decrease; 420,000 is the present colored population of the State. In Louisiana no change reported; pop-

ulation (colored) 445 273. Texas: the assistant commissioner of this State reports an increase; colored population estimated at upwards of 200,000. Missouri: it is probable that the freedmen have left this State in large numbers for Kansas, Iowa, &c.; estimated population 100,000. Arkansas, colored population decreased to about 100,000. Tennessee: the assistant commissioner estimates an increase from 283,000 (population in 1860) to 300,000. Alabama: to 439,469.

The reports of assistant commissioners transmitted at this time had not been received when I made my annual report to Congress.

The assistant commissioners of the States of Louisiana, Florida, and Arkansas report an increased disposition on the part of the freedmen to take advantage of the homestead act, and the actual work accomplished up to October 1.

In Louisiana forty-nine entries have been made, and one hundred and eighty-three persons settled on the public lands, representing over six thousand dollars' worth of personal property. Many more applications are made by persons who will move to these lands as soon as this year's work closes.

In Arkansas many practical difficulties have prevented the assistant commissioner from obtaining correct information of the location of public lands. Thirty families—about one hundred and twenty-five persons—have entered lands and moved to them.

In Florida more has been done than in either of the above-mentioned States. It is probable that after their release from this year's contracts many will enter lands, notwithstanding the fact that they will be compelled to compete with their more wealthy white neighbors.

The reports of the assistant commissioners contain facts giving a clearer idea of the administration of justice to the freedmen in the States embraced under the supervision of this office than I was able to give previous to this time.

The synopsis of laws submitted does not include Kentucky and Missouri, as we have been unable to obtain copies of the acts passed by the legislatures affecting the status of freedmen.

The reports of the assistant commissioners detail at length the cases that have come before them requiring their interference and the action they have taken. The reports contain evidence that the manner of executing the laws, on the part of magistrates and jurors in some parts of the south, has worked great injury to the freed people. The necessity for enforcing General Orders No. 44, from headquarters of the armies of the United States, in Louisiana, Mississippi, and Texas, by the assistant commissioners, is fully established.

The decisions of some of the district judges in the State of Mississippi, that the civil rights bill was unconstitutional, has no doubt robbed the colored people of privileges intended to be secured to them by that law. It will be seen from these reports that the machinery of the civil rights bill is not in full operation in some portions of the south, for many criminals that ought to be brought to trial under that bill are at large.

The assistant commissioners generally favor the present contract system. The freedmen are reported as having in most cases faithfully performed their obligations. I am glad to be able to report that employers have, as a general thing, settled with the freedmen in accordance with the terms of their contracts; yet, when any of them have failed to do so, the State laws have not in all cases afforded the freedmen the proper remedies and protection. For this reason assistant commissioners report that they have relieved the evil, as far as possible, by assuming the guardianship of the freedmen as contemplated by the laws of Congress.

They also report that contracts approved by bureau officers and settled through the same agency have been satisfactory to the freedmen.

I call special attention to the vagrant laws of the States of Maryland, Georgia, Mississippi, Louisiana, and Texas. The small time allowed after the expiration

of one contract before a person must enter another to escape vagrancy will occasion practical slavery. The arrest of unemployed persons as vagrants upon information given by any party; his trial by a justice of the peace; the sale of his services at public outcry for payment of the fine and costs, without limit as to time, and whipping and working in chain-gangs, present some of the obnoxious features of these singular laws.

I am, sir, very respectfully, your obedient servant,

O. O. HOWARD,
Major General and Commissioner.

Hon. E. M. STANTON,
Secretary of War.

REPORTS OF THE ASSISTANT COMMISSIONERS.

ALABAMA.

HEADQUARTERS DISTRICT OF ALABAMA,
Montgomery, Alabama, October 31, 1866.

GENERAL: I have the honor to submit the following report of the conduct of the bureau in this district, for the year ending this day.

At the beginning of November, 1865, martial law, concurrently administered by the provisional and military authorities, was in exclusive force in this State.

Judges and magistrates throughout the State were connected with the bureau by the following ordinance of the then recent constitutional convention:

"Be it ordained by the people of Alabama in convention assembled, That the civil officers now and heretofore acting, or instructed to act as the agents of the Freedmen's Bureau in this State, under the proclamation of the provisional governor, shall, and are hereby required to continue to discharge the duties thereof, under the rules and regulations heretofore prescribed, until the adjournment of the next general assembly."

The reference here made is to a proclamation commending and enforcing an order from this office, setting forth the exclusive jurisdiction of the assistant commissioner in cases involving the rights of freedmen, and appointing the judiciary of the State the agents of the bureau for the administration of justice, provided they should individually signify acceptance, and should "take as their method of procedure, in every case to which a freedman is a party, the laws now in force in this State, except so far as those laws make a distinction on account of color;" and that "failure to signify acceptance, or evident denial of justice, will be followed by revocation of the appointment herein conferred, and the substitution of martial law in the district in which it shall occur."

The formal effect of the above, which included probate courts, having cognizance of laws regulating marriage, estates of deceased persons and minors, and transfers of real estate, was to secure to the freedmen the same rights and privileges as were enjoyed by other non-voting inhabitants.

Practically, as concerned the administration of justice, this was found to be limited by the extent to which partisan bitterness, class feeling, and the influence of particular electors, affected the conduct of judges, jurors, and the minor officers of the law. The result, of course varied by individual character, was on the whole discouraging, though with many honorable illustrations of a different spirit. At that time, as at this day, the crying evil was not so much the wrongful administration of the laws, as their non-execution in behalf of

freedmen, there being no public opinion by which this was rebuked, and no other accountability which freedmen could enforce. This difficulty was not to be fully met with troops, had their number been many times greater than it was.

In exceptional cases, the agency was suspended until, the officer appearing at Montgomery, a conference was had with the State authorities and myself, and assurances received that the future would be satisfactory.

In exceptional cases, also, parties within reach of troops were summarily arrested and held for trial by court-martial, or until taken in hand by the civil law.

It being yet wholly uncertain how far the rights of freedmen would be vindicated by the nation, the legal status thus established and imperfectly maintained was considered of more value, because likely to be permanent, than results otherwise temporarily attainable.

The occupation of the bureau with the social condition of the freedmen was chiefly in establishing prosperous relations between capital and labor.

The many thousands who had set out to test their new-found freedom, without purpose or provision, and had been gathered into colonies until they could locate themselves elsewhere, had nearly all found places. Thus of four thousand on one farm, near Montgomery, on the first of July, less than two hundred, mostly invalids, remained on the first of November. Generally they preferred their old homes, sending to their former owners to come for them with wagons.

But when it came to settled labor, both parties were at fault. To the planter the system of wages was a precarious and arbitrary innovation; and, in his view, it could not be that a crop requiring twelve months unremitting care was safe with labor altogether-free. Without security in some form, no one would give employment requiring any outlay.

Slavery had been identified so thoroughly with work, that freedmen were not uncommon who believed that work was no part of freedom. And an impression, well nigh universal, that the confiscation of which they had heard for years would be enforced at Christmas for their benefit, led them to peremptorily refuse any engagement reaching beyond the holidays, or to work at all steadily in the mean time.

To meet the wants of both, "Labor Regulations" were issued from this office, providing a system of contracts for twelve months, with mutual securities and limitations. To dispel the illusion about Christmas, circulars and handbills were distributed, and speeches made by local agents of the bureau. The advice thus given was gradually accepted, with a reservation that Christmas should first pass without the expected distribution; and the holiday week witnessed a general making of engagements for the year.

The form of contract adopted was generally that furnished from your office, though various other forms were used. The ordinary rate of compensation was ten or twelve dollars a month for men, and from six to ten dollars a month for women, for field work, besides food, quarters, and medical attendance. The cost of these for quite young children was deducted from the money compensation to their parents. Quite frequently, a share in the crop was preferred to a consideration in money. Individuals whose exceptional condition as slaves had permitted them to acquire intelligence and character found little difficulty in effecting leases, though in remote places this exposed them to the inroads of marauding ruffians.

Meanwhile, a different evil was formidable elsewhere. The method of wholesale conscription, exempting certain individuals by a system of details, put in force here during the war, was exceedingly convenient for the wealthy, and threw the burden of peril and exposure upon the poorer classes. Probably forty thousand men, mostly from among these, were the victims of rebellion. The mountain counties, where they generally lived, were those also where a loyal element incited predatory warfare, and were the scene of continuous military operations.

The pauperism which resulted from all these, and was otherwise aggravated by the war, compelled a measure of relief beyond the ordinary system, which indeed, in this State, had been next to none at all. The State, before its occupation by our forces, afforded meal and salt to one hundred and forty thousand persons. This was the more easy, as the cotton culture had been in great measure supplanted by the growth of corn.

It was unfortunate for Alabama that the occupation was too late for the returning soldiers to make a crop that year, as was done quite generally elsewhere. The derangement of labor and annihilation of values incident to the downfall of slavery and rebellion, amounting to the loss of the crop of 1865, and of two-thirds of the basis of taxation, left neither food nor money to continue State relief, and aroused great dread of the time when the old crop should be exhausted.

Supplies which were issued at the various posts where troops were, eked out the store in hand until the approach of winter, when the withdrawal of the troops and the increasing distress occasioned urgent appeals to the government and to the bureau for relief. The response which these met in your circular of November 27, and the concurrent assurances received by the governor, required of me a monthly estimate, which should be the measure of assistance.

Meanwhile the legislature had assembled, and a committee on destitution and supplies was appointed in each house. Their joint report, based upon information compiled on oath in nearly every county of the State, disclosed fifty-two thousand white persons who were infirm and destitute. Of freedmen they took no account.

Of these the greater part of the infirm and helpless still found support at their old homes, from either their former owners or the able-bodied of their own race who remained. Yet those driven away by avarice, or insolvency, or the sale of real estate, added a large percentage to the report of the committee.

The legislature created the office of commissioner for the destitute, who was by law directed to assist in distributing what might be afforded by the bureau; and, besides, indicated their sense of the necessity by appropriating \$500,000 to buy food, whenever the bonds of the State could be negotiated for that purpose. It was for a long time, however, impossible to effect this, and it was not until the new year that from any source the quantity of food was materially increased.

The State not having been occupied until there were no longer any persons in armed hostility to the government, no lands belonging to such persons had been taken possession of as "abandoned," within the definition of the statute.

The extended organization of the bureau required, therefore, after November a better revenue than the expedients which had answered till that time. Congress having made no appropriation, it was observed that certain property of the late rebel government might be made use of for this purpose. An application was accordingly sent forward, which resulted in the following order, dated November 11, 1865:

"*Ordered*, That the civil and military agents of the government transfer to the assistant commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands for Alabama the use and custody of all real estate, buildings, or other property seized or held by them in that State as belonging to the late rebel government, together with all such funds as may arise or have arisen from the rent, sale, or disposition of such property which have not been finally paid into the treasury of the United States.

"ANDREW JOHNSON, *President*."

It was not considered that *cotton* was included in this order, and when it was found that in the copy sent to the collector at Mobile the words "except cotton" were interpolated, a feeling of relief precluded inquiry or appeal.

It was proposed by myself to receive under this order no property except such as was needed for actual use, and that the collector appointed by the Sec-

retary of the Treasury should complete his operations and pay over the net proceeds to the disbursing officer of the bureau, a paymaster detailed from the army. To this the Secretary objected, for reasons personal to the collector, who was a stranger to me, and who was soon after removed. The sales of property already advertised were then completed by his subordinates, under the supervision of the bureau, and the proceeds are the basis of the financial part of this report. The title to the remaining property being chiefly in dispute, the question of ownership was referred to the district court of the United States by proceedings in confiscation, which are still incomplete. The revenue thus acquired was sufficient for the actual necessities of administration.

The organization of the bureau, at first purely experimental, had by November taken shape. It consisted mainly in stationing an officer wherever one could be obtained by detail, to advise and protect the freedmen, and do for the extremely poor whatever our facilities would permit. The number of such officers was unfortunately few, and was constantly reduced by removal or muster-out of the regiments to which they were attached. Their principal care was the charge of labor contracts. These were, in great numbers, examined, explained to the freedmen, and, if fair and mutually consented to, approved, and a duplicate retained for reference. Complaints arising afterwards were inquired into and adjusted.

It was considered wrong to compel a free man to contract, or to prescribe fixed rates of compensation; but to guard against the total inexperience of freedmen, the stipulations were required to include the necessaries of life, in kind, and ample for their families and themselves.

This system of annual contracts was regarded as a make-shift, which it was hoped would disappear as confidence should grow out of experience on both sides, and leave to each the benefit of an appeal at any time to competition. The demand for labor promised a comfortable future for the freedmen on this basis.

At those stations which were central to districts populous with freedmen "colonies" were established. These were a sort of infirmary, consisting of a hospital for the sick, and a number of cabins for orphans and helpless persons, and were also used as places of transit for persons seeking homes. Various evils were incident to these, but the good done by them has been great, and the saving of life considerable.

It was also the duty of the agent to encourage schools, but graver needs and the disturbed condition left little scope at first for these. Most of the aid societies, which did so good a work elsewhere, were overtaxed in fields where labor was begun before the occupation of this State, while neither means nor orders warranted the general employment of teachers by the bureau. And it was only in the few places where troops were stationed that schools were safe or practicable. An excellent school of about five hundred pupils was supported at Mobile by the Northwestern Freedmen's Aid Society, and a school of about two hundred pupils was maintained at Montgomery by the bureau; but it was not until this year that a decided progress was attained.

What is here said as to schools, with other preceding remarks, based on the very late occupation of this State, does not apply in terms to the counties adjoining the Tennessee river, they having been temporarily attached to another jurisdiction.

These agents or "superintendents," as they were styled in orders, were also charged with the issue of rations, in the county in which they were stationed, and with the supervision of the same in the remaining counties of a given district.

They were also required to investigate, and, in proper cases, forward complaints of malfeasance against magistrates or other county officers. And so long as martial law obtained they were useful in the arrest and confinement of outlaws and evil-doers.

They were permitted to delegate the charge of contracts in different vicinities to such magistrates as were found to have the confidence of both races, reserving the right of appeal and supervision.

To effect these various ends they were allowed such details of enlisted men and such limited supplies as could be furnished from the army; a few physicians and clerks were obtained by private contract, and the whole was controlled and registered by a system of returns and a few general regulations.

The meeting of the legislature in November raised the question of continuing the status established for freedmen by the regulations of the bureau, and developed a formidable party, determined to enjoy the unpaid labor which slavery had allowed, without even the obligations of maintenance which that system had imposed. These found strength in the refusal of so many freedmen to work or contract before Christmas, the result being an angry and despondent public feeling that they would never work at all unless compelled by special legislation.

Preparation for planting begins with the new year, and the holidays being the universal season of arrangement, a recess of thirty days from the 15th of December was resolved upon. On the eve of adjournment, the freedmen holding out and the pressure accumulating, a series of bills passed, referring exclusively to freedmen, and which restored all of slavery that was oppressive except the sale of persons, while it removed all of its individual responsibilities. "Ten thousand copies for immediate distribution" were ordered to be printed, without doubt of executive approval, and with the apparent intention of inaugurating a general seizure. At the same time the traditional fear of a Christmas insurrection was revived in an exaggerated form, not altogether without reason why it should occur.

To meet the emergency presented the following circular was issued from this office:

"The prospective interval of thirty days in the present session of the general assembly makes it proper to remind the judicial officers and magistrates of this State that their duty to act as the agents of this bureau for the administration of justice continues, by constitutional provision, till the close of the session.

"Meanwhile, their oath of office to support the constitution of the State and the 'regulations heretofore prescribed,' which, for the time being, form a part of it, requires them to continue, 'in every case to which a freedman is a party,' to 'take for their method of procedure the laws now in force in this State, except so far as those laws make a distinction on account of color.'"

The executive signature, being no longer an immediate necessity, was, amid some excitement, postponed until after the recess, when, the freedmen having meanwhile gone to work, the bills were successively vetoed, and the veto sustained in each instance by a majority vote. The stand taken by the executive, with this result, prevented any further attempt at extended class legislation.

Although a principle was gained, yet the desire for unchecked control of labor was not set at rest, and the energy of private interest was still too much for the sense of public good. The close of the session left on the statute book a "vagrant law," which provided chain-gangs and the county jail for whoever should "loiter" at work, or desert a labor contract. At the same time the "stay law" was so framed as to postpone the collection of wages, practically without limit. These laws furnished to their advocates what was desired, and it would be difficult to tell the wickedness to which they have been and still are instrumental.

No reference to color was expressed in terms, but in practice the distinction is invariable.

The first of these laws was believed by the legislature to have been super-

seded by the "penal code," passed later, and with more humane provisions; but when the code appeared the vagrant law was published with it, and the doubt expressed by the reporter is always resolved against the weak.

The reduction of the volunteer force, at a time when nothing could be done without its presence, compelled the gradual abandonment of stations. Early in the new year the only ones of importance which remained were those which, with the help of a few officers from the Veteran Reserve Corps, and latterly from the fifteenth United States infantry, we have been able to maintain as permanent centres of bureau operations.

They are now officered as follows:

Montgomery—Captain L. J. Whiting, Veteran Reserve Corps.

Mobile—Brevet Major G. H. Tracy, 15th United States infantry.

Huntsville—Brevet Colonel J. B. Callis, Veteran Reserve Corps.

Selma—Lieutenant George Shorkley, 15th United States infantry.

Greenville—James F. McGogy, late first lieutenant, brevet captain U. S. army.

Tuscaloosa—Captain W. H. H. Peck, Veteran Reserve Corps.

Talladega—Acting Assistant Surgeon J. W. Burkholder, U. S. army.

Demopolis—Brevet Major C. W. Pierce, Veteran Reserve Corps.

With the beginning of the new year, also, an effort was matured to extend the supply of rations to the destitute. Aside from the cost of sending a special agent to each county was their liability, as irresponsible strangers, to imposition, misrepresentation, and even to misconduct. The stations of the bureau enumerated above were therefore made principal depots, and an officer at each was put in connection with the subsistence department of the army. The State commissioner was then charged with providing in each county, through the overseers of the poor, a respectable citizen, who should draw from the depot to which his county was assigned such monthly quota as the commissioner should determine. The basis of this quota was an aggregate fixed on as the estimate for the month in conference between the governor, the State commissioner, and myself. Transportation from the depots was left for the counties to provide. These were authorized by law to issue bonds for this purpose, but, being generally without money or public credit, availed themselves of the gratuitous services of the railroads, or of a private contract with some citizen who could wait.

The quota so drawn was distributed under the supervision of the State commissioner. The securities of this system were the neighborhood responsibility of the agents, the interest of the overseers of the poor, and such scrutiny as the bureau and State commissioner could maintain. It was necessarily liable to irregularities and some abuse.

Its operation for eleven months is thus presented:

Report of number of rations issued and persons relieved in the State of Alabama during eleven months ending September 30, 1866.

Months.	White.					Colored.				
	Men.	Women.	Children.		Total.	Men.	Women.	Children.		Total.
			Male.	Female.				Male.	Female.	
1865.										
November	72	483	821	875	2,251	327	656	346	615	1,944
December	271	909	1,059	1,090	3,329	464	860	345	574	2,243
1866.										
January	349	2,377	1,735	2,764	7,225	538	1,053	742	1,002	3,335
February	1,285	3,641	3,806	5,039	13,771	891	1,455	880	1,095	4,324
March	1,181	4,971	5,706	6,758	18,616	995	2,007	1,389	1,662	6,053
April	1,038	4,340	4,844	6,642	16,864	1,176	2,331	1,904	2,771	8,182
May	1,743	5,821	6,939	9,064	23,567	1,479	3,433	2,898	3,516	14,326
June	1,912	5,641	6,932	8,092	22,577	1,654	3,170	2,846	3,151	10,821
July	1,585	5,036	7,108	8,076	21,805	1,294	2,472	2,379	2,648	8,793
August	1,376	4,528	5,932	6,836	18,672	1,178	2,025	2,112	2,247	7,562
September	1,368	4,454	5,547	6,543	17,912	1,242	2,225	1,939	2,126	7,532
Total	12,180	42,201	50,429	61,779	166,589	11,241	21,687	17,780	21,407	72,115

RECAPITULATION.

Months.	Total number of men.	Total number of women.	Total number of children.	Aggregate.	Total number of rations issued.	Total value of rations issued.
1865.						
November	399	1,139	2,657	4,195	70,781	\$9,865 69
December	735	1,769	3,068	5,572	77,017	10,412 09
1866.						
January	887	3,430	6,243	10,560	111,516	19,185 34
February	2,179	5,096	10,820	18,095	304,191	53,484 55
March	2,176	6,978	15,515	24,669	352,652	58,550 08
April	2,214	6,671	16,161	25,046	416,266	69,420 19
May	3,222	9,254	22,417	34,893	613,567	106,637 00
June	3,566	8,811	21,021	33,392	792,349	131,955 97
July	2,879	7,508	20,211	30,598	476,872	81,919 10
August	2,554	6,553	17,127	26,234	282,617	50,360 39
September	2,610	6,679	16,155	25,444	291,960	51,799 76
Total	23,421	63,838	151,295	233,704	3,789,788	643,590 16

The issue, it will be observed, increased greatly during the first months of this year, as operations were extended over the area of distress, and as numbers were added from those who had lived until that time on a little corn, or a bale or two of cotton, that had survived the war.

A statement had been sent forward in December as to the extent of suffering to be apprehended, but the hope had been expressed that the daily issue need not at any time be more than fifteen thousand rations. Large as these figures were, they did not keep pace with the evidence of suffering. At all consider-

able towns were seen emaciated persons, who had come a long way in, quest of food. Letters, newspaper statements, and personal appeals came in from every quarter, while men of prominence and known integrity went to solicit contributions in the north, with which to supplement the relief afforded by the government.

Finally, the following resolution of the United States House of Representatives was transmitted to this office :

"Whereas it is reported by citizens of Alabama, in formal memorial to the two houses of Congress, that many of the people of the mountain districts of said State are suffering from want of adequate supplies of food, and that considerable numbers of them have actually died of starvation : Therefore,

Be it resolved, That the President be requested to instruct the proper officers of the Bureau of Refugees and Freedmen to inquire into the condition of said districts, and any other districts in the late insurgent States in which said suffering may be said to exist, and to relieve the people thereof, and provide them with corn and other seed for planting a crop sufficient for an annual supply of each family requiring such relief."

With this, were instructions to carry it into effect.

It was considered too late to supply seed corn for the current year, and unnecessary to provide it for the year to come. As to the indicated measures of relief, the resolution did not lessen the anxiety which was already felt in this connection. Too much was an evil only not worse than the disease ; too little—while there were stories of starvation in the air—was to become responsible for loss of life.

The solution seemed to be that the governor and the State commissioner, both known to me as eminently trustworthy and well informed, must be the guardians of this people, and their requisition be met, unless a decided variance from the result of my own investigations dictated an appeal to superior headquarters.

Accordingly, at the request of both these officers, and in compliance with the resolution of the House, and the indications of want above referred to, the estimate for May was raised to twenty thousand rations, and that for June to twenty-five thousand. In the latter case, official statements from the governor and the commissioner were addressed to me, published, and forwarded to your office. At the same time, repeated efforts to negotiate State bonds having failed, the governor went in person to St. Louis, and there succeeded in procuring by their use, and by voluntary contributions, about fifty thousand bushels of corn and a few hogsheds of bacon.

It had been supposed that with the incoming grain crop the issue of rations might be nearly or quite discontinued. The crop, however, so far failed as to dispel this prospect, but the ripening ears, with other vegetables, and the incoming supplies purchased by the governor, seemed to warrant a reduction, which was made, to fifteen thousand, for July, and to ten thousand for August and for September. The supplies procured by the governor were distributed throughout these months.

In compliance with your circular of August 22d, the issue of rations has, since the 1st of October, been restricted to the inmates of asylums and hospitals, the State authorities being notified of the same some weeks in advance of that date.

The correspondence which ensued, the urgent request of the governor, your recommendation, and my own, resulted in the order of the Secretary of War, sent to me with your instructions in detail, for the purchase of corn and bacon for issue to the destitute of this State, to the extent of forty thousand dollars monthly, for three months. Brevet Major William A. Elderkin, of the subsistence department of the army, has been charged with providing the articles

required, and the regulations for their further distribution have been forwarded for your approval.

Another difficulty which was met at the opening of the new year grew out of the fact that, during the jubilee occasioned by the coming of our troops, various acts, either really criminal, or, being done in their aid, only technically so, were committed by the freedmen under the impulse of the moment. Almost the first act of the restored civil courts was to treat these with great rigor, crowding the jails with freedmen, generally the victims of excitement, and in many cases of a desire to help the struggle for the Union.

To permit the latter class so to suffer was intolerable, yet there was no way to distinguish between good and evil, for want of testimony, and from the prisoners' very helplessness.

Finally, upon suggesting to the governor that, as a long step towards peace, the amnesty extended by the government be repeated by the State, it was found that his own mind was already prompted in the same direction, by the multitudinous indictments in the several counties, of Union men or the reverse, according to political complexion.

With entire singleness of purpose, the freedmen were readily included in this plan of amnesty, and on the 13th of February was announced the pardon of all "offences committed against the laws of this State—the crimes of rape and murder excepted—between the commencement of hostilities on the 13th of April, 1861; and the restoration of civil government by the proclamation of his excellency the provisional governor of Alabama, on the 20th of July, 1865." By this act, it is considered that about eight hundred freedmen, confined for penitentiary offences, were restored to industry and freedom. Severe reprehension was at first visited upon the measure, but from no quarter has complaint of its operation been received, and it is believed to be now universally approved. Individual cases which have arisen since have met with the same considerate fairness.

Quite early in the year the several religious denominations took strong ground in favor of the education of the freedmen. The principal argument was an appeal to sectional and sectarian prejudice, lest, the work being inevitable, the influence which must come from it be realized by others; but it is believed that this was but the shield and weapon which men of unselfish principle found necessary at first.

Advantage was immediately taken of the course of these religious bodies to extend the area of school operations. At towns and places where there were no troops, were found men willing, under cover of it, to open schools or to protect them, and whose position made them safe. Schools were opened in this way at Tuskegee, Auburn, Opelika, Salem, Greenville, Demopolis, Evergreen, Mount Meigs, Tuscaloosa, Gainesville, Marion, and Wetumpka, and later at Troy, Cubahatchee, Prattville, and Hayneville; while opportunities beyond our means are still developing.

It was found, however, that the presence of a school dispelled the prejudice against it, and the bitterness, at first so dangerous and obstructive, has been gradually converted to a positive approval.

The points where there were troops were left for teachers sent by northern aid societies. At Mobile, Montgomery, Selma, Huntsville, Tusculumbia, Stevenson, and Athens, help of this kind has been secured, though not in proportion to the field. According to the act of Congress, we have co-operated in such efforts by providing buildings and repairs, leaving the conduct and support of schools to their projectors. The net cost of these schools we do not know.

The Pittsburg Freedmen's Aid Commission, earliest in the field and caring for North Alabama, has schools at all of the five points last named, and promises an increase of its usefulness in projecting an academy for teachers.

In middle Alabama, the principal assistance received has been rendered by the Cleveland Freedmen's Union Commission. This active and liberal organization sent out four teachers in the spring; and for the fall and winter session it supports seven teachers and a matron to care for their household, in Montgomery, and three teachers in Talladega. Besides the pay and maintenance of these, this commission has made quite liberal contributions of clothing for distribution to the destitute; and their zealous and able teachers impart instruction in Sunday schools to nearly one thousand pupils of all ages.

The Northwestern Freedmen's Aid Society, at Mobile, continues there a work, the excellent results of which already show a marked advancement of the colored people of Mobile. Since the release of the Medical College building in that city to its former owners, it has been found difficult to secure sufficient school room to accommodate the large number of pupils taught last spring.

The marine hospital at Mobile having unrivalled fitness for a place of education, and scarce one-tenth of the inmates it had capacity to accommodate, an effort was made to secure its transfer to the bureau. The necessary authority was procured, but the threatening proximity of cholera and yellow fever to Mobile, and the difficulties met with in attempting to locate the inmates as suitably elsewhere, have thus far delayed its occupation for school purposes.

In both classes of schools, so far as they were controlled by the bureau, the principle has been enforced that while all should be made welcome, those who could must pay. A dollar and a half a month or less, as circumstances seemed to dictate, has been collected and applied, although the destitute have been so far in the majority, that no school has been self-supporting.

Expenses of our own schools have been defrayed from means procured under the order of the President, and the twelfth section of the act extending the duration of the bureau. Expenditures for rent and repairs have been from the regular appropriation for that purpose. In the matter of repairs and outfit also, the co-operation of the freedmen has uniformly been enlisted, and has been found ready and effective according to their means.

The reasons for our so doing are obvious; the first one being that we can in this way teach more than we could afford to otherwise.

The net cost of schools supported by the bureau has been an average of ninety-two cents for each month of tuition enjoyed by each scholar. This average is continually diminishing, the expenditures being in good part for repairs and benches to begin with.

These various localities are in twenty-three out of fifty-two counties in the State, embracing most of those having many colored residents.* It is believed that the system can be steadily extended without great increase of expenditure, and that a good crop will go far to make the schools now established self-supporting.

* During the spring months small-pox prevailed to an alarming extent among the freedmen in north Alabama, causing the decrease in attendance and the early closing for vacation noticeable in the table.

A new building will be soon finished to take the place of the school-house in Stevenson, which was burned in October, when accommodation will be furnished to a still greater number of pupils than before. It is expected that the school at Tusculum will be shortly re-opened under the same auspices. At King's Station, a teacher sent out from Philadelphia met with encouraging success, but was called away from the work by private business, and it has been deemed unadvisable to re-open the school until a suitable building is prepared.

The principal school at Selma is under the care of the American Missionary Association, and has but just been opened.

It is expected to re-open the school at Marion under a new teacher early in December.

Colored teachers have charge as principals of the schools at Troy, Wetumpka, Home Colony, and one of those at Tusculum.

The attendance for November has been ascertained since this report was written.

The various amounts thus paid out for the year have been :

For employment of teachers.....	\$3,777 20
For salary of superintendent.....	1,140 67
For rent, construction and repairs.....	1,715 75
	6,633 62

And the result is thus presented in the aggregate :

State superintendent's annual school report to the Bureau of Refugees and Freedmen in the State of Alabama.

Location of schools.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	Teachers.	Schools.
Huntsville.....	375	407	461	411	440					362	310	7	3
Tusculumbla . . .	126	136	174	40	40							2	1
Florence	110	110	70								70	2	1
Athens	142	242	181	139	139					135	152	3	2
Stevenson.....	181	218	148	148	148					150	133	3	2
Mobile.....		543	525	511	474	410					388	9	4
Montgomery.....		322	292	280	292	315	227			235	413	7	3
Wetumpka.....		52	55	69	87	91			66	62	67	1	1
Schna.....		75	95	111	174	174		60	59	198	208	4	3
Damopolis.....		65	72	64	87	87	117		117	110	150	3	2
Gainesville.....			45	45	67	108	120	120	120		126	2	1
Talladega.....			125	75	75	75				140	140	3	1
Greenville.....			40	33	33	76	73	93	111	84	60	2	1
Tuskegee.....				21	53	55	76	76	64	68	71	1	1
Tusculooosa.....				128	128	154	47	47	103	157	153	3	3
King's Station.....				102	132							1	1
Marion.....					132	125	137	137				2	2
Evergreen.....					61	68	92	96	101	101	101	1	1
Mount Meigs.....						39	45	42	43	45	45	1	1
Opelika.....						60	75	138	163	164	185	3	2
Home Colony.....						35	34	36	40	44	46	1	1
Auturn.....							135	131	119	135	124	2	1
Salem.....							42	44	44	42	43	1	1
Troy.....									33	31	29	1	1
Cubahatchee.....										60	65	1	1
Hayneville.....										54	60	1	1
Prattville.....											43	1	1
	934	2,170	2,283	2,210	2,570	1,872	1,220	1,020	1,183	2,377	3,220	68	43

Too much cannot be said of the desire to learn among this people. Everywhere, to open a school has been to have it filled. Everywhere, a reciprocity of interest dictates facilities for education, and private and plantation schools are supplementing, and perhaps exceed, the more conspicuous efforts.

From time to time, and where they could be useful, colored men have been employed, usually as assistants, with a view to raising up teachers from their own race to perpetuate the work among the freedmen.

In the absence of an appropriation, as has been said, a fund had been created, under an order of the President, for the maintenance of the bureau, and from property rescued (in great part through the vigilance of its agents) from the wreck of the rebellion.

A charge for registering contracts, of twenty-five cents for each laborer included, was collected from employers at the time, and a small sum was received from fines imposed by a provost court in operation a few months at Mobile; but neither of these was a source of considerable revenue.

In November \$5,000 was received from your office, to be repaid when practicable, and prior to the beginning of the new year \$9,734 09 was secured under the President's order and from other sources.

In February, the Briarfield iron works, which had been extensively advertised by the Treasury Department, were sold at public auction for forty-five thousand dollars. The incidental expenses, which were large, were defrayed from other sources, and this sum received intact.

Three confederate vessels, aground in the Tombigbee, and turned over by capitulation, were taken care of for some months, and finally got off at high water and brought down to Mobile. One of them was sold, accrued expenses on the three were paid, and \$27,351 93 netted to the bureau. The other two eventually went into the United States district court, where they still are. In all, the sum of \$102,491 84 has been received from different outside sources.

At the close of July was received your circular No. 9, giving notice of congressional appropriations for the bureau, and directing that disbursing officers remit to your office the moneys in their hands. The sum of \$45,785 10 was accordingly remitted. Since that time \$24,312 97 has been received from the appropriation, and of the sum sent forward, \$4,317 has been returned for use under the 12th section of the act extending the duration of the bureau:

"The Commissioner shall have the power to seize, hold, use, lease, or sell all buildings and tenements, and any lands appertaining to the same, or otherwise, formerly held under color of title by the late so-called Confederate States, and not heretofore disposed of by the United States, and any buildings or lands held in trust for the same by any person or persons, and to use the same or appropriate the proceeds derived therefrom to the education of the freed people."

The entire sum remitted as above from collections in this district, is controlled by these provisions, and so much as has not been returned is yet to be applied to purposes of education. Probably \$10,000 more will ultimately be received from the same source, and this again may be further re-enforced from the appropriation. A vigorous and careful effort will be made to develop a result in full proportion to the means.

The expenditures of the bureau in this district have been chiefly those of administration. Payments for hospital and subsistence stores have been adjusted in the War Department, as were also those of the quartermaster for a time. The principal items of disbursement are presented in the statement of accounts which accompanies this paper. Some payments have been made of losses consequent upon attempts to farm on government account before the bureau was created, or the demand for freedmen's labor was apparent. These were unprofitable, as was to be expected, and were none of them renewed. The \$5 000 received from your office was returned quite early in the year. The total of our own payments has been \$76,080 67. The sum received back from your office upon all accounts is \$17,155 13, less than that remitted to it.

Statement of receipts and disbursements of the Bureau of Refugees and Freedmen in the State of Alabama during the year ending October 31, 1866.

RECEIPTS.

1865.	September 30,	Balance on hand	\$1, 223 35
	October	Received during the month	92 25
	November	Received during the month	7, 615 00
	December	Received during the month	5, 803 49
1866.	January	Received during the month	99 00
	February	Received during the month	75, 295 50
	March	Received during the month	2, 914 38
	April	Received during the month	3, 530 30
	May	Received during the month	8, 778 18
	June	Received during the month	668 72
	July	Received during the month	61 97
	August	Received during the month	14, 066 78
	September	Received during the month	8, 363 75
	October	Received during the month	7, 619 14

136, 121 81

DISBURSEMENTS.

1865. November. . .	Paid during the month.	\$1, 978 12
December . . .	Paid during the month.	3, 795 07
1866. January. . . .	Paid during the month.	5, 451 99
February. . . .	Paid during the month.	11, 398 41
March.	Paid during the month.	6, 177 43
April.	Paid during the month.	12, 007 64
May.	Paid during the month.	5, 636 61
June	Paid during the month.	10, 810 94
July.	Paid during the month.	48, 815 93
August	Paid during the month.	6, 073 78
September. . .	Paid during the month.	7, 989 35
October.	Paid during the month.	6, 730 50
		<hr/>
		126, 865 77
Balance on hand.		9, 256 04
		<hr/>
		136, 121 81
		<hr/> <hr/>

The several items of receipts and disbursements are classified as follows :

RECEIPTS.

Balance.	\$1, 223 35
Rents.	2, 676 54
Contracts.	4, 296 60
Sales.	93, 149 76
Fines.	477 75
Loan.	5, 000 00
R & F. fund.	4, 317 00
Appropriation.	24, 312 97
Miscellaneous sources.	667 84
	<hr/>
	136, 121 81
	<hr/> <hr/>

DISBURSEMENTS.

Assistant superintendents.	\$3, 189 29
Clerks and civil emp'oyés not otherwise specified.	24, 245 17
Medical department, including surgeons and all hospital expenses	18, 985 31
Quarters and fuel.	7, 123 85
Stationery.	412 35
Transportation.	904 57
Telegrams.	287 76
Printing.	1, 539 95
Care of blockade runners.	3, 080 73
Refunded for property improperly sold.	1, 139 40
Rent of farms.	3, 569 00
Rent of farm and supplies purchased by former assistant com- missioner.	2, 515 00
Schools.	6, 633 62
Examinations of lands for entry.	600 00
Taxes on salaries.	444 95
Miscellaneous items.	1, 509 72

Return of loan from bureau.....	\$5,000 00
Paid over to bureau	45,785 10
	<hr/>
Balance	126,865 77
	9,256 04
	<hr/> <hr/>
	136,121 81

The hospital system of the bureau is the result rather of past necessities than of a plan to furnish medical attendance to refugees and freedmen as a class. The great ingathering of freedmen at the first centres of military occupation, and the resultant outbreaks of disease, compelled immediate provision for the sick. When these accumulations were dispelled, the number of the patients was not equally reduced. Victims of criminal assault, of accident, and of disease continually came in as having plainly nowhere else to go, and often in a moribund condition.

The number of infirm left on our hands, and other such from time to time received, compelled the maintenance at these same points of "colonies," between which and the hospitals was a necessary coexistence. The maintenance of those that had been once established has been induced by these considerations, but a warrant was not found in such necessity as has existed for creating them elsewhere. The obvious duty of the overseers of the poor, the land and cabins they could easily procure, and the presence at their call of resident physicians, led to the substitution of an offer to supply those things which they had not, so far as they might be within our reach; and many such arrangements have been made. Clothing and blankets which had been rejected in the army as defective; rations and medicine of excellent quality; some fuel, and whatever else we could, have been supplied to hospitals conducted on this plan.

During the winter months small-pox was widely epidemic, and great help was found in being able thus to burn infected garments and supply new ones to convalescents. Shipments were made to many counties for this purpose.

Report of hospitals in operation during the year.

Name and station.	No. of surgeons.	No. of stewards.	No. of attendants.		No. of beds.	Remarks.
			Male.	Female.		
Freedmen Hospital, Mobile.....	1		6	3	100	Rented.
Do.....do.....Selma.....	1		7	5	100	Government property.
Do.....do.....Montgomery.....	1	1	3	3	100	Rent free.
Do.....do.....Demopolis.....	1		2	3	50	Government property.
Do.....do.....Huntsville.....	1	1	3	2	50	Rented.
Do.....do.....Home colony.....	1			3	100	Rented.
Do.....do.....Talladega.....						Disc'd in July, 1866.

Report of freedmen, from November 1, 1865, to October 31, 1866, admitted, discharged, transferred, died, and remaining under treatment.

Months.	ADMITTED.				DISCHARGED AND TRANSFERRED.			
	Adult males.	Adult females.	Male children.	Female children.	Adult males.	Adult females.	Male children.	Female children.
Remaining October 31, 1865.....	202	143	50	30	.....	.....	.....	.....
Do.... November.....	161	121	34	26	158	113	40	15
Do.... December.....	112	94	29	24	126	85	33	27
Do.... January.....	106	102	33	41	120	116	32	35
Do.... February, 1866.....	86	101	24	35	65	78	24	26
Do.... March.....	72	75	23	33	49	48	8	20
Do.... April.....	74	106	57	66	64	64	35	47
Do.... May.....	77	114	32	22	48	81	31	21
Do.... June.....	81	123	36	31	73	111	23	29
Do.... July.....	79	91	42	39	71	97	17	17
Do.... August.....	160	125	43	44	135	129	47	47
Do.... September.....	133	100	33	31	109	96	36	22
Do.... October.....	118	107	35	40	91	73	20	22
Total.....	1,461	1,402	476	462	1,109	1,091	351	328
Aggregate.....	3,801				2,879			

Months.	DIED.				REMAINING.			
	Adult males.	Adult females.	Male children.	Female children.	Adult males.	Adult females.	Male children.	Female children.
Remaining October 31, 1865.....	.....	.....	.....	.....	.....	.....	.....	.....
Do.... November.....	33	29	11	14	172	122	33	27
Do.... December.....	30	18	1	5	128	113	23	16
Do.... January, 1866.....	21	12	5	7	93	87	19	15
Do.... February.....	17	12	4	3	97	98	15	21
Do.... March.....	22	12	6	2	98	113	24	32
Do.... April.....	13	13	1	4	95	142	45	47
Do.... May.....	9	7	2	1	115	168	44	47
Do.... June.....	10	9	2	6	113	171	55	43
Do.... July.....	13	11	4	4	108	154	76	61
Do.... August.....	15	10	5	5	118	140	67	53
Do.... September.....	18	8	3	5	124	136	66	57
Do.... October.....	16	4	2	6	135	166	79	69
Total.....	217	145	46	65	135	166	79	69
Aggregate.....	473				449			

Report of refugees, from November 1, 1865, to October 31, 1866, admitted, discharged, transferred, died, and remaining under treatment.

Months.	ADMITTED.				DISCHARGED.				DIED.				REMAINING.				
	Adult males.	Adult females.	Male children.	Female children.	Adult males.	Adult females.	Male children.	Female children.	Adult males.	Adult females.	Male children.	Female children.	Adult males.	Adult females.	Male children.	Female children.	
January, 1866.....	1	1											1	1			
February.....		1				1							1	1			
March.....	3	1		1	1	1		1					3	1			
April.....	6	1	1		3	1			1				5	1	1		
May.....	4	5	2	5	5	2		4					4	4	3	1	
June.....	5	19	9	6	2	13	6	4	1				6	10	6	3	
July.....	16	22	7	3	9	12	8	2					13	20	5	9	
August.....	13	33	9	5	14	46	12	9	3		1	2	9	7	1	3	
September.....	23	23	14	7	22	19	12	8	1	2		1	9	9	3	1	
October.....	22	18	8	6	25	17	7	2					6	10	4	5	
Total.....	93	124	50	38	81	112	45	30	6	2	1	3	6	10	4	5	
Aggregate....		305				268				12				25			

The large percentage of mortality of cases in the hospitals is due in part to the extent to which disease has generally gone before they are received. In part, it also has its source in the uncared-for class from whom the patients come. The compensation of \$100 per month, the maximum allowed to contract surgeons, is an insufficient return for the labor and professional skill which is required of them. During the year past, sixteen such officers have been at different times employed, of whom six have withdrawn, two died, and eight are still in service.

The quartermaster's department of the bureau in this district is not so far distinct from that department proper that its operations can be separately stated with precision. Subsistence stores have been received and transferred by it. Hospital requirements for clothing, fuel, and ambulance transportation have been met, and transportation furnished under various orders to refugees and freedmen, and to officers and men on duty pertaining to the bureau. A statement of such items as can be well presented is given in the following table:

Report of clothing, fuel and transportation, furnished by the Bureau of Refugees and Freedmen, in the State of Alabama, during the year ending October 31, 1866.

Number of articles of clothing furnished	16,463
Number of blankets and blanket quilts.....	7,793
Number of cords of wood	339
Number of tons of coal.....	4
78 officers transported 16,191 miles, cost	\$404 77
334 enlisted men transported 51,437 miles, cost.....	1,285 97
85 employes transported 17,474 miles, cost.....	436 85
217 refugees transported 42,630 miles, cost	1,065 57
521 freedmen transported 74,523 miles, cost.....	1,863 07
Amount of funds estimated for by quartermaster's department	11,134 50

The bill reserving certain lands in the Gulf States for "homestead actual settlement," as originally introduced, applied only to Mississippi, Louisiana, Arkansas and Florida. A request was forwarded that its benefits be extended also to freedmen in Alabama. After the passage of the bill, the register of the land office at this place, accompanied by an intelligent clerk from this office, made an extended tour of the public lands in this State. Their report showed that while large areas were exceedingly rich in minerals, and nearly all well timbered, yet for agricultural purposes, cleared lands, which could be bought or leased at a low rate from private owners, offered much greater hope of profit, with the high price of cotton. And although many inquiries into the opportunities afforded by the bill were made by freedmen, yet, on reflection, few considered its provisions advantageous. The entries, therefore, have been nominal, as were those at the land office by white persons, except of mineral lands, and are not statistically presented. Steps have been taken to diffuse full information and facilities, and to afford to freedmen the assistance of the bureau, and it is possible that when their annual contracts have expired, more will avail themselves of the provisions of this bill.

The legislature of last winter made provisions for a census of the State. A table showing the result is given below. It will be seen that the effect of war has been to simply neutralize the increase from all sources, which for the ten years previous was twenty-five (24.9) per cent. Both races fare apparently alike, although perhaps a disproportionate mortality among the blacks has been compensated by importations made from time to time, in order to avoid the converging theatre of war. The census of white males in Alabama, which in 1860 gave an aggregate of 270,271, in 1866 presents a decrease of 9,267. The total of black males in 1860 was returned at 217,766, and has diminished in the interval 3,523, about one-half the ratio of the former. The movement of freed people to the towns is shown by a marked percentage of increase in the counties of Mobile, (25,) Montgomery, (23,) and Dallas (Selma) (13,) with a proportionate decrease in other counties. The figures given for Clarke county, although accurately copied, are considered incorrect. A northward movement of the freedmen into Tennessee is shown in the returns from northern Alabama. The citizens of Randolph claim that their county sent three thousand men to help the armies of the Union. They certainly are loyal, and have lost nineteen per cent. of whites; they are as certainly deserving of all praise.

In May last, by direction of the President, and by order of the Secretary of War, the assistant commissioner was assigned to the command of troops serving in this district, besides his previous duties. The result has been an increase of facility, efficiency, and economy to the bureau, without loss, it is hoped, to the military service. The assistant adjutant general added the military desk to those already in his office, which, in the bureau, had been charged with the revision and preparation of returns, the forwarding of soldiers' claims, matters referred for action or decision, and replies to continual inquiries.

Of claims of colored soldiers for arrears of pay and bounty 526 have been prepared and forwarded, and 29 additional for their relatives, on various grounds.

The many officers from time to time employed, and particularly those in charge at present of the several stations, and whose names were given in the sketch of organization, have laid me under many obligations for intelligent and faithful service.

Two cases have occurred of shameful violation of all law and honor.

The staff departments are and have been in charge of gentlemen to whom I am very much indebted for invaluable service, and for relations of marked cordiality, both which have been without exception. The following is an exhibit of successive changes in the several departments, from the first, and in the order of announcement:

Assistant adjutant general.—Maj. Chas. A. Miller, 2d Me. Cav., G. O. 1, July

26, 1865; Bvt. Col. C. Cadle, jr., Maj. and A. A. G., U. S. V., G. O. 11, II, Aug. 30, 1865; Capt. M. C. Wilkinson, V. R. C., G. O. 1, Jan. 14, 1866; Bvt. Maj. O. D. Kinsman, Capt. and A. A. G., U. S. V., G. O. 5, April 7, 1866; 1st Lieut. J. F. Conyngham, 15th U. S. Inf., G. O. 3, Sept. 3, 1866.

Disbursing officers.—Maj. B. W. Norris, Add. Paymaster, U. S. A., G. O. 6, Aug. 4, 1865; Bvt. Lieut. Col. Ed. Wright, Paymaster, U. S. A., G. O. 15, Sept. 27, 1865; Bvt. Lt. Col. Edwin Beecher, Add. Paymaster, U. S. A., G. O. 3, Feb. 1, 1866.

Surgeon-in-chief.—Bvt. Lt. Col. Chas. J. Kipp, Surg. U. S. V., G. O. 13, Sept. 8, 1865.

Commissary of subsistence.—Capt. W. C. Arthur, C. S., U. S. V., G. O. 7, April 16, 1866.

Assistant quartermasters.—Capt. Thos. J. Kerr, A. Q. M., G. O. 16, Sept. 28, 1865; 1st Lieut. J. F. McGogy, assigned S. O. 152, XIV, Aug. 22, 1865, W. D., A. G. O.; 1st Lieut. Geo. F. Browning, 1st V. R. C., G. O. 1, II, Jan. 14, 1866.

Superintendent of education.—Rev. C. W. Buckley, late Chaplain 47th U. S. C. I., S. O. 25, Oct. 14, 1865.

Aide-de camp.—2d Lieut. O. F. Glidden, 2d Me. Cav., G. O. 2, July 28, 1865.

Hon. M. H. Cruikshank, the State commissioner, has added to the courtesy of our relations great practical efficiency in his department.

The Rev. Dr. H. N. McTycire who, with distinguished manliness, was always openly in favor of all schools for colored people, has helped us largely through the church of which he is now bishop.

The employment of the bureau in this district to mould existing institutions which are permanent, rather than to displace such by a temporary antagonism of military power, is due to its original reception in a spirit of good will. Hon. Lewis E. Parsons, the provisional governor, was from first to last sincerely desirous for its usefulness, and its warm supporter in all measures of humanity. The present governor, Hon. R. M. Patton, his successor, has not varied from this course. No difficulty has occurred with either too decided for solution by strong friendship, and the records of the legislature and convention show that good results of this relation are not wanting.

A growing kindness between the races, an increasing fairness in the application of the laws, prospective changes of most useful tendency, and other indications of a hopeful future, may be attributed in part to the same cause.

So much for what is past and present. Of the future is required, for both refugees and freedmen, the utmost opportunity attainable for labor, and that legislation be no longer adverse to the poor. A system of State care for paupers, not confined to simple distribution of coarse food, and which can rigidly exclude whoever is not actually helpless; schools for both white and black in regular abundance; and secure and quick repayment for their service rendered; these are the needs they have in common.

Their other needs are different. For freedmen work is plenty, and of such as they are used to, with ample compensation. With refugees, as the whites are called whom war has left in destitution, the case is sadly otherwise. "Remote, unfriended, melancholy, slow," the widow and the fatherless, the aged and infirm, are scattered through the "pincy woods," almost beyond the reach of work, or schools, or help. They cling to their old homes, alike unwilling and unfit for the climate and the toil of the great planting districts; and are in utter, hopeless desolation. The problem of their wants so far has met with no solution save the possible development of manufactures. To bring them into small communities, subject them to the influence of emulation and of schools, and to afford light labor fitted for their strength, these are the wants to be supplied. Minerals of every kind and wood and water-power are abundant where they live, and to my mind no charity has half so rich a promise.

The freedman's wants have a more public nature; a lien upon the product of his labor for its dues, a fair apportionment of schools and other opportunities, and, above all, a stern accountability which he can soon enforce on those who shall abuse their office in the law, or shall ignore it; and for further benefit he may be left to cultivate the influence which comes from private life efficiently conducted. But these are part and parcel of that hold upon the laws which they have who help to make them. To give them this, as amply fit as many of them are, and many more becoming so, is duty, and humanity, and interest.

To omit this reference were to omit, so far, my duty to express with plainness the relation of passing events to the objects of our care. And I may add, secession had its origin and life in slavery; when liberty is made complete, we shall have ground for faith in a perpetual Union.

I am, general, very respectfully, your obedient servant,

WAGER SWAYNE,

Major General and Assistant Commissioner.

Major General O. O. HOWARD,

Commissioner Bureau of Refugees and Freedmen,

Washington, D. C.

Population of the State of Alabama by counties.—Census of 1850 and Census of 1866.

Counties.	1850.			1866.				
	Whites.	Free colored.	Slaves.	Total colored.	Whites.	Colored.	Agg'te population.	
Autauga	7, 118	14	9, 607	9, 621	16, 739	6, 654	6, 490	13, 141
Baldwin	3, 676	44	3, 714	3, 754	7, 530	3, 676	3, 854	7, 530
Barbour	14, 629	33	16, 150	16, 183	30, 812	14, 839	17, 864	32, 703
Bibb	8, 027	25	3, 842	3, 867	11, 894	6, 626	3, 066	9, 692
Blount	10, 193	6	666	672	19, 865	8, 477	585	9, 062
Butler	11, 260	44	6, 818	6, 862	18, 122	11, 487	7, 518	19, 005
Calhoun	17, 169	28	4, 342	4, 370	21, 539	15, 145	4, 258	19, 703
Chambers	11, 315	50	11, 849	11, 899	23, 244	11, 273	11, 799	23, 072
Cherokee	15, 321	37	3, 002	3, 039	18, 360	14, 471	2, 696	17, 167
Choctaw	6, 767	16	7, 094	7, 110	13, 877	6, 619	6, 575	13, 194
Clarke	7, 599	14	7, 436	7, 450	15, 049	16, 877	9, 297	26, 174
Coffee	8, 200	6	1, 117	1, 423	9, 623	8, 659	1, 537	10, 196
Conceh	6, 419	10	4, 882	4, 892	11, 311	6, 113	3, 971	10, 014
Coosa	14, 050	11	5, 212	5, 223	19, 273	12, 899	4, 891	17, 790
Covington	5, 631	17	821	838	6, 469	5, 959	876	6, 835
Dale	10, 331	7	1, 809	1, 816	12, 195	9, 761	2, 020	11, 784
Dallas	7, 785	80	25, 760	25, 840	33, 625	9, 425	29, 601	39, 026
DeKalb	9, 853	4	818	852	10, 705	8, 068	767	8, 835
Fayette	11, 145	2	1, 703	1, 705	12, 850	10, 834	1, 987	12, 821
Franklin	10, 119	13	8, 195	8, 508	18, 627	10, 119	8, 508	18, 627
Greene	7, 251	10	23, 398	23, 608	30, 859	7, 436	23, 094	30, 530
Henry	10, 464	21	4, 433	4, 454	14, 918	9, 608	4, 449	14, 057
Jackson	14, 811	67	3, 405	3, 472	18, 283	15, 180	2, 651	17, 831
Jefferson	9, 078	19	2, 619	2, 638	11, 716	9, 268	2, 592	11, 860
Lawrence	7, 173	14	6, 788	6, 802	13, 975	9, 331	6, 266	15, 597
Lauderdale	10, 639	44	6, 737	6, 781	17, 420	9, 988	5, 091	15, 082
Limestone	7, 215	6	8, 085	8, 091	15, 396	7, 376	7, 508	14, 884
Lowndes	8, 362	14	19, 340	19, 354	27, 716	7, 741	17, 743	25, 484
Madison	11, 686	192	14, 573	14, 765	24, 451	12, 720	12, 663	25, 383
Marengo	6, 761	1	21, 409	21, 410	31, 171	7, 074	21, 063	29, 037
Marion	9, 894	5	1, 283	1, 288	11, 182	8, 300	1, 663	9, 363
Marshall	9, 600	51	1, 821	1, 872	11, 472	8, 722	1, 350	10, 072

Population of the State of Alabama by counties—Continued.

Counties.	1860.					1866.		
	Whites.	Free colored.	Slaves.	Total colored.	Agg'te popu-lation.	Whites.	Colored.	Agg'te popu-lation.
Macon	5,625	1	15,176	18,177	26,802	10,767	22,192	32,959
Mobile	25,560	1,195	11,376	12,571	41,131	36,226	16,654	52,910
Montgomery	12,124	70	23,710	23,780	35,907	13,697	30,762	44,459
Monroe	6,916	46	5,705	5,751	15,667	6,166	6,724	12,890
Morgan	7,592	37	3,706	3,743	11,335	8,106	3,232	11,338
Perry	9,479	39	15,206	15,245	27,724	10,077	18,166	28,243
Pickens	10,117	5	12,191	12,199	22,316	7,639	9,938	17,577
Pike	15,646	4	5,785	5,789	24,435	16,041	8,307	24,348
Randolph	18,132	23	1,904	1,927	20,059	14,646	2,008	16,654
Russell	10,936	18	15,635	15,656	26,592	11,531	17,523	29,054
Shelby	5,970	26	3,622	3,648	12,618	9,255	3,262	12,517
St. Clair	9,236	9	1,765	1,777	11,013	8,261	2,050	10,311
Sumter	5,919	25	15,091	15,116	24,035	5,919	18,116	24,035
Tallapoosa	17,154	1	6,672	6,673	23,827	17,053	5,821	22,874
Talladega	14,634	21	5,855	5,876	23,520	15,323	11,050	26,373
Tuscaloosa	12,971	74	10,145	10,229	23,200	12,662	9,832	22,494
Walker	7,461	.....	519	519	7,980	6,778	435	7,263
Washington	2,119	56	2,494	2,550	4,669	1,944	2,116	4,060
Wilcox	6,795	26	17,797	17,823	24,618	6,384	16,521	22,905
Winston	3,454	.....	122	122	3,576	3,256	31	3,287
Total	526,431	2,690	435,080	437,770	964,201	532,689	439,469	972,158

The returns for Baldwin, Franklin, and Sumter counties not having been received at the time of printing this report, the figures of the old census are above given.

ARKANSAS, MISSOURI, AND INDIAN TERRITORY.

BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS FOR MISSOURI, ARKANSAS, AND INDIAN TERRITORY, *Little Rock, Arkansas, October 18, 1866.*

GENERAL: I have the honor to submit report from November 1, 1865, to September 30, 1866. The following table will show the monthly issues of rations from government subsistence stores to refugees and freedmen respectively:

Month.	Rations.	Refugees.	Cost.	Rations.	Freedmen.	Cost.
November	11,935	869	\$954 84	25,173	1,227	\$2,013 88
December	19,352	1,356	1,548 16	15,850	714	1,262 00
January	47,836	2,447	3,826 88	11,696	547	935 63
February	84,023	4,501	6,721 84	9,817	567	785 36
March	102,204	4,786	13,031 00	11,442	535	1,458 84
April	43,742	2,202	5,094 49	6,919	293	882 17
May	65,375	3,053	8,273 88	9,965	536	1,270 52
June	57,083	6,032	7,093 05	9,157	561	1,154 40
July	16,982	1,351	1,903 58	7,297	556	896 94
August	5,048	449	643 62	6,853	408	873 75
September	1,827	157	232 95	6,056	368	771 37
	455,407	27,203	49,343 89	120,219	6,412	12,310 91

As has been before stated, the most of the issues were made to people who had become destitute by the ravages and destruction of property incident to the war for the suppression of the rebellion. Great numbers of these people returned to the *sites* of their former homes, after hostilities ceased, who had no means of procuring food while they attempted to cultivate a crop; if not assisted, it was apparent that they would perish, or become permanent paupers. Many did perish from starvation.

Subsistence stores were, therefore, issued to those people, and, as I fully believe, the charity of the government thus temporarily dispensed saved thousands of people from starvation, or from continuing in a state of pauperism.

In dispensing these charities, no discrimination was at any time made on account of the previous loyalty or disloyalty of the applicants, who, it will be seen, were mainly white.

The following shows the quantity of government clothing issued to refugees and freedmen during the period covered by this report :

Blankets, wool.....	3, 588
Coats	335
Caps	359
Drawers... ..	1, 477
Jackets	747
Negro brogans, pairs.....	660
Shirts.....	1, 052
Shoes, pairs.....	180
Stockings, pairs	144
Trousers, pairs	570

In addition to the gratuities dispensed by the government, the American Union Aid Commission forwarded and distributed about four thousand bushels of corn, a quantity of wheat, rye, and other seeds, and a large quantity of farming utensils, clothing, &c., the estimated value of which was over forty thousand dollars. These donations were made almost exclusively to the poor whites.

Census of 1860 shows the population of the several parts of this district to have been as follows : Missouri, 1,067,047 whites, 114,965 slaves; Arkansas, 324,346 whites, 111,104 slaves; Indian territory, 70,000 souls. From the best information attainable now, I estimate the colored population in the above States and Territory as follows :

Missouri	90, 000
Arkansas.....	100, 000
Indian territory	10, 000
Total.....	<u>200, 000</u>

Of the colored population just named, there are now in hospitals and orphan asylums, under charge of this bureau, as follows :

Hospitals, 26 men, 41 women, 28 children; orphan asylums, 66 children. Total, 26 men, 41 women, 94 children.

There are also in hospitals and asylums, under charge of this bureau, whites as follows :

Hospitals, 6 men, 4 women, 4 children; orphan asylums, 5 children. Total, 6 men, 4 women, 9 children—known as refugees.

These comprise all the freedmen and refugees who are receiving rations or clothing from the government stores. Nearly all the freedmen not mentioned as in hospital, or children in asylums, are self-supporting.

The orphan asylums are under the care of benevolent societies of the north.

The government is furnishing rations for the children, and at Little Rock the buildings occupied. With these exceptions, the societies pay their own expenses.

I have had the honor, in former reports, to commend the management of these orphan asylums. By these instrumentalities hundreds, if not thousands, of poor children are rescued from poverty, wretchedness, and crime, and prepared to become good citizens.

In the State of Missouri, the legislation appears to have been intended to secure the administration of impartial justice to all, without regard to color, and, with rare exceptions in a few localities, I believe this has been accomplished.

In the Indian territory some of the tribes have adopted their former slaves as members of their tribe, and as many of the freedmen have been frequently employed as interpreters for their former masters, they have gained intelligence which has prepared them for success in life as freemen. The freedmen of the territory, as elsewhere, show a desire for schools to enable them to educate their children, that from the first has seemed to me remarkable.

In Arkansas there has been little or no legislation adapted to the wants of the whole people, now that all are, by the laws of the United States, free.

On the 1st instant I had the honor to forward to you a report of twenty-nine murders of freedmen in the State of Arkansas, which had mainly occurred in the months of July and August. Since then, other murders have been committed and reported. I have reason to believe that not more than one-half such cases come to the knowledge of agents of the bureau and are reported. The neglect of the civil authorities to make an effort to bring the guilty parties to justice, which prevails throughout the State, with rare exceptions, does not show a disposition on the part of the people to dispense equal and impartial justice; indeed, a charge of that indefinable offence, "insolence," brought against a freedman, (though he may be only asking for his just dues,) is usually considered as justifying any punishment the "aggrieved" party may see proper to inflict.

I regret to say that acts of injustice and cruelty to freedmen, and persecutions of men who remained loyal to the United States government, have rapidly increased during the past six months. There are now many loyal men in remote parts of this State who feel that they are not safe, for if it is desired to get rid of the presence of an individual for political or other causes, he is *charged* with "horse-stealing," (an unpardonable offence in Arkansas;) he is then regarded as outlawed, and any man has a right to kill him.

In relation to the "abandoned lands" during the year, there have been restored to former owners on proper applications, which are on file in this office, one hundred and five dwellings and one hundred and twenty-one pieces of land, containing ninety-five thousand four hundred and forty-three acres.

There still remain on the register in this office thirty-two houses and forty-two pieces of land, containing twenty-nine thousand eight hundred and thirty-eight acres, for which no applications have been made. Every facility has been afforded the owners of property to reclaim the same; and general notice was given, by advertising in a daily and weekly paper of Little Rock, that all property held as abandoned by this bureau would be restored on proper applications being made.

I respectfully invite attention to the summary statement of receipts and disbursements during the year, as furnished by Brevet Lieutenant Colonel H. Skinner, assistant quartermaster, chief receiving and disbursing officer:

Amount on hand November 1, 1865	\$47 38
Received from superintendents and agents.....	5, 422 54
Received from sales of farm products other than cotton.....	6, 055 02
Received from Captain S. W. Mallory, for products of home farm at Pine Bluff, other than cotton.....	2, 740 37
Received from sales of merchandise of freedmen's store, Pine Bluff.	1, 620 66

Received from sales of farm implements, Pine Bluff.....	\$641 56
Received from C. E. Hubbard, balance of freedmen's store, Little Rock.....	2, 555 55
Received from rents of abandoned property.....	6, 809 45
Received from sales of cotton.....	27, 404 56
Received from chief disbursing officer at Washington, D. C.....	11, 180 00
	<hr/>
	64, 477 09
	<hr/>
Transferred to officers in the district.....	\$6, 271 66
Transferred to chief disbursing officer, Washington, D. C.....	12, 743 91
Transferred to internal revenue department.....	417 68
Paid for baling-rope, lumber, &c., home farms.....	2, 270 35
Paid for laborers on home farm.....	10, 267 42
Incidental expenses, including salaries to clerks and agents and refunded rents.....	26, 616 49
Mileage to officers travelling under orders.....	543 38
Balance on hand October 1, 1866.....*	5, 346 20
	<hr/>
	64, 477 09
	<hr/>

Also sixty-seven bales of cotton in store at St. Louis, Missouri; one hundred and five bales of cotton in store at Memphis, Tennessee; making a total of one hundred and seventy-two bales of cotton in store.

From the foregoing statement it will be seen that he has paid over to the chief disbursing officer at Washington....	\$12, 743 91
Received from same.....	11, 180 00
	<hr/>
Balance.....	1, 563 91
Cash on hand.....	5, 346 20
One hundred and seventy-two bales of cotton unsold and remain- ing on hand; this, at 400 pounds per bale, is 68,800 pounds; estimated at net 30 cents, is.....	20, 640 00
	<hr/>
	27, 550 11
	<hr/>

Showing a balance of twenty-seven thousand five hundred and fifty dollars and eleven cents of receipts over disbursements in this district after paying all demands chargeable to the bureau fund.

In relation to the "claim division" established in this bureau, and under the immediate charge of Brevet Major John Tyler, I can do no better than make the following extract from his report:

"The work of collecting claims for colored soldiers and their heirs—for arrears and pensions—was begun in April of this year. At that time the information that the bureau was to assume this work was published to all its officers and agents, and, as generally as possible, to all interested parties. The military officers on duty in this State were furnished with blanks and instructions necessary to prepare the claims, and directed to forward claims to this office for examination. The tabular statement following shows the number and character of the

claims which have been forwarded, and the action taken upon them at the central office of the claim division at Washington, D. C. :

Nature of claim.	Number received.	Number collected.	Number disallowed.	Number pending.
Of discharged soldiers, for arrears of pay	3	1		2
Of discharged soldiers, for bounty	12		1	11
Of discharged soldiers, for invalid pensions	1			1
Of widows, for arrears of pay and bounty	12			12
Of widows, for pensions	12	1		11
Of fathers, for arrears of pay and bounty	3			3
Of mothers, for arrears of pay and bounty	8			8
Of brothers, for arrears of pay and bounty	2			2
Total	53	2	1	50

"I will add that all these claims have been taken at this office; none of those forwarded by the superintendents have passed examination here. Under the recent bounty acts, it is expected, a large number of claims for bounty will be collected through the channels of the bureau.

"The number of colored soldiers mustered out in this State is about 4,580, and it may be expected that there are fully this number of discharged colored soldiers now residing in this State. Of this number about 2,933 are not claimants for bounty under recent acts, of which about 1,000 received \$200 bounty, and 1,933 are reported on the rolls as slaves, therefore are excluded from the benefits of recent bounty acts, leaving 1,647 who, it would seem, have valid claims for bounty, and but very few will take their claims to attorneys for collection.

"The soldiers themselves, and their widows and other heirs, seem to possess a just appreciation of the generosity of their government, so far as it can be effected by this work in its fostering care during the period of their transition from a low to a higher order of humanity."

In relation to the medical department, I respectfully invite attention to the following extract from the report of Dr. Henry M. Lilly, assistant surgeon United States volunteers, surgeon-in-chief:

"The total number who have received medical aid from the bureau in this State during the eleven months ending September 30, 1866, is 3,260. Of this number 2,845 were discharged cured; 144 were still under treatment September 30, 1866, and 271 have died. This makes the ratio of mortality per thousand 83.

"The numbers just given are distributed between refugees and freedmen, and between the different sexes and different ages, as follows:

"FREEDMEN.

Remaining over November 1, 1865 :

Adult males	18
Adult females	83
Male children	43
Female children	41

Gain during eleven months :

Adult males	626
Adult females	775
Male children	449
Female children	437

Discharged during eleven months :

Adult males	530
Adult females	745
Male children	421
Female children	419

Died during eleven months :

Adult males	85
Adult females	68
Male children	42
Female children	30

Remaining under treatment September 30, 1866 :

Adult males	29
Adult females	45
Male children	29
Female children	29
Ratio of mortality per thousand	91

" REFUGEES.

Remaining over November 1, 1865 :

Adult males	7
Adult females	13
Male children	7
Female children	7

Gain during eleven months :

Adult males	212
Adult females	303
Male children	136
Female children	103

Discharged during eleven months :

Adult males	201
Adult females	296
Male children	128
Female children	105

Died during eleven months :

Adult males	15
Adult females	15
Male children	11
Female children	5

Remaining under treatment September 30, 1866 :

Adult males	3
Adult females	5
Male children	4
Female children	0
Ratio of mortality per thousand	58

"During that portion of this period, in which the cholera has prevailed, the various hospitals and asylums under the care of the bureau have suffered but little. Only twenty-five cases of cholera were reported, of which number, however, sixteen died. The majority of these cases were 'out patients,' and were treated in their quarters. The actual deaths from cholera in the hospitals were five (5.)

"There are three hospitals connected with the bureau in this State; one at Little Rock, one at Helena, and one at Pine Bluff. There are two orphan asylums; one ten miles west of Helena, and the other at Little Rock. There are also two dispensaries in the State; one at Camden and one at Fort Smith. It is proposed to discontinue the one at Camden, as soon as the sickly season is over, and to discharge from the service the contract surgeons on duty at that place. When this is done it will leave four (4) contract surgeons on duty in the State.

"But one garden was established in the State in connection with the relief institutions of the bureau. This was the garden in connection with the hospital and the orphan asylum at Little Rock. It has not only paid for the rent of the land and other expenses, but the estimated value of the products over all expenses is \$108 25. To say nothing of the sanitary effect upon the hospital and asylum during the past season, it has enabled the hospital to save and accumulate a hospital fund of \$160 81 for use during the winter when the garden will not be available.

"I regret to report that I have not yet discovered any disposition on the part of the civil authorities in this State to care for the sick and destitute refugees and freedmen. In some instances the dead have been buried at the public expense, and in many instances citizens have rendered aid to the destitute from their private means. But no organized effort has as yet been put forth in this direction."

In relation to schools I respectfully submit the following extracts from the report of Wm. M. Colby, esq., general superintendent of schools:

"By reference to the table following, it will be observed that the largest attendance upon the schools was during the months of March, April, May, and June. That this should be so is quite natural, since there is less demand for labor during that period than during the cotton-raising and cotton-picking season, from July to November; besides, most of the schools are in vacation in July, August, and September.

ENROLMENT, ATTENDANCE, ETC.

The following table shows the number enrolled, the average attendance, the number in the several branches of study, and also the amount of tuition paid each month from November, 1865, to September, 1866, inclusive.

Month.	WHOLE NUMBER.			AVERAGE ATTENDANCE.			No. not absent.	No. not tardy.	No. over 16 years old.	No. in alphabet.	No. in arithmetic.	No. in geography.	No. in writing.	No. in higher branches.	Amount of tuition.
	Male.	Female.	Total.	Male.	Female.	Total.									
Nov., 1865.....	716	762	1,478												
Dec., 1865.....	782	787	1,569	384	425	809	385	385	173	353	27	207	321	9	\$149 30
Jan., 1866.....	631	730	1,361	371	456	827	310	310	176	270	409	268	339	9	496 65
Feb., 1866.....	770	740	1,510	509	518	1,027	401	401	337	278	401	182	402	27	324 20
March, 1866.....	519	670	1,189	405	456	861	199	199	151	200	451	211	211	11	500 70
April, 1866.....	789	866	1,655	553	639	1,192	443	443	225	327	614	285	694	41	604 45
May, 1866.....	910	1,029	1,939	740	675	1,415	618	781	372	267	564	244	666	.....	627 10
June, 1866.....	752	532	1,284	563	616	1,209	530	671	280	172	497	217	533	18	497 75
July, 1866.....	416	500	916	273	299	572	333	270	170	236	351	72	287	14	317 35
Aug., 1866.....	162	173	335	124	130	254	147	160	49	95	199	53	161	18	138 00
Sept. 1866.....	143	175	318	118	151	269	135	88	46	60	173	56	166	22	204 25
Average.....	599	631	1,233	401	440	844	353	374	192	226	395	180	378	17	3,229 75

" TUITION.

"The amount of tuition received during the year is reported at three thousand eight hundred and eighty-nine dollars and seventy-five cents (\$3,889 75.)

"This sum, which is paid by the patrons of the schools exclusively, is equal to forty-six cents per month for each scholar attending the schools. I estimate that there is sufficient amount still due from the patrons—which will be paid—to increase this sum to fifty cents per scholar. This is thirty-three per cent. of the cost of instruction, the remainder being borne by the northern aid societies. Considering the poverty of the people, and the fact that this is really but the first year of freedom, it augurs well for the future.

" TEACHERS.

"The school year commences with October and closes with June. During the year thirty teachers reported to the bureau and were sustained as follows :

"1st. Indiana Yearly Meeting of Friends, 12; 2d. Western Department American Freedmen's Aid Commission, 9; 3d. Independent, 9.

"In efficiency they ranked in the order here given. Five of the last named class were colored persons, whose acquirements were limited to the merest rudiments of knowledge.

"Many of our teachers however, have been both skilful and faithful, and would honor their profession in the most enlightened communities."

* * * * *

"There is pressing need for more and better school-houses. While the people will soon be able to pay in full for the instruction of their children, it is quite impossible for them to purchase or to build school-houses in the towns. The accommodations at Helena, Pine Bluff, and Little Rock are entirely inadequate, there being no building at either place furnished with writing-desks. The pupil is taught writing by being made to sit on the ground, (or on the floor, if there is one,) using his seat for a desk."

* * * * *

"If, at any time, any church, or any clergyman, (save the Rev. J. W. Alderman, of the M. E. Church, in this city,) has manifested any interest in our work, or any sympathy with those engaged in it, to the extent of giving them 'aid and comfort,' the fact has not come to my knowledge."

As the result of a personal interview with Rev. J. R. Shepherd, secretary of the American Missionary Association, I am assured of a larger force of teachers for Arkansas, the ensuing year, than we have heretofore been able to secure. I am just advised that some of these teachers are now ready, and that others will soon follow. There are reasons for believing that there is no better source of supply than the American Missionary Association, and a permanent enlargement of our field of operations is certainly anticipated during the next three months.

MISSOURI AND INDIAN TERRITORY.

A correspondence has recently been opened with Prof. R. B. Foster, principal of Lincoln Institute, of Jefferson City, Missouri, from whom I hope to obtain, from time to time, reliable facts concerning the schools in that State.

Mr. Isaac T. Gibson, general agent for the Iowa Yearly Meeting of Friends, is about to organize two or three schools among the freedmen of the Indian territory.

In relation to the entry of lands for homesteads, under the late law passed by Congress, I desire to state that on the reception of your order, the information was published to refugees and freedmen as extensively as the limited facilities of this country permitted.

There were found to be about nine million acres in the State of Arkansas, subject to entry, but a large proportion of this land is regarded as worthless. The officers in charge of the land office have shown a willingness to impart information, and afford every facility in their power to enable applicants to enter lands for homesteads, but the records of that office do not afford the information necessary to enable applicants to determine whether they are entering valuable or worthless lands. I therefore employed W. W. Granger, esq., a practical surveyor, to assist applicants in locating lands. He has thus far succeeded in locating about thirty families of freedmen, and as the matter is becoming better understood, more rapid progress, it is believed, will hereafter be made. But most of the freedmen who have the ability and desire to take up and successfully cultivate and improve homesteads are engaged under contracts until the close of the year.

It is to be regretted that the exclusive privilege of entering government lands, now secured to loyal whites and freedmen, was not extended for at least another year. As it is, nearly all who are industrious and thrifty are excluded from its benefits by being under contract before the law was passed.

The following is the roster of officers, &c., now on duty :

Skinner, Captain H., brevet lieutenant colonel, headquarters chief quartermaster.
Tyler, Captain John, brevet major, in charge claim division and acting assistant quartermaster.

Lilly, H. M., assistant surgeon, headquarters surgeon-in-chief.

Ehle, A. S., acting assistant surgeon, Little Rock, Pulaski county.

Palmer, H. K., acting assistant surgeon, Helena, Phillips county.

Rowland, J. S. C., acting assistant surgeon, Fort Smith, Sebastian county.

Quinn, J. W., acting assistant surgeon, Pine Bluff, Jefferson county.

Seay, John, acting assistant surgeon, Camden, Washita county.

Dawes, Captain Wm. J., brevet major, Pine Bluff, general superintendent.

Grass, F. P., first lieutenant, Little Rock, Pulaski county.

Predmore, J. C., second lieutenant, Napoleon, Desha county.

Willis, H. F., second lieutenant, Devall's Bluff, Prairie county.

Barker, E. G., captain, Monticello, general superintendent.

Barnitt, John R., civilian, Warren, Bradley county.

Geisreiter, S., second lieutenant, Lung landing, Chicot county.

Taylor, I. S., first lieutenant, Hamburgh, Ashley county.

Thibaut, Captain F. W., brevet major, Washington, general superintendent.

Ballard, A. W., civilian, Paraclista, Sevier county.

Britton, Wm. A., civilian, Arkadelphia, Clark county.

Cale, Nathan, captain, Camden, Washita county.

Watson, James T., major, Jacksonport, general superintendent.

Brien, William, captain, Batesville, Independence.

Øyear, A. S., first lieutenant, Jacksonport, Jackson county.

Inman, William A., civilian, Jonesboro, Craighead county.

Mason, S., civilian, Franklin, Fulton county.

Sweeney, Captain H., brevet major, Helena, general superintendent.

Adair, Isaac, civilian, Eunice Landing, Chicot county.

Davidson, J. W., first lieutenant, Madison, St. Francis county.

Hersey, S., first lieutenant, Helena, Phillips county.

Mix, Eli H., second lieutenant, Osceola, Mississippi county.

Walker, James R., second lieutenant, Marion, Crittenden county.

Banzhaf, Charles, captain, Fort Smith, Sebastian county.

Morgan, William, captain, Dardanelle, Yell county.

Scroggins, J. H., civilian, Hampton, Calhoun county.

Tharp, John, civilian, Augusta, Woodruff county.

Brevet lieutenant colonels.....	1
Majors.....	1
Brevet majors.....	4
Assistant surgeons.....	1
Acting assistant surgeons.....	5
Captains.....	5
First lieutenants.....	5
Second lieutenants.....	5
Civilians.....	8
<hr/>	
Total.....	35
<hr/>	
Assistant quartermasters and acting assistant quartermasters.....	2
Assistant surgeons.....	1
Acting assistant surgeons.....	5
General superintendents.....	5
Local superintendents.....	22
<hr/>	
Total.....	35
<hr/>	

When I entered on duty as assistant commissioner in this district, as it was impossible to obtain officers of the army in sufficient numbers for local superintendents, I resorted to the appointment of civilians. Great care was exercised in their selection, and in several instances the result has been satisfactory; but in some no good was accomplished.

In all questions arising as to the management of freedmen I have insisted that they were entitled to, and should receive, the same protection under the law that was accorded to white men, and if they violated the laws they should receive the same punishment. Wherever these results could be obtained before the civil courts, all cases have been reported to them. From the first it has been my desire, and I have constantly endeavored to preserve order, obtain justice, and punish crime through the medium of civil law. In Missouri this was easily accomplished. In Arkansas the task has been more difficult. In the latter State the people were less loyal to the general government, more bitterly opposed to freeing their slaves, and seemed to be actuated by more bitter prejudices against the race. In a few localities in Arkansas the freedmen can obtain impartial justice in the courts, but in most he cannot, and in some portions a freedman can get no redress whatever before the civil authorities, and, as a matter of course, in the localities last named the freedman is subjected to outrages and wrongs oftener than elsewhere. These are points remote from our military posts, and the condition of the freedmen there is infinitely worse than it was under the old system of slavery.

I have favored the making of written contracts between employers and freedmen, but where both parties desired not to do so they were left free to omit it, and where the authority of officers of the bureau could be enforced the same means to enforce compliance with contracts that it was lawful to use, when both parties were white, was permitted, and no other, where one of the parties were freedmen, except that it was made a finable offence for any one to entice a freedman to violate a contract that he had signed and caused to be put on file in the office of an agent of the bureau; and if a freedman, who had so contracted to labor, left his employer without just cause, that employer was given the right to serve a notice on the freedman, through an agent of the bureau, and from the time of serving such notice he was entitled to all the wages the freedman might earn until he returned to service where he was under contract. These two points cover about all the authority of an arbitrary character which has been assumed

by officers in this district. Where offences or crimes occurred, and the civil authorities would not act, action has been taken by the proper officers of the bureau, and, so far as possible, they have been governed by the laws of the State as applied to white persons.

It is an undeniable fact, that where the officers of the bureau have been sustained by the community, and the rights of the freedmen respected, the whole community, white and colored, have enjoyed the most prosperity, for in such communities there was felt to be no antagonistic interests between the races.

The intelligent planters of Arkansas admit that, without the supervising influence of officers of the bureau, they could not have succeeded in cultivating their cotton fields the present season.

In the early spring frequent floods inundated a large proportion of the cotton lands; when the cotton seed was finally planted it was found that the seed was defective, and, from these causes, the second and even third planting was necessary. Most of the plantations had been uncultivated for three or four years, and, of course, had become thoroughly stocked with the seeds of grass and weeds, requiring often twice the ordinary labor to keep the ground sufficiently clean to permit the growth of cotton; after this came a drought of unusual severity; and, last of all, the "army worm;" but, notwithstanding all these things, a fair crop of cotton will be realized in the State of Arkansas. The "picking" season has fairly commenced, and some now anticipate a yield of fully one bale to the acre. The result shows that freedmen can be relied on as laborers.

There has not been a single failure, that has come to my knowledge, where the same treatment and tact have been employed that is recognized as indispensable in the management of white laborers throughout the country.

But, with few honorable exceptions, the people are slow to learn that honesty and fair dealing is as much due to the freedman as to the white.

I have stated that, in most parts of the State, freedmen cannot obtain justice in the civil courts, and now that troops have withdrawn, judging from the past and the present public sentiment, I give it as my opinion that the freedmen of Arkansas will be defrauded, the present year, out of fully one-third of their just dues; doubtless there can be found men in every community who would scorn such business, but they are too few to make their scorn felt by the community at large.

The freedmen of this district need no other assistance from the general government than that protection to which all men are entitled; this they need, and must have, or be regarded and treated by the people of the south as beasts of burden. To give them this protection, and bring about that state of confidence between the races which is so desirable for both, and, in the end, convince all that the true interest and prosperity of the State demand that all, without regard to color, shall be encouraged in every good work tending to improvement in mental, moral, and social condition, I know of no better agency or organization than the Bureau of Refugees, Freedmen, &c., directed by wise, discreet, and patriotic officers, and left unassailed as a party affair. Untold benefits to the whole people of the south, and the whole nation, would be the legitimate fruits of its mission.

I have the honor to forward herewith, and invite attention to, the reports of the quartermaster and medical departments. I also respectfully submit a few monthly and quarterly reports from local superintendents, with the assurance that their statements are entitled to implicit confidence.

This being the last report which I expect to make as an officer of the "bureau," I beg leave to briefly mention the staff and other officers who have served with me:

Captain and Brevet Lieutenant Colonel D. H. Williams, assistant adjutant general and inspector general.

Captain and Brevet Lieutenant Colonel H. Skinner, assistant quartermaster, chief receiving and disbursing officer.

Captain and Brevet Major John Tyler, acting assistant quartermaster, and in charge of claim division.

Captain and Brevet Major George E. Dayton, chief clerk.

Henry M. Lilly, assistant surgeon United States volunteers, surgeon-in-chief.

William M. Colly, general superintendent schools, &c.

These officers have, without exception, discharged their duties with a zeal, fidelity, and intelligence that have won my confidence and esteem. I feel that to them I am deeply indebted for whatever good has been accomplished by this branch of the bureau intrusted to my charge. These gentlemen, general, are entitled to your thanks and the thanks of the government for faithful and meritorious services.

I feel that I am deeply indebted to all the officers named in the roster of superintendents herewith submitted; their duties have been important, and often delicate and trying.

I believe all have the consciousness that they have honestly and faithfully discharged their duties to the best of their abilities.

I am, general, very respectfully, your obedient servant,

J. W. SPRAGUE,

Assistant Commissioner.

Major General O. O. HOWARD,

Commissioner, &c., Washington, D. C.

DISTRICT OF COLUMBIA.

BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
HEADQUARTERS ASSISTANT COMMISSIONER, D. C.,
Washington, October 22, 1866.

GENERAL: In accordance with your instructions, I have the honor to submit the following summary report of the operations of this bureau in my district, embracing the period from last report to September 30, 1866. At the former date, the jurisdiction of the assistant commissioner of District of Columbia, including the District of Columbia, the counties of Prince George, Saint Mary's, Charles, Calvert and part of Anne Arundel, Maryland, and the counties of Alexandria, Fairfax, and Loudon, Virginia.

On the assignment of Major General Schofield as assistant commissioner of Virginia, August 16, 1866, Loudon county was detached from this district.

Brevet Brigadier General John Eaton, jr., was relieved by brevet Brigadier General J. S. Fullerton, December 4, 1865; the latter was relieved February 7, 1866, and I was assigned to the district at the same date, by Special Orders No. 23, Bureau Refugees, Freedmen and Abandoned Lands.

AGENTS.

The frequent complaints of outrages against freedmen and disregard of their rights from the counties of Maryland included in this district, and from Fairfax and Loudon counties, in Virginia, induced an application for more officers, soon after my assignment, and as soon as the detail could be made, a competent officer was put in charge of each county. There have been also officers and agents on duty as follows: One local superintendent for the cities of Washington and

Georgetown; an officer at Freedmen's village and in charge of the farm at Arlington, Virginia, and an officer, brevet Colonel S. P. Lee, over the three (3) counties of Virginia, with his headquarters at Alexandria.

COURTS, LEGAL DISABILITIES OF FREEDMEN, ETC.

The ordinary civil processes of law have not been interrupted by military interference in the District of Columbia and in Maryland. A provost court for trial of cases involving colored persons (conducted by brevet Major Paul R. Hambrick, Veteran Reserve Corps,) continued at Alexandria, Virginia, until June 10, 1866, when it was abolished on account of the amendment of the Virginia code by the legislature, so as to allow colored persons to sue and be parties and testify in cases where they are concerned. One hundred and seventy (170) cases were disposed of by this court.

From Alexandria, Virginia, one instance of infringement of the civil rights act is reported, the testimony of colored witnesses being excluded. This case has been removed to the United States district court.

Under General Orders No. 44, headquarters of the army, requiring the military authorities to make arrests, where the civil fail, the post commandant has in a few instances arrested white men for assault upon freedmen in Fairfax and Alexandria counties. It was found necessary also to send a military force, temporarily, to Loudon county for a similar purpose. Reports of outrages upon freedmen in these counties have greatly diminished since the publication of the above-mentioned order.

The legal disabilities of freedmen in that part of Maryland embraced in this district are still practically great.

APPRENTICESHIP.

There are many complaints of abuses under the apprentice law; colored children have generally been bound without the consent of their parents. A report from the bureau agent regarding Calvert and Anne Arundel counties, Maryland, says: A few days after the emancipation constitution went into effect, it was the practice to take the children on a farm before the orphans' court and have them apprenticed to the former owner. Instances are mentioned where the children were hired out, the former owner receiving the wages.

In another case the children after being brought into court on *habeas corpus* and delivered to their parents, were hired out by the parents, thus clearly showing they were not likely to become a county charge; but they were afterwards replevined by the master, thus diverting their earnings from their parents to him.

The report further estimates that there are six hundred cases of unjust apprenticing in Calvert, and almost as many more in Anne Arundel, and the same practice has prevailed to some extent in other counties. The agents of this bureau have given attention to this subject and some apprentices have been released by *habeas corpus*. But each case of unlawful apprenticeship must be brought separately before the court, no decision having yet been made, or State law enacted, which operates generally for the release of parties unjustly and illegally apprenticed. No children are known to have been thus apprenticed since the enactment of the civil rights law.

CIVIL RIGHTS ACT.

In May last a case of brutal and unprovoked assault upon Hilliary Powell (colored) by Dr. A. H. Somers, (white,) in Montgomery county, Maryland, was reported by the bureau agent. This case finally came before Judge Bowie, chief justice Maryland court of appeals, and the constitutionality of the civil rights law was questioned and argued by counsel. Judge Bowie rendered a

decision, July 2, 1866, favoring the competency of colored witnesses and sustaining the constitutionality of the civil rights law as far as relates to this point.

Since that decision some magistrates have unhesitatingly issued warrants on the testimony of colored witnesses. But another practical difficulty arises from refusal of constables to make arrest of whites, where freedmen are involved, and to serve subpoenas for colored witnesses; still another from the bias of the men composing the jury, who have not been wont to give due weight to testimony of colored persons. As an instance of the latter, the case of William Shannon, of Calvert county, may be given, as reported by the agent of this bureau. Said Shannon (colored) was attacked by a mob of white men, led by a constable, while at church. He ran, was pursued, and several shots fired at him, one wounding him in the hip; he then turned, fired at his assailants, shooting one of them dead. He was finally overtaken, carried before a magistrate, who advised his captors to take him to the woods and hang him. But he was taken to jail and afterwards indicted for murder. At the trial, which was concluded September 8, 1866, five witnesses were sworn for the prosecution, all of them parties to the assault. Twelve colored witnesses were sworn for the defence, all testifying to a state of facts directly contrary to the witnesses for the prosecution. The jury, rejecting the testimony of the colored men, rendered a verdict of *manslaughter*. This verdict was a compromise, two jurors being in favor of a verdict of *wilful murder*.

Shannon has been sent to State prison for five years. The assistant commissioner of this bureau has laid the case before the governor, with recommendation of executive clemency.

There are many statute discriminations still existing in Maryland against the negro, especially in the local county laws. For example, in Anne Arundel and Somerset counties, license to deal in merchandise cannot be obtained by a negro, unless recommended by a certain number of respectable freeholders, (white;) no white person, the partner of a negro, shall be granted a license, and if a white man employ a colored clerk, the penalty is fifty dollars.

In Prince George county negroes are not to assemble under pretence of public worship except on certain days named in the statute.

Generally it appears that the organic law of the State is not such as to prevent discrimination against the rights of the negro by county or other local authorities.

SOLICITORS.

Owing to the fact that no freedmen's or provost courts were in operation in Maryland and the District of Columbia, and justice, where freedmen were concerned, must be obtained, if at all, through the ordinary operations of the civil courts, and especially owing to the great number of appeals to this bureau for assistance, which could only be rendered effectively in the courts, or which involved questions of law, a solicitor was appointed, early in the year, who has been in attendance upon the courts in the District and in Maryland. The report of Brown and Smithers, the present solicitors, gives, for the months of August and September, number of civil cases referred to them by the bureau, 115; persons charged with crime, for whom they are engaged to appear at the present term, 88.

MARRIAGES.

Special efforts have been made to re-establish the sanctity of the marriage relation among the freed people, and to correct the numerous evils resulting from its long neglect and violation. A superintendent of marriages was appointed for the district; the co-operation of all agents of the bureau was required, and that of the preachers of colored churches, and all others laboring voluntarily in behalf of the freedmen, was engaged.

An act was passed by the legislature of Virginia last winter, legalizing existing marriages of freed people, and otherwise regulating this matter. A similar law was enacted by Congress, approved July 25, 1866.

Circulars have been published containing these laws and abstracts of other laws relating to this subject, as well as other regulations to remedy the existing evils.

Some legislation similar to that in Virginia is highly desirable in Maryland.

RELIEF ESTABLISHMENTS, ORPHAN ASYLUMS, ETC.

At Freedmen's village, Arlington heights, Virginia, a "home" for aged and infirm and permanently disabled freedmen has been continued throughout the year. Inmates at present, 90. Those who are able have assisted in working a vegetable garden, and some of the women have been employed at the "industrial school," to some extent. A similar "home" has been sustained at the "Soldiers' Rest," in Alexandria; number of persons cared for averaging 70.

The Colored Orphans' Home has been in successful operation in Georgetown, under the auspices of the Ladies' National Association for the relief of destitute colored women and children. Number of orphans received, 104; number of women received, 5. Total, 109. Of these, 21 have been sent to good homes provided for them in the different northern States.

On the restoration of the property where this "home" has been located, it became necessary to provide for it elsewhere. For this purpose a lot has been purchased on the extension of Eighth street, in this city, and a building is in process of erection by this bureau, a portion of which is to be in readiness for use by the 1st of November.

A school farm for colored orphans was established by M. De Mariel, with some assistance from this bureau, near Eastern Branch, Washington, D. C., in the month of March. Boys only are received. The number at present is thirty-one, (31.)

TENEMENTS.

Owing to the fact that many of the abodes of freedmen in this city and Alexandria were in the most miserable huts, contracted, filthy, and not protecting them from the inclemency of the weather, and even for these shanties most exorbitant rents being charged, tenements were prepared in certain of the public buildings in possession of this bureau. Four barracks were thus fitted up in and around Washington, accommodating some three hundred and fifty (350) families, and a like number in Alexandria for one hundred and eleven (111) families. At Freedmen's village, Arlington, two hundred and fifty (250) families have tenements. These families pay a moderate rent, generally about one-third of the amount paid for the shanties they have left. This has had the effect to reduce the rents charged by the landlords, who found their tenants rapidly vacating.

FARMS, RENTING OF LAND, ETC.

Notwithstanding all efforts to reduce the number of freedmen in this district by securing for them employment elsewhere, it was found that there were still a great number in the spring who could not find work at wages adequate to the support of their families. Brevet Colonel S. P. Lee, superintendent of Alexandria, Fairfax, and Loudon counties, was therefore authorized to rent some five hundred and fifty (550) acres of land, at a cost of eight hundred dollars (\$800) per year, in the vicinity of Camp Distribution, where were barracks which could be used for tenements. This land was sub-rented to heads of families in lots, from five to forty acres.

Colonel Lee reports that they generally have good crops of corn, and will be able to pay expenses, including rent.

In like manner, that part of the Arlington estate consisting of four hundred (400) acres of cultivable land, which had been worked as a government farm last year, was rented in small lots to freedmen, with the exception of some eighty (80) acres, which had already been sowed in wheat. As this land is the property of the government, only a nominal rent is charged.

In St. Mary's county, Maryland, where last year some thirteen hundred (1,300) acres were cultivated as "government farms," and some five hundred (500) people who had accumulated there during the war were provided with homes, the amount of land has been reduced by restoration to former owners, so that only two hundred and sixty-five (265) acres were under cultivation the past season. Orders have been given for the evacuation of this farm about the 1st of December, and rent is paid for its use the past season. Employment and homes in Maryland and Virginia have been found for all of the people on "the farms," except the infirm, who have been sent to the "home" at Arlington.

LANDS.

The following summary shows the number of acres of land nominally in possession of the bureau in this district, and the number of acres restored to owners for the time stated :

Number of acres on hand August 31, 1866, in Virginia	18, 850½
Number of acres on hand August 31, 1866, in Maryland	1, 100
Number of pieces of unknown quantity on hand in Virginia	16
Number of pieces of town property on hand in Virginia	18
Number of acres restored from October 31, 1865, to August 31, 1866, in Virginia	2, 723
Number of acres restored from October 31, 1865, to August 31, 1866, in Maryland	1, 915
Number of pieces of town property restored from October 31, 1865, to August 31, 1866, in Virginia	4

The land in Virginia reported above was taken up on our records as confiscated, but the process of confiscation never having been completed by sale, the land has never been a source of revenue. The land in Maryland is all to be restored in November, 1866, and rent is paid for its present occupancy.

MEDICAL DEPARTMENT.

The number of hospitals in the district is three : one at Washington, capacity two hundred (200) beds ; one at Arlington, fifty (50) beds ; one at Alexandria, one hundred (100) beds.

Number of medical officers on duty, fourteen, (14)

The cities of Washington and Georgetown are divided into five medical districts, and an acting assistant surgeon assigned to each, who attends those patients at their homes whom it is not advisable to remove to the hospitals. An "extra diet kitchen" is also in operation, to provide suitable food for those sick at their homes, under charge of ladies who devote their time gratuitously to this benevolent work.

The total number of patients under treatment from November 1, 1865, to October 1, 1866, 22,798. Of these, 21,239 were discharged cured. The number of deaths was 752. Number remaining under treatment September 30, 1866, 807. The average mortality thus being shown to be remarkably low—33 per thousand of the cases under treatment.

CLEANSING OF QUARTERS AND LOCALITIES OF FREEDMEN.

The chief medical officer of the district, Surgeon Robert Reyburn, states that undoubtedly the mortality has been largely diminished, and a remarkable exemption from epidemic diseases insured by the thorough cleansing of the dwellings and localities of the freedmen, effected by the local superintendent, Brevet Major William F. Spurgin, acting under orders from these headquarters.

The dwellings and surrounding grounds were cleansed, and the dwellings whitewashed inside and out. One thousand (1,000) barrels of lime were thus expended in this city, Georgetown, and Alexandria. A detail of non-commissioned officers, furnished by the department commander, rendered efficient service in superintending the execution of the work.

The mayor of Washington cheerfully co-operated in these sanitary measures.

SCHOOLS.

Whole number of schools, 74; whole number of teachers, 132; whole number of scholars, 6,552. Of these, 799 are in the alphabet, the remainder all having learned to read.

The night schools have not been fully reported. Average number about 15; average number of scholars, 800.

Sabbath schools, not connected with colored churches, 20; number of scholars, 2,400.

The continued zeal and diligence of Rev. John Kimball, superintendent of education, in the performance of his duties, are highly commendable.

Ten (10) freedmen's aid societies have assisted in sustaining the schools. Salaries of teachers not paid by this bureau.

Forty-five (45) day schools were carried on in buildings provided by this bureau, and supplied by it with the necessary furniture.

Buildings for thirty-two (32) day schools have been provided and fitted up during the year.

The trustees for colored schools, appointed in accordance with an act of Congress by the Secretary of the Interior, have co-operated by providing lots upon which school buildings have been erected by this bureau. These buildings are mainly constructed from second-hand lumber already in possession of the government.

Most of the schools were visited by the assistant commissioner during the last session, and often by the superintendent, and a public examination was held in them all.

The general good conduct and rapid progress in scholarship have been such as to surprise and gratify their most sanguine friends.

INDUSTRIAL SCHOOLS.

Whole number of industrial schools, seven, (7;) all but one (1) in buildings provided by this bureau; three (3) of these almost entirely sustained by the bureau.

These schools afford employment and instruction to some 369 women. They have also made, repaired, and distributed a large amount of clothing.

RATIONS.

Whole number of rations issued from January 1 to October 1, 1866, 629,276.

For the month of September the issues were as follows :

Hospital, Washington, D. C., (including the issues to the sick at their homes, and to the orphan asylums).....	16, 720
Hospital at Freedmen's village.....	6, 079

Hospital at Alexandria, (including home for infirm).....	11, 940
Home for aged and infirm at Freedmen's village.....	5, 515
Sand Gates farm, Maryland, (including employés).....	2, 760
<hr/>	
Total	43, 014
<hr/> <hr/>	

In March last an order was promulgated from these headquarters, to take effect April 10, cutting off all issues of rations in this district, except to the sick, the inmates of the orphan asylums, and the infirm at Freedmen's village. This was rendered practicable by the operations of the employment offices, by which means all the able-bodied were offered remunerative employment.

The requirements of Circular No. 10, War Department, Bureau Refugees, Freedmen and Abandoned Lands, discontinuing the issue of rations in all the States on the 1st of October, caused, therefore, little or no change in this district.

In accordance with that circular an application was made to the county court of Alexandria county, Virginia, to provide for the infirm and indigent of the Alexandria "home," but the court declined to make any provision on the ground of a lack of the necessary funds; claiming also that many of these poor were only "sojourners," and not strictly residents of the county.

EMPLOYMENT OFFICES.

The employment offices, two in sole charge of this bureau, and one partially sustained by the National Freedmen's Association of this city, and in charge of Mrs. Josephine Griffing, have been very effective. Branch offices were opened, at my suggestion and request, in Baltimore, Philadelphia, and other northern cities, sustained generally by the freedmen's aid societies. Planters and others came also from several of the southern States for hands, and usually obtained them, making their own contracts with the freedmen, and receiving the co-operation of this bureau when they gave satisfactory assurance of fair wages and kind treatment.

The reports of these offices give whole number furnished with employment, 5,192. This includes those provided with homes by Mrs. L. M. E. Ricks, operating a part of the time solely from individual benevolence, and lately in employ of this bureau.

The above figures would be increased by full reports from some others, who have been engaged in this work from motives of personal benevolence or as agents of aid societies.

There are still vast numbers who ought to leave this district. A census taken by this bureau last winter and spring, shows a colored population in Washington of 27,287; in Georgetown, 4,262. Aggregate, 31,549. Subtracting the 5,000 leaves still 22,000—a much greater number than can be employed here. As the surest means, therefore, of relieving the government of the future support of many of these people, as well as to give them all the benefits of independence, and vastly improve the condition of such as may remain, their removal to other States, where labor is in demand, has been encouraged in every possible way by this bureau. Transportation has of late been furnished, agents employed in this and other cities to give their attention solely to this work; meetings have been held, and various other means resorted to, to induce the colored people to go; but the call for laborers is still much greater than the supply. There seems to be great reluctance on the part of the majority to leave even the miserable homes they have established here, and start forth to parts of the country new and strange to them.

CONGRESSIONAL APPROPRIATION FOR RELIEF OF THE DESTITUTE IN THE DISTRICT OF COLUMBIA.

A special appropriation was made by Congress, approved April 17, 1866, for the poor in this District, and the Commissioner of this bureau charged with its disbursement.

To carry out the intent of the resolution of Congress, a special relief commission, consisting of six (6) members, was organized under my immediate direction. The cities of Washington and Georgetown were divided into four (4) districts, with a superintendent for each, and divided into twenty-two (22) sub-districts, and a visiting agent appointed for each. The latter, excepting two, (2) perform the duties gratuitously, and deserve great credit for their assiduous and self-denying labors.

The president of the commission, Surgeon Robert Reyburn, United States volunteers, renders a weekly report of its operations, of which the following is a summary :

Number of persons relieved :	
Whites.....	965
Colored.....	827
	1,792
Total.....	1,792
Amount of appropriation.....	\$25,000 00
Relief afforded on recommendation of visiting agents,	
for whites.....	\$3,421 22
Relief afforded on recommendation of visiting agents,	
for colored persons.....	2,665 14
Other relief approved by special relief commission...	1,329 10
Salaries of agents.....	183 00
	7,598 46
Total.....	7,598 46
Balance not yet drawn upon.....	17,401 54
Outstanding orders not yet paid.....	937 13
	18,338 67
Total on hand October 1, 1866.....	18,338 67

The amount expended has been chiefly in small sums, for groceries, clothing, fuel, &c., for those actually in need.

By employing the agents of this bureau, as well as by securing the gratuitous services of many benevolent citizens as visiting agents, a remarkably small amount of the congressional appropriation has been expended for salaries.

STATEMENT OF FINANCES.

The following is an exhibit of receipts and expenditures from November 1, 1865, to September 30, 1866, from the books of Brevet Major J. M. Brown, quartermaster and disbursing officer for this district :

Refugees and freedmen's fund.

RECEIPTS.

On hand November 1, 1865, last report.....	\$27,621 55
By cash received on account of funds for benefit of colored women and children, and hospital purposes, by order Secretary of War.....	281 99

By cash received from rent of buildings.....	\$7, 398 95
By cash received from sales of crops.....	9, 352 12
By cash sales of clothing to freedmen.....	2, 393 38
By cash received from Colonel A. W. Balloch, chief accounting and disbursing officer, Bureau of Refugees, Freedmen and Aban- doned Lands.....	33, 256 55
By cash fees of intelligence offices.....	928 04
By cash sales of buildings.....	1, 223 50
	<hr/>
	82, 456 08
	<hr/> <hr/>

EXPENDITURES.

Paid for agricultural tools and materials.....	\$1, 459 40
Paid for field and garden seeds.....	541 46
Paid for labor hire, and services of superintendent, contract sur- geons, clerks, overseers, hospital attendants, carpenters, labor- ers, &c.....	69, 188 26
Paid for lumber and material for building.....	3, 677 72
Paid for stationery.....	1, 755 28
Paid for stores for indigent freed people.....	3, 523 58
Paid for rents.....	1, 091 12
Paid for postage.....	10 90
Paid for advertising.....	95 50
Balance carried to new account.....	1, 122 86
	<hr/>
	82, 456 08
	<hr/> <hr/>

Appropriation of Congress from July 1, 1866, to September 30, 1866.

RECEIPTS.

By cash received from Colonel C. W. Balloch, chief accounting and disbursing officer, Bureau Refugees, Freedmen and Aban- doned Lands.....	\$22, 062 34
Cash received on account of freedmen's fund.....	60 00
	<hr/>
	22, 122 34
	<hr/> <hr/>

EXPENDITURES.

Paid on account of salaries of clerks and employes.....	\$6, 872 12
Paid for stationery and printing.....	1, 937 22
Paid for quarters and fuel.....	970 19
Paid for clothing for distribution.....	851 72
Paid for sub-sistence stores.....	
Paid for medical department.....	4, 055 16
Paid for transportation.....	612 46
Paid for school superintendents.....	588 75
Paid for repairs and rents of school-houses and asylums.....	6, 043 63
Paid for telegraphing and postage.....	10 23
Balance due the United States.....	180 86
	<hr/>
	22, 122 34
	<hr/> <hr/>

Since July 1, 1866, the refugees and freedmen's fund has been drawn upon for such necessary expenditures as could not strictly be classed under the objects specified in the appropriation by Congress.

CONCLUSION.

In the limits to which this report must be confined, only a few examples could be given of the numerous cases reported of injustice to the freedmen in the courts, particularly in Maryland and Virginia.

In their ignorance of the processes of law, and in the prevailing indifference to their interest among the resident citizens, the freedmen are generally powerless to obtain redress for wrongs against person or property unless aided by agents of this bureau. In Maryland, while one judge sustains the civil rights act by his decision, another decides it unconstitutional. The same is true in Virginia; and until this point be finally settled, that act will be of little practical avail to the freedmen.

In Virginia we still have occasion to resort to the assistance of the military forces by virtue of General Orders No. 44, headquarters of the army. Constables refuse or neglect to serve writs against parties charged with outrages upon freedmen.

The numerous instances of abuses under the apprentice law in Maryland call for some action of the legislature of that State or some other competent authority. Justice comes too slowly by taking up each of the hundreds of cases separately, and getting action in the courts, by means of the writ of *habeas corpus*.

In the District of Columbia the great *desideratum* is to reduce the number of freed people. They have congregated here during the war and since until there are thousands more than can find employment adequate to the proper support of their families.

Upwards of five thousand have been removed to homes elsewhere during the past year, but ten thousand more could be removed with profit to themselves and those who remain.

Much has been done to provide suitable tenements for the freed people, but still there are many localities where they are crowded together in miserable abodes for which they pay exorbitant rents. Many of these wretched hovels are not fit for human beings to dwell in. They are reluctant to leave even these hovels when once domiciled in them, and as long as the district is so over-crowded, and the demand for rents is so great, these filthy, contracted, and disease-generating huts, incapable even of sheltering their inmates from the inclemency of the weather, will be occupied.

In view of these facts I requested the city authorities to have certain of these hovels destroyed as nuisances, having selected and described some of the worst for this purpose, and stipulated that, in case this should be done, I would provide homes elsewhere for the people inhabiting them. But the authorities have failed to take any action in the case.

It is difficult to adjust the legal rights of the property owners with the claims of humanity in this matter. I would respectfully suggest that a statute enactment is desirable to meet this difficulty.

As this report is made before receiving the annual reports of the subordinate officers and agents of the district, and as there are yet two months to cover the period up to the date of the last annual report, a supplementary report will be necessary to give a complete exhibit of the affairs of the bureau for the year.

Very respectfully, your obedient servant,

C. H. HOWARD,

Brevet Brigadier General, Assistant Commissioner, D. C.

Major General O. O. HOWARD,

Commissioner, Bureau Refugees, Freedmen and Abandoned Lands.

FLORIDA.

HEADQUARTERS DISTRICT OF FLORIDA,
*Office Assistant Commissioner of Bureau Refugees, Freedmen and
Abandoned Lands, Tallahassee, Florida, October, 1866.*

GENERAL: I have the honor to make the following report of the operations of the bureau in this State during the past year:

I entered upon the duties of assistant commissioner, in conformity with assignment by Special Orders No. 258, of the War Department, on June 11, 1866, previous to which time the duties of the office had been performed by Brevet Colonel T. W. Osborn. I found the arrangements of Colonel Osborn to be so judicious that I continued them in force to the present time, with such modifications as were necessary, from time to time, to give them increased effect.

The general organization comprises the distribution throughout the State of the officers of the bureau, each of whom has the supervision of a sub-district composed of several counties, from two to four, according to size and accessibility, and has subordinate to him, in each county and principal town, a civil agent to attend to detailed business, under his general direction and supervision. Eleven of these officers at present upon this duty are of the Veteran Reserve Corps, and seven of the army; all bear the titles of sub-assistant commissioners. Each one is required to report monthly, or oftener if necessary, to the assistant commissioner, and to forward all appeals from his decisions or those of the civil agents. Each commanding officer of a post is constituted, ex officio, sub-assistant commissioner for the surrounding district, which arrangement unites more completely the full benefits of the military and bureau administration.

The civil agents are either judges, justices of the peace, ex-officers of volunteers, or citizens of character and influence who are willing to perform the duties. Generally this service is unpopular, as it excites the prejudices of the pro-slavery citizens, and sometimes incurs insults and petty persecutions; still, those who do serve perform their duties faithfully. They are twenty-four in number, of whom only four are salaried; the remainder are authorized to charge parties coming before them moderate fees for their services.

The course pursued to secure the personal welfare of the freedmen has been to require all to labor at some employment; to observe the terms of their contracts or agreements; to comply with the State law respecting marriages; to be industrious and economical; to provide for the education of themselves and children; to be faithful and useful to their employers, and to strive to secure their good opinion; to labor contentedly; to abandon migratory habits, and to save their earnings in a safe place of deposit against a time of need.

The rates of wages and terms of contracts have, as far as possible, been left to be regulated by the law of supply and demand, and only such interference exercised as was required to prevent any advantage being exercised over the ignorance or trustfulness of the negroes. A fair contract in writing, according to the terms of agreement, has always been insisted on; also the faithful execution of its stipulations; and if that became impossible, from sickness or other cause, an equitable settlement. About one-half of the laborers upon plantations in this State are working for a portion of the year's products—usually one-third, and sometimes, under liberal planters, one-half of the whole crop. Those who are working for wages and were engaged early in the season, when labor was plenty, are to receive on an average, (for field hands,) men, twelve dollars; women, nine dollars; children, five dollars per month; in addition to which they are allowed rations, usually consisting of one peck of meal, three pounds of meat, and one pint of sirup per week. Mill, railroad, timber, and boat hands, and those engaged late in the season, receive from fifteen to twenty-five dollars per month with rations.

Those who have worked for a portion of the crop will, it is believed, realize more at the end of the year than those who have worked for wages; but the surplus remaining to either class at the end of this year will, it is feared, prove very small. The laborers have been obliged, in many instances, to take the orders of their employers upon stores for such necessaries as they required; which orders, they complain, have obtained for them much less than they could have procured with the ready money, and with the privilege of purchasing where they could buy to the best advantage. The planters in most instances, having been much impoverished by the war, have been necessitated to pursue this course, and to anticipate the growing crops by orders and drafts in payment for supplies and equipment, as well as wages of hands. This evil will be partially remedied in the next year, when more ready money will be available. A higher rate of wages will also be necessary; and where the pay or any portion of it is to be made in orders, a corresponding discrimination in the rate must be made. The freedmen here ought to receive at least twenty dollars a month with a ration, in order to enable them to pay their taxes, rent, physicians' bills, and for the clothing and education of their children.

The number of colored people in the State in 1860 was 61,745 slaves, and 932 free blacks. Total number, 62,677. The number of whites, 77,717.

Fourteen per cent. of all the negroes were in this county, (Leon.) in which the ratio of the blacks to the whites is three to one. Five other counties have an excess of blacks, but in all the remainder, thirty-one in number, the whites are in majority.

The general course pursued to secure justice to the refugees and freedmen has been to allow the courts of the State to decide all matters that could properly be brought before them, and to watch the cases to see that impartial justice was rendered. But in matters specially subject to the decisions of the officers of the bureau, such as the division of crops, arbitrations upon the stipulations and fulfilment of contracts, sequestrations of property of refugees, &c. I have caused the officers and agents to decide the cases at once, and thus secure prompt justice.

In all criminal cases, or offences definitely punishable by the laws of the State, to which the freedmen are parties, the criminals have been brought before the criminal courts, which have been in operation since April of this year. Generally, the criminal courts have given as fair decision as could be reasonably expected, from the bitter feelings existing at the close of the war, and in a great number of trials witnessed by officers of the bureau, impartial justice has been rendered. But there have been many exceptions to this rule, in which the prejudices against the negroes, and animosity against the loyal whites, (called by the rebels "deserters,") who, during the war, entered our lines as refugees and joined our troops, have so influenced the courts, and especially the juries, as to have produced, in some instances, verdicts manifestly inconsistent with justice. In some cases excessive fines and penalties have been imposed upon freedmen, loyal Union men have been uncompromisingly prosecuted, a just return of sequestered property has been refused, and the arrest of criminals guilty of outrages and murderous assaults upon freedmen have been so delayed as to permit the escape of the criminal and cause a failure of justice.

The United States district court for this district not having been in session since I entered upon the performance of the duties of the bureau, I could not bring the delinquents before it under the provisions of the civil rights law, and the laws establishing and continuing the bureau; but I am now informed the court will soon meet in this place, and have prepared and forwarded to its clerk a list of the cases that should properly be brought before it.

In the mean time my recourse has been either to the executive clemency of the governor, or, when that was not available, to decisive action myself, under the powers conferred by the laws governing the bureau.

In answer to my appeals, Governor Walker has always exhibited much sympathy and humanity for the colored people, with a readiness to remit any unjust fine or penalty, and to redress the wrongs of person and property of every one, irrespective of color. Upon my application for a decision upon the illegality of the law prohibiting negroes from keeping or bearing arms, the governor called upon the attorney general of the State to give his written opinion, which, when given, was promulgated. It declared the said law to be in violation of the State constitution, which provides that all the inhabitants of the State "shall enjoy the rights of person and property without distinction of color." The civil officers were required to conform their action to this opinion. Since then the negroes have been unmolested in the possession of arms, except in a few instances in the remote counties, where, from lack of mail communication, correct information only reaches the people after long delays.

It is only in cases where strict justice or rights could not be secured through any of the ordinary legal channels that I have exercised, to that end, the power confided to me as assistant commissioner. The fact has been kept in view that sooner or later the colored people must be left to the control of the State authorities, and consequently that the promotion of harmony and good feeling between them and the whites would secure the safest guarantees of future good treatment. There are, however, a particular class of cases that I have been necessitated to act upon, or to decide through the agency of the bureau courts. These arise from the execution of the rebel sequestration law, by which the property of loyal refugees (who during the war took refuge within our lines) was sequestered and sold. These men, most of whom served in the first and second Florida cavalry, on returning to their homes after the war, found their cattle driven off, their movables gone, and, in many instances, their dwellings burned. Being poor, they could not incur the expense of an uncertain litigation, especially before courts most of whose members were directly or indirectly interested in the sequestration sales, and were, moreover, exasperated against them for being "deserters" from the rebel cause. These cases were the most numerous in the counties of Hillsboro', Hernando, and Manatee. I therefore directed the officers and agents in those counties to restore all property thus sequestered, if found, to its original owners; and when the property could not be found to bring the parties before a bureau court, to be organized at Tampa, to determine the amount of damages, which, when fixed, are to be collected by the commanding officer at Tampa, who is required to enforce the decisions of the court.

HOMESTEAD LAW.

The provisions of the homestead law, passed at the last session of Congress, is being largely availed of by the colored people of this State; already 32,000 acres of public lands have been entered by them since the opening of the land office, August 25, 1866, and their interest in the subject seems to be on the increase. Large settlements will be made this winter in the vicinity of New Smyrna, on the Atlantic coast; upon the Upper St. John's river, on the Suwannee river, and upon the Manatee river and its tributaries. I have not yet been required to aid the freedmen in their enterprises, beyond furnishing them information concerning the lands, and transportation to a few of them, who go first to examine and select them. The people of some sections are much opposed to the settlement of negroes in their neighborhood, and some threats have been made; but upon a proper representation of the futility of any such illegal course, and of the consequences that must surely follow, their opposition has been reduced, and there is now little probability of any serious resistance being made to the location and settlement of the negroes in any part of the State. I am having prepared a detailed report of the lands in the State open to location and settlement, which will contain much valuable information of the nature of the soils,

climate, productions, accessibility, &c., in each county in the State. Its preparation has been much delayed by the necessity of answering correspondence requiring information as to lands desired for entry. I, however, enclose a sub-report, which is intended to be preliminary to the above, and is prepared in haste to accompany this report. From this it will appear that there are now open for settlement in this State nineteen millions of acres of public lands, nearly equally distributed in the east, west, middle, and southern parts of the State. The lands in the first three have been in the market for many years, and are comparatively of little value. Those in southern Florida are more valuable, are newer, and some of them are very rich. Much attention has been directed to the lands bordering the St. John's, where the orange culture is an object of interest, and to that lying in its vicinity, extending towards New Smyrna on one side, and the chain of lakes on the other. Many private owners of large tracts anticipating a considerable immigration this winter are preparing to place in the market large and desirable tracts selected in past years for their value. Extensive orange groves on the St. John's are also offered to purchasers, and generally the best people of the State encourage immigration from the north, and are willing to meet it in a liberal spirit. The country to the south, and especially the section bordering both the Atlantic and the Gulf, although the borders of the latter have more settlements, contain much valuable land for the cultivation of cotton, sisal, hemp, corn, potatoes, indigo, rice, and the tropical productions and fruits; while the waters of the bays and inlets of the Gulf teem with myriads of fine fish. The unhealthiness of the climate in consequence of the malaria, which produces enfeebling and sometimes fatal fevers, has been regarded as a great obstacle to the settlement of this country. It is not so, however, to those who become acclimated, and to those who have not the eastern coast offers healthy locations; the malarial infections rarely extend to the residents within the influence of the salt water and air.

PUBLIC SCHOOLS FOR FREEDMEN.

The legislature of the State at its last session passed a law providing for the establishments of schools for the education of the colored children, for the appointment of a State superintendent, payment of teachers, &c. The Rev. E. B. Duncan received the appointment, and has worked with zeal and judgment to carry out the object of the law. In order to further his efforts and preserve unity between the State enterprise and the aid furnished by the government through the bureau, I appointed Mr. Duncan superintendent of freedmen's schools in the State. This uniting of interests and duties has been productive of favorable results to the freed people, who thus derive the fullest advantage from the efforts made to educate their children.

Mr. Duncan reports twenty-nine day schools with an average attendance of 1,288 pupils; twenty-eight night schools, and seventy-five Sunday schools. His absence on a tour of duty through the State prevents me from enclosing a report from him, which will be forwarded upon his return. I have no doubt that Mr. Duncan will, if continued in his present duties with encouragement, within the coming year, succeed in establishing colored schools throughout the State, in every town and hamlet, and upon most of the larger plantations.

HOSPITAL FOR THE DESTITUTE REFUGEES AND FREEDMEN.

This institution was established at Magnolia, twenty miles above Jacksonville, on the St. John's river, in March of this year, by Colonel Osborn, and now contains forty-one destitutes, who are utterly incapacitated by age, infirmities, or insanity from obtaining any means of subsistence. None are admitted whose friends are able to afford assistance or support. The hospital is wholly sup-

ported by the bureau, and is under the charge of Dr. J. W. Applegate, surgeon of volunteers. The State of Florida has no asylum of the kind.

THE ORPHAN ASYLUM FOR COLORED CHILDREN.

This asylum was originally located at Fernandina, and occupied the house formerly belonging to General Finnegan. But upon the surrender of that house to its former owner in June, 1866, I moved the asylum to Magnolia, where the buildings, which formerly constituted a watering-place hotel, are sufficiently extensive to accommodate both asylums, with the superintendent and teachers. This asylum, which now contains thirty-three orphans, is also supported by the bureau, with the exception of the teachers, who are paid by the National Freedmen's Relief Association.

The orphan asylum is under the immediate direction of Mrs. Chloë Merrick, assisted by Miss Farnham, but this asylum is also under the general superintendence of Dr. Applegate.

The location of Magnolia offers many advantages for these asylums, being directly upon the banks of the river, within three-fourths of a mile of a fine sulphur spring, called "Silver Springs," with ample accommodations of all kinds, including a chapel and five hundred acres of woodland. Steamers plying upon the St. John can deliver passengers or supplies upon the wharf directly in front of the house.

CHATTAHOOCHEE ARSENAL.

Upon your notice that this arsenal had been turned over to the bureau, I caused Major Denniston, the disbursing officer of the bureau, to receive it from the agent sent here for the purpose, and in September he gave the proper receipts and received possession. It is situated at the junction of the Chattahoochee and the Flint rivers, upon a high elevation, and consists of extensive buildings and shops, erected during the Florida war at a cost of nearly half a million dollars. With the exception of the small hamlet called Chattahoochee, close by, there are but few settlements near, and the country around is thinly inhabited. The communication is by the river or by wagon road twenty-two miles to Quincy, the present terminus of the Pensacola and Georgia railroad. Owing to its isolated position and the difficulty of conveying supplies to it from our depots at Jacksonville, I have not removed the asylum from Magnolia to it, and propose not to do so until a short time before the termination of the existence of the bureau by law. I have recommended, in a separate report, that at that time the arsenal be turned over to the State, to be used as an asylum for the destitute and orphans, for a penitentiary, and for a State normal school for colored teachers, for which three purposes the buildings are sufficiently extensive.

EXPENDITURES.

The expenditures of the bureau in this State during the past year have been very small, owing to the rigid economy practiced.

The total amount of funds received is	\$18,949 07
The total amount of expenditures is	15,589 62
	<hr/>
Amount of funds on hand November, 1866.....	3,359 45
	<hr/> <hr/>

In conclusion, I desire to state that I regard the condition of the freed people in this State as being very promising for their future advancement and moral elevation. They are generally industrious and faithful. Upon plantations they do not perhaps work as hard as in the days of slavery, when the greatest amount of labor was enforced by the lash, but the most of them give general

satisfaction to their employers, and when working for themselves they exhibit much industry. They show by their anxiety to learn, to educate their children, to provide homes for their families, to become land owners, to erect school-houses and churches, and to accumulate their savings, a strong determination to improve their condition as a people and to elevate their race. This settled determination and general understanding among them to effect the above objects must in time, with their ability and willingness to work, produce its natural result of comparative independence.

I believe when the time arrives for the termination of the labors of this bureau, the colored people of this State will have made a fair advancement towards becoming able to provide for themselves, and to protect all their interests, other than political.

I am, general, very respectfully, your obedient servant,

J. G. FOSTER,

Brevet Major General, Assistant Commissioner.

Major General O. O. HOWARD,

Commissioner of the Bureau of Refugees,

Freedmen and Abandoned Lands, Washington, D. C.

GEORGIA.

BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,

OFFICE OF ASSISTANT COMMISSIONER STATE OF GEORGIA,

Augusta, Georgia, November 1, 1866.

GENERAL: In compliance with your instructions of the 2d ult., I have the honor herewith to submit a report of the operations of the bureau in this State, since September 22, 1865, at which time I entered on my duties as assistant commissioner.

Upon my arrival here, no records, books, or any other data, could be found, showing the organization of the bureau, or the work already accomplished. Throughout the State the greatest bitterness was felt and expressed towards the bureau and its officers, one of whom had been foully murdered a short time previous.

My first efforts were directed to the organization of the bureau, and the removal from the public mind of the grave misapprehensions which existed as to its objects and purposes, and towards securing, as far as possible, the countenance and support of the civil authorities.

Taking advantage of the assembling of the convention to amend the constitution of the State, the following letter was addressed to the provisional governor, and by him referred to that body:

BUREAU OF REFUGEES FREEDMEN, AND ABANDONED LANDS,

Augusta, Georgia, October 25, 1865.

I have the honor to state that it will probably be found impossible to obtain a sufficient number of officers from the army to organize this bureau, and distribute them throughout the State, in such a manner as to prevent loss of time and vexatious delay in the transaction of business.

Under these circumstances, I have the honor to request that you will instruct such of the justices of the peace and ordinaries of counties as may be designated from this office, to act within the limits of their jurisdiction as agents of the bureau, thereby enabling the people to adjust their difficulties and maintain the police of the country through the convenient channels to which they have been accustomed.

I beg to state frankly, that in my selection I should be guided wholly by questions of competency and fitness. Such of these officers as may be willing to act conscientiously, and to do simple justice, without reference to condition or color, will be deemed eligible for the position. The administration of justice through unusual channels necessarily occasions dissatisfaction.

Should my request be granted, there is reason to hope that much of the present irritation on the subject would be allayed and removed.

I am, very respectfully, your obedient servant,

DAVIS TILLSON,

Brig. Gen. of Vols., and Act. Ass't Com. Refugees, Freedmen and Abandoned Lands, State of Georgia.

His Excellency JAMES JOHNSON,

Provisional Governor State of Georgia, Milledgeville.

In compliance with an invitation from the convention, I went before it and endeavored to explain the orders under which I was acting, and the object and intentions of the bureau. This was followed by the passage of the following resolution :

"The committee to whom was referred the message of the provisional governor, enclosing a communication from Brigadier General Tillson, assistant commissioner of the Bureau of Freedmen, Refugees and Abandoned Lands, have had the same under consideration, and direct me to report the following resolution and ordinance :

"*Resolved by the convention*, That the wise and liberal proposition of Brigadier General Tillson, assistant commissioner of the Freedmen's Bureau, to employ certain officers of this State as agents of said bureau, to adjust difficulties between the white and colored people of this State, and to maintain the police of the country, be and the same is hereby accepted ; and it is hereby ordained by this convention that the justices of the peace, ordinaries, and all other civil officers or unofficial citizens of this State, are hereby authorized to perform such services as may be designated by said agents in adjusting the difficulties between the white and colored population of this State, in maintaining the police of the country and other similar matters, whenever requested so to act by said superintendent.

"HERSCHEL V. JOHNSON, *President.*

"Attest :

"J. D. WADDELL, *Secretary.*

"NOVEMBER 1, 1865."

Much of the harmony and co operation which have since happily existed between the civil authorities and the officers and agents of the bureau, is attributable to the wise and conciliatory action of the convention, and to the influence of the members upon their return to their homes. Through the Hon. H. V. Johnson, president of the convention, I requested the members upon their return home to advise with the leading planters and more intelligent freedmen of their several counties, select responsible gentlemen in whom both had confidence, and forward their names to this office for appointment as civil agents of the bureau. Two hundred and forty-four (244) agents have been thus appointed, and in a large majority of cases they have proved competent and faithful to the trust reposed in them, in not a few instances gaining a temporary unpopularity by their fearlessness in announcing and defending the rights of the freedmen. A few were found unfit for the position, and were promptly removed. Being citizens of the State, they did not encounter the prejudice felt against officers of the army, or agents from the north, and were thereby enabled more readily to secure justice to the freedmen, and to build up and foster a healthy

public opinion. The few army officers who could be obtained for the duty were assigned to the more important places in the State, and instructed to place themselves in communication and co-operation with the civil agents in the counties near them. It was found impossible to secure the services of a sufficient number of officers to make it practicable to divide the State into sub-districts.

ORGANIZATION OF LABOR.

During the latter part of last year and the beginning of this the freedmen were impressed with the belief that the government would give them lands, animals, farming implements, and food to enable them to begin planting for themselves. Grave apprehensions were felt and expressed throughout the State that, enraged at the inevitable disappointment of their hopes, the freedmen would rise on Christmas or new year's, and attempt to take by force what they had been led to expect would be given them. Subsequent events proved that such fears were without foundation. It is difficult to ascertain the source whence they became possessed of this idea; but, as far as could be learned, the charge that it had been disseminated by the officers of the bureau is utterly groundless. By most strenuous exertions on the part of officers of the bureau, the freedmen were finally induced to make contracts to labor this year. It was only after the most persistent efforts that employers could be persuaded to pay freedmen reasonable wages. In some instances they compelled them by threats to contract for from one to three dollars per month, the laborer to furnish his own clothing and medicine. Learning these facts, the parties were notified that such contracts would not be permitted, and that the freedmen must receive reasonable compensation for their labor. The employers refused to annul these contracts or allow the freedmen to go to other parts of the country where they were offered better wages. Citizens going to certain counties to hire labor, and offering reasonable prices, were arrested and imprisoned. The freedmen were made to believe that, if they left, they would be sold into slavery, that the bureau officers were paid for sending them away, and were actuated by selfish and dishonest motives. Every possible expedient was resorted to for frightening and keeping them at home, in order to enable employers to hire them at shamefully inadequate wages. The efforts of the bureau to secure justice to the freedmen in this respect were grossly misrepresented. In many parts of the State, and in the public press, charges of corruption were freely made; but, upon applying to the publishers of papers containing such statements, they declined to give their authority. Notwithstanding this organized opposition and misrepresentation, the bureau maintained its position firmly, and refused to approve contracts which did not contain just and equitable terms for the freedmen, occasionally resorting to military force to secure to them the right of choice. To overcome the combination to keep down the price of labor, transportation to a limited extent was given to those going to the valley of the Mississippi, or to the southwestern part of the State. This course proved eminently successful, and, with other efforts, resulted in an increase of wages from a maximum of seven to twelve and twenty dollars per month. Employers on the coast, sea islands, and in southwestern Georgia were easily induced from the first to offer good wages. Soon after the freedmen commenced making contracts, it became evident that the demand for labor exceeded the supply; that, freely sold in open market, it would command a higher price than had been required by the bureau, thereby fully establishing the justice and wisdom of the course pursued. Employers eventually became convinced of this fact, and cheerfully acquiesced in the decision of the bureau. The usual form of contracts supplied by the bureau read as follows:

"Know all men by these presents that _____ county, State of Georgia, — held and firmly bound to the United States of America by these

presents, in this contract. That he is to furnish the persons whose names are subjoined (freed laborers) quarters, fuel, healthy and substantial rations, and —

The said persons are to labor faithfully on his plantation six days during the week, in the manner customary on a plantation, said persons to forfeit, in whole or in part, their wages or their interest in the crop, in case they violate this contract. All differences to be referred to an officer or agent of the bureau of Refugees, Freedmen and Abandoned Lands for adjustment."

No.	Names.	Age.	Rate of pay per month.		No.	Names.	Age.	Rate of pay per month.	
			Dollars.	Cents.				Dollars.	Cents.

" _____ } Employé.
 " _____ }

" This contract is to commence with this date and close with the year. Given in duplicate at _____, this _____ day of _____, 186—.

" Witness : _____."

But no particular form was insisted upon, the parties being left to make any agreement satisfactory to themselves, provided no advantage was taken of the ignorance and poverty of the freedmen. Officers were required to give aid and assistance in making contracts, without charging any fee or imposing any burden whatever. Civil agents who received no pay from the government were allowed to charge a small fee for approving contracts, and for other services, the same fees allowed by the code of Georgia to justices of the peace, ordinaries, and other officers for similar or parallel services. Generally the contracts for labor have been well observed; although, in many instances, they have been violated; sometimes by one party and sometimes by the other. In not a few cases the freedmen have performed their labor in a lazy, worthless manner; in others, they have openly refused to abide by their contracts or leave the plantation, and have wantonly trampled upon the rights and destroyed the property of their employers without the slightest excuse or provocation, and have defied the agents and officers of the bureau, who endeavored to persuade them to do their duty, compelling a resort to military force to restore them to reason and convince them that they must obey the laws which govern other men. About the time the crops were laid by, a disposition was manifested in parts of the State to drive the freedmen off without paying for their labor. Both fraud and violence were resorted to in order to accomplish this result. In a number of counties bands of men, calling themselves Regulators, visited plantations, whipping, robbing, driving off freedmen, and murdering them if any resistance was offered. These villains usually blackened their faces and took other means of avoiding identification; but it so often happened that they visited plantations and drove off the the freedmen when there was a desire to get rid of them without paying for their labor that employers were suspected of being parties or consenting to these outrages. To remedy this evil, on the 17th of July, orders were issued forbidding persons employing freedmen to discharge them without payment, unless they should first show sufficient cause, and obtain the consent of an officer or agent of the bureau, and announcing that military force would be used to enforce the order if required. This only checked, but did not remove, the evil. Freedmen have continued to make complaints at this office

that they have been driven from plantations without payment. The employers usually deny the statement and assert that the laborers have been unfaithful. To settle these questions the policy has been adopted of making them the subject of arbitration, each party choosing one disinterested man; these constituting, with the agent of the bureau for the county, a board of referees, their decision to be final and to be enforced, if necessary, by military authority. Although the appeal to force, even in this case, is objectionable, experience has shown it to be unavoidable.

To refer the freedmen, in their present ignorance and poverty, to the civil courts, with their inevitable delays, to collect the wages due them, which are immediately required for the support of themselves and their families, is to force them to starve or steal, and works a practical denial of justice with the full knowledge, consent, and approval of the Commissioner. I promised the freedmen last fall and spring, if they would enter into contracts and labor faithfully, the bureau would assist them in collecting their wages. I cannot shrink from keeping this promise, even though the forms of civil law, which have subsequently been restored, should be used to shield employers who refuse to comply with their contracts.

This season has been the most unfavorable for agricultural operations known in this State for the past fifty years. Many of the freedmen have labored for a share of the crops, varying from one-fourth to one-third, the employers furnishing them with food and lodging, or for one-half the net proceeds. The failure of the crop in the northern and middle portions of the State has greatly augmented the difficulties in the way of settlement between employers and laborers. Notwithstanding the exceptions mentioned, there has been a very general and gratifying compliance with contracts by both parties. The testimony from planters is very nearly universal, that where the freedmen have been well paid and kindly treated, they have worked very well—much better, under the circumstances, than they expected.

On the whole, the experiment with free labor has proved successful. The experience of the past year has established the fact that, when managed with tact and skill, a very large portion of the freedmen will prove most excellent and faithful laborers. My own observation impresses me with the belief that they will work more cheerfully and with less supervision than white laborers; and if treated with justice and made secure in their persons and property, they will yet become an industrious, hard-working people, forming a valuable and useful part of the population, helping to develop the resources, and adding immensely to the prosperity of the State. But without a just, impartial, and efficient enforcement of the law, such a result would not be deserved, and cannot reasonably be expected.

ORGANIZATION OF THE LABOR ON THE SEA ISLANDS.

On the first of January last orders reached this office directing that the sea islands of the State, which, up to that time, had been under the control of Brevet Major General Saxton, should be placed in my charge. As General Saxton, in his report to the honorable Secretary of War, represents this to have occurred in the preceding September, I append copies of your letter and order, marked A and B. On the 3d of February I proceeded to the islands, and on investigation found them in a very unsatisfactory condition. With the exception of the Rev. W. F. Eaton, agent of the bureau at St. Simon's island, and whom I have found to be thoroughly honest and competent, there were no white men on the outer and more important islands. The freedmen were armed, and would not allow any white person to land. They were mostly fed on government rations, and, with very few exceptions, were spending their time in fishing, hunting, and destroying the cattle, large numbers of which had been left on the

islands by the former owners. It was found that, while the government was sending them rations, they were slaughtering the deer which abound upon the islands, and selling the venison at high prices in Savannah.

Ossabaw, St. Catharine's, and Sapelo islands were under the control of Tunis G. Campbell, a colored man from New York city, appointed agent of the bureau by General Saxton. This man Campbell, who was afterwards dismissed, is a person of great plausibility and remarkable cunning. He was found to be cutting wood, selling it to passing steamers, appropriating the funds, and otherwise managing the island where he resided, for the benefit of himself and a few leaders among the freedmen. Some of the freedmen he employed, and whose produce he sold, have never yet received payment. Influenced by Campbell, the freedmen were unwilling to permit the white owners to return to the islands, even to occupy such portions of their property as had not been assigned to freedmen in compliance with General Sherman's Special Field Order No. 15, series of 1865. They insisted that the government should continue to furnish them with rations in whole or in part, representing that they had all the animals, implements, seeds, and nearly all the food, required to enable them to make a crop this year. But as on the sea islands and rice fields of the State they had failed the year previous, even when they were fed and assisted by the government, to raise sufficient food for their own support, and as there was a great demand for labor at high prices on the coast, I declined to accede to their request, but issued the following order :

[Special Field Orders No. 3.]

BUREAU REFUGEES, FREEDMEN, AND ABANDONED LANDS,
OFFICE ASSISTANT COMMISSIONER STATE OF GEORGIA,
Savannah, Ga., February 14, 1866.

1. Mr. W. F. Eaton is hereby appointed supervising agent of this bureau for St. Simon's island and of the sea islands south thereof, on the coast, and belonging to the State of Georgia.

2. The former owners of land upon St. Simon's and the sea islands south thereof, on the coast, and belonging to the State of Georgia, will be permitted to return and occupy their lands, or a portion thereof, subject to the terms and conditions hereinafter specified.

First. No owner will be allowed to make use of any threats against the freed people or the authorities of the United States, or to use any violence, or to say or do anything to disturb the peace on said islands. But all disputes will be referred to Mr. W. F. Eaton, the agent of the bureau for said islands, for adjudication.

Second. Grants of land made the freed people in compliance with General Sherman's Special Field Order No. 15, dated January 16, 1865, will be regarded as good and valid. But Mr. Eaton, the agent of the bureau, may set apart and consolidate them contiguous to each other on one portion of the plantation upon which such grants have been given, in such manner as to give the freed people a part possessing average fertility and other advantages, and, at the same time, place no unnecessary obstacle in the way of the owner's occupying and cultivating the remaining portion of the plantation.

Third. The former owners of land on said island will be allowed to occupy and cultivate the same when not assigned to freed people, as described in preceding section, or other portions of their estates that may be made vacant by the consolidation hereinbefore mentioned. Such owners will be permitted to hire freed people on terms satisfactory to both parties and approved by the bureau.

Fourth. The freed people now on the island, not having grants of land, will not be forced to leave their present domicile until the owners of the land upon

which they may be located, or their representatives, shall have offered them opportunity of labor upon such terms and conditions as shall be satisfactory to the bureau. Should such freed people refuse to accept this offer thus made them, then they shall remove from such plantations and allow the owners thereof the opportunity to hire others to cultivate the same.

DAVIS TILLSON,
Brigadier General Volunteers, Assistant Commissioner.

A little later this order was made to apply to all the sea islands of the State.

Procuring a small steamer, from time to time I took the former owners to the different islands, gathered the freedmen together, and explained, in presence of both parties, the object and wishes of the bureau. I was gratified to find a more reasonable disposition on the part of both than I had dared to anticipate; and whereas, in many cases, each had threatened to shoot the other on sight, when brought together much of their ill feeling disappeared, and very soon they were able to make arrangements for the owners to return, and the freedmen to labor for them on mutually satisfactory terms. In some instances the poverty of the owner prevented his planting this year; and, upon my recommendation, several northern gentlemen of capital purchased or rented their plantations and employed the freedmen.

By some ten weeks' personal effort I finally succeeded in settling their questions along the entire coast, in an amicable manner, without once resorting to force. On St. Catharine's island one hundred and forty-seven (147) freedmen, in spite of the advice and influence of the agent, Campbell, went to work for Messrs. Schuyler, of New York, and Winchester, of Boston, on very liberal terms. The balance of the freedmen on the island, some four hundred and twenty, (420,) have planted the southern and most fertile portion of the cleared land on the island. Notwithstanding the difference in the number of laborers, Messrs. Schuyler and Winchester's crop will be, at least, three times as large as that raised by the freedmen at the south end of the island.

In this, as in all other similar experiments in the State which have come to my knowledge, it has been clearly demonstrated that the freedmen, if left to work for themselves, and control their own labor, will not obtain any considerable success. This is the opinion to which the Rev. Mr. Eaton, who has been the agent of this bureau for St. Simon's and adjacent islands, from the time the freedmen were first sent there, has been reluctantly forced. No man has had a better or wider opportunity for observation, and no man of my acquaintance is better able to form a just and unbiased opinion. At no time during the existence of the race have the freedmen, as a mass, been called upon to exercise care, economy, and forecast. It cannot be expected they should, without cultivation, suddenly become possessed of these qualities.

ADMINISTRATION OF JUSTICE.

On assuming command of the department, Major General Steadman found the bureau courts acting in a manner so illegal and oppressive, and creating so much well-founded opposition to the government, that he was constrained to abolish them and require all cases to be adjudicated before provost courts or military commissions. After the appointment of civil agents of the bureau, the department commander ordered that all cases involving the rights of the freedmen should go before them, except cases exceeding their jurisdiction, which should be tried before a military commission. This system was found to produce most satisfactory results. It continued until after the passage by the State legislature of an act entitled "An act to define the term persons of color," and to declare the "rights of such persons," approved March 17, 1866; the second section of which reads as follows:

Be it further enacted, That persons of color shall have the right to make and enforce contracts, to sue, be sued, to be parties, and give evidence, to inherit, to purchase, lease, sell, hold, and convey real and personal property, and to have full and equal benefit of all law and proceedings for security of persons and estate, and shall not be subjected to any other or different punishment, pain or penalty, for the commission of any act or offence, than such as are prescribed for white persons committing like acts or offences."

Receiving official notification from his excellency the governor that such a law had been enacted, on the 6th of April a circular was issued from this office, stating that officers of the bureau in this State will not hereafter exercise the judicial functions conferred upon them by paragraph seven of Circular No. 5, series of 1865, from the War Department, Bureau of Refugees, Freedmen and Abandoned Lands, and that civil agents "will continue to perform the duties and exercise the authority conferred upon them by Circular No. 4, series of 1865, from this office; but all cases exceeding their jurisdiction, unless otherwise specially directed by the department commander, will be turned over to the civil authorities of the State for adjudication." Since that time constant efforts have been made to restore the supremacy of civil law in such a manner as to secure the rights of all classes, irrespective of color or condition.

Large numbers of freedmen have, from time to time, made complaints, not a few of which have proved, on investigation, to have no real foundation; sometimes growing out of misapprehension on the part of the freedman, sometimes from a disposition to make use of the bureau as an instrument for private revenge, but, in a majority of instances, there has been abundant cause for complaint. Bands of men styling themselves "Regulators," "Jayhawkers," and "Black-horse cavalry," have infested different parts of the State, committing the most fiendish and diabolical outrages on the freedmen. I am unaware of a single instance in which one of these villains has been arrested and brought to trial by the civil authorities, although habitually, upon ascertaining the existence of such bands, I have respectfully called upon the civil authorities to arrest and punish them, furnishing all the information in my possession, and offering the assistance of the troops to make arrests, if desired. I am led to believe that, in some instances, the civil authorities and well-disposed citizens have been overawed by these organizations. In others, I fear the civil authorities have sympathized with them. Whenever they have neglected or refused to act, troops have been despatched to arrest the guilty parties; but, as the outlaws are usually well mounted, have the sympathy of more or less of the inhabitants, are familiar with the country, and have numerous opportunities for concealment, they generally escape. A few have been arrested under the provisions of General Order No. 44, current series, from headquarters of the army. The civil authorities have always shown great activity in taking steps to remove the prisoners from the custody of military commanders.

To prevent injustice and unnecessary arrests, freedmen making complaints are required to subscribe and swear to their statements, which are written out for them by the officer or agent before whom they appear. Unless the freedman exhibit upon his person proof of cruel treatment, or there is reason to fear delay will frustrate the ends of justice, the statement is referred to the bureau agent for the county in which the case originated for investigation, with instructions, if he finds sufficient cause, to take the proper steps to bring it before the civil authorities and to report their action. If they neglect or refuse to act, military force is resorted to for the purpose of arresting the guilty parties, or compelling an adjudication of the questions at issue. Freedmen have occasionally complained that injustice has been done them in the civil courts. Great caution is exercised in ascertaining the facts in these cases, and in obtaining the evidence which was submitted to the court or magistrate. Generally the evidence is of a character to leave room for doubt, and forbid any interference by the bureau; although in

a very few cases adjudicated before county courts or magistrates, it has been necessary to take some action to prevent evident injustice to the freedmen.

The attention of his excellency the governor has been frequently called to the conduct of the citizens and civil authorities in portions of the State where these outrages have been perpetrated on the freedmen, and reports of the investigating officers furnished him. He has always given the full weight of his official influence and his prompt co-operation in bringing the offenders to justice. The judges of the superior courts have shown the strongest determination to secure a just and equitable enforcement of the law, irrespective of race or color. In their charges to the grand juries they have dwelt with great force and earnestness upon the duty of maintaining the law and punishing offenders, exhibiting in the clearest light the injury which would result to the State by these outrages on freedmen, and the despicable cowardice and wickedness of such conduct. Many of the county judges have acted in an equally wise and judicious manner. Whenever men of proper legal attainments and moral and physical courage have been elected to fill the latter position, the best results have followed.

Although many acts of injustice and cruelty have been perpetrated upon the freedmen, and in some parts of the State the civil authorities have proved inefficient and faithless to the trust reposed in them, still, on the whole, the prospect is encouraging. It is being seen and felt that unless the freedmen are protected they will leave the State, which, thus deprived of labor, will suffer irreparable injury. In this and other ways the inconvenience and loss resulting from the conduct of lawless men force themselves upon the attention of the people. A healthy public sentiment is springing up and making itself felt. In several counties where cruelties have been practiced upon the freedmen the citizens have held public meetings denouncing the guilty parties, and pledging themselves to bring them to trial and punishment. The public press, which has maintained a studious silence on the subject, is beginning to speak out in severe condemnation of such conduct; while well-disposed, leading, and responsible citizens everywhere heartily approve the action of the bureau in arresting parties charged with offences against the freedmen and its demands that the civil authorities shall bring them to trial. The operation of General Orders No. 44, current series, from headquarters of the army, is having the most salutary effect.

PROPERTY.

At the time of entering upon my duties as assistant commissioner, little or no abandoned or other property was found in the possession of the bureau in this State. A large amount of valuable property in Savannah and vicinity, which should have been turned over to the bureau, had been restored to claimants by military commanders, who seemed not to have been aware of the President's order of June 2, 1865.

On the 27th day of September, 1865, General Steadman issued an order directing district commanders to turn over to Major Watson, chief quartermaster of the bureau for this State, "all abandoned lands and property contemplated in the act of Congress, approved March 3, 1865, establishing the Bureau of Refugees, Freedmen, and Abandoned Lands that may now be within their respective commands; to include all hospitals, barracks, storehouses, shops, manufactories, sheds, and all other buildings erected or owned by the so-called Confederate States, or by the State of Georgia for the purpose of prosecuting the war, except those required for military purposes; and the arsenal buildings at Augusta and Macon, and the buildings erected for the manufacture of powder at Augusta."

Major Watson proceeded to different parts of the State, made a careful examination, and entered on the assistant commissioner's returns all the property of this description which could be found. In this manner property to the value of

\$75,000 to \$100,000 was secured for the use of the bureau, and is now held in compliance with section 12 of an act entitled "An act to continue in force and to amend an act to establish a Bureau for the relief of Freedmen and Refugees, and for other purposes." Some of the perishable portion was afterwards sold by your order, and the proceeds duly accounted for.

The officers and agents were required to account to and turn over to Major Watson, at the end of each month, all funds received for fines imposed for cruelties inflicted upon freedmen, and for other misdemeanors; \$8,336 85 have been received from this source. The manner and purpose for which it has been expended will be shown in the report of Major Watson, hereto annexed.

HOMESTEAD ACT.

In some parts of the State the freedmen are organizing colonies to proceed to States in which land has been set apart for "homestead actual settlement," as provided in the act of Congress approved June 21, 1866. All desired information has been given, every facility extended, and transportation furnished to them, in compliance with your verbal instructions. But only those possessed of sufficient property, or so situated as to make it probable they would succeed in making a livelihood, were encouraged to emigrate. Unaccustomed and incompetent, with few exceptions, to foresee their wants or make suitable provision for the future, there was great danger that, impelled by their almost universal desire to possess land, many without means of support until they could clear the land and raise a crop would attempt to enter and live upon it, thereby bringing upon themselves and families inevitable suffering, turning the intended bounty of the government into a curse.

RATIONS.

During September of last year upwards of 120,000 rations were issued in the city of Savannah. The absence of records before alluded to prevents my giving the number issued in the entire State during the same period. On the 3d of October the following order was issued from this office, directing that "rations will not be issued or other aid given to able-bodied refugees or freed people who are offered or can find opportunities to labor for their own support, and who neglect or refuse to do it. Only such persons of either class as have sufficient means, or who are so permanently employed as to make it probable that they will be able to provide for their own wants during the coming winter, will be allowed to remain in or about cities and towns; but must be compelled, if necessary, to go to the country and accept places of labor found by themselves, or for them by officers or agents of the bureau."

This order was rigidly enforced, and a decrease in the issue of over 60,000 rations was effected in Savannah alone during the month. The issue constantly diminished until in June of this year, when it reached 19,269 in the whole State.

Number of rations issued to freedmen and refugees from October 1st, 1865, to date:

To freedmen.....	505, 264
To refugees.....	177, 942
	<hr/>
Total number.....	683, 206
	<hr/> <hr/>

It will be seen that the statement persistently made by public speakers and by the press that the bureau was feeding able-bodied freedmen and keeping them in idleness is simply false, so far, at least, as it refers to this State.

In compliance with a resolution of Congress, approved May 1st, 1866, rations

were issued to the destitute people in the northern part of the State during June, July, August, and September. The issues ceased on the 1st ultimo, by order of the Secretary of War.

Issued to destitute whites.....	20, 975
Issued to destitute colored.....	9, 009
Total issued.....	<u>29, 984</u>

Total issued in the State from October 1st, 1865, to date, 683,206.

Owing to the very unfavorable season the crops have failed in the northern portion of the State, causing wide-spread destitution, which will inevitably result in severe suffering unless relieved by the government or the State. The last legislature of the State appropriated \$200,000 to be expended in corn for the destitute, but its distribution was confined to the white citizens.

TRANSPORTATION.

Three hundred and eighty-one orders for transportation have been issued from this office up to this date, as follows :

To white adult refugees.....	65
To white children.....	14
To adult freedmen.....	2, 947
To freed children.....	1, 013
Total.....	<u>4, 039</u>

As in some instances transportation was received for a less number of persons, and in no case could exceed the number mentioned in the order, this statement exhibits something more than the number actually transported, receipted for, and requiring payment.

Since the issue of Circular No. 2, current series, from your office, transportation has been furnished, in compliance with your verbal orders, to both white and colored persons in the northern part of the State made destitute by the failure of the crops. This was the only relief from starvation which could be afforded after the issue of Circular No. 10, current series, from your office.

HOSPITALS.

Hospitals have been established and kept in operation at Atlanta, Augusta, Macon, Columbus, and Savannah, and dispensaries at Stone Mountain, Brunswick, and St. Mary's. They have been well managed, and have prevented and alleviated much suffering. From September 1st, 1865, to October 1st, 1866, 143 whites and 5,611 freed people have been received into the hospitals for treatment.

SCHOOLS.

In the beginning great opposition was everywhere manifested against freedmen's schools, varying in intensity in proportion to the ignorance and prejudices of the community. In some places school-houses were burned and the teachers driven off; in others the teachers were insulted and abused, and the freed children stoned while on their way to and from school. Too much of this brutal conduct still continues to disgrace portions of the State, but there has been a most gratifying decrease in the opposition to these schools during the past year. In most places all interference has ceased, and in some counties the freedmen are encouraged by the citizens to open and maintain schools. Quite a number of planters have voluntarily opened schools for the freedmen at their own expense.

During the year there have been—

Number of schools.....	113
Number of teachers.....	125
Number of scholars and attendants.....	8,000

RECEIPTS AND DISBURSEMENTS.

Since my assignment to duty, Brevet Major Watson, chief quartermaster of the bureau for this State, has received and disbursed public funds, as follows :

RECEIPTS.

Refugees and freedmen's fund to August 1, 1866.....	\$38,213 98
Contingent fund.....	10,254 65
Chief disbursing office, Bureau of Refugees, Freedmen and Abandoned Lands, Washington, D. C.....	29,500 00
Refugees and freedmen's fund, from chief disbursing office, Washington, D. C.....	600 00
School fund, sales, and rental of buildings.....	305 01
Total.....	<u>78,873 64</u>

EXPENDITURES.

From refugees and freedmen's fund, to August 1, 1866.....	\$35,618 83
From contingent fund, to August 1, 1866.....	4,713 53
Transferred to chief disbursing officer Bureau Refugees, Freedmen and Abandoned Lands, Washington, D. C., from refugees and freedmen's fund.....	2,595 15
Transferred to chief disbursing officer Bureau Refugees, Freedmen and Abandoned Lands, Washington, D. C., from contingent fund.....	5,541 12
From appropriation by Congress.....	20,839 12
From refugees and freedmen's fund.....	197 40
From school fund.....	281 12
	<u>69,786 27</u>
Remaining in hands of Brevet Major Watson.....	<u><u>9,087 37</u></u>

SOLDIERS' CLAIMS.

Fifty-five soldiers' claims have been forwarded from this office; as yet, none have been collected.

POPULATION.

Estimated number of colored people in the State, 400,000.

RECOMMENDATIONS.

There are practical difficulties in the way of enforcing the decisions of the bureau courts in civil cases, which should be remedied if they can be reached by further legislation. For instance, when property is seized and sold by direction of the bureau court to pay the wages or other claims of freedmen, the civil courts will restore the property in question to the original owners upon their application, thereby nullifying the action of the bureau or forcing a collision with the civil authorities. If possible, the judicial functions of officers and the organization of bureau courts, their jurisdiction and mode of enforcing judgments, should be clearly set forth and defined by law, otherwise the civil authorities will continue to disregard and deny the validity of their acts. Some just but summary mode of settling demands for wages should be provided, in

order to avoid the delays of the civil courts, which place the freedmen, in their present poverty and with their pressing necessities, too nearly at the mercy of their employers. A small force of cavalry should be stationed in the State, or a portion of the present force mounted, to secure the arrest of bands of "regulators," &c.

In this State civil agents, who are competent lawyers and have access to the bar, have been found most successful in obtaining justice for the freedmen. For this reason, when practicable, I would respectfully recommend that preference be given them in making appointments. Although not contemplated by the law "to continue in force and amend the act to establish this bureau," yet I am led to believe that better results would be reached by the appointment of high-minded, honorable citizens of the States as agents of the bureau. Such gentlemen do not meet the inevitable prejudice against northern agents, often regarded by the community as enemies, and are able to exercise at once a much more powerful influence in behalf of the freedmen. Instead of acting themselves, it would be better if the assistant commissioner and his subordinate officers could simply exercise a supervision over the civil agents sufficient to insure their acting in good faith. For similar reasons I would recommend the appointment of resident teachers for freedmen's schools, when competent persons can be found who will accept the employment.

I respectfully suggest the discontinuance of hospitals, whenever possible, and the establishment of dispensaries, as less expensive to the bureau and as a step in the direction of a final discontinuance of medical aid.

CONCLUSION.

The bureau, or some similar agency, has been and is still a necessity. If controlled by men, however honest, who are governed by preconceived opinions and theories, who belittle or disregard facts which do not favor their convictions, the bureau will certainly prove a source of irritation, and will retard the restoration of peace and good order. But in the hands of honest, careful, discreet officers, who will faithfully execute your orders, disregard opinions, and be governed by the facts as they are developed, and who will at all times show by their words and acts that they desire to do simple justice, the bureau cannot fail of doing great good to both races.

I append herewith copies of all circulars issued from this office, and the reports of chief surgeon, quartermaster, and school superintendent, of the bureau of this State.

Respectfully submitted :

DAVIS TILLSON,

Brevet Major General and Assistant Commissioner.

Major General O. O. HOWARD,

*Commissioner of the Bureau of Refugees, Freedmen
and Abandoned Lands, Washington, D. C.*

KENTUCKY.

BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,

Ass't Commissioner's Office, Louisville, Ky., November 5, 1866.

GENERAL: In accordance with your instructions, dated October 2, 1866, I have the honor to submit the following report of the operation of this bureau in the State of Kentucky since June 13, 1866, the date I assumed charge as assistant commissioner, by direction of General Orders No. 36, War Department, Adjutant General's office, current series. The affairs of the bureau had previously been conducted by Brevet Brigadier General John Ely, United States volunteers, colonel Veteran Reserve Corps, as chief superintendent, under direction

of Major General C. B. Fisk, assistant commissioner States of Kentucky and Tennessee, and for the convenience of administration had been divided into sub-districts, as will be seen by the following extract from General Ely's report, submitted to you the 15th of last August :

First. The Lexington sub-district, comprising forty-three eastern counties of the State, with headquarters at Lexington, Kentucky, Brevet Colonel R. E. Johnston, Veteran Reserve Corps, as chief superintendent.

Second. The Louisville sub-district, eleven counties, contiguous to Jefferson ; headquarters at Louisville, Kentucky ; Brevet Brigadier General C. H. Frederick, lieutenant colonel Veteran Reserve Corps, chief superintendent.

Third. The northwestern sub-district, thirteen counties, adjoining and lying west of the Cumberland river ; headquarters at Paducah ; Major John H. Donovan, Veteran Reserve Corps, chief superintendent.

Fourth. The southern sub-district, nineteen counties of the southern and central portion of the State ; headquarters at Bowling Green, Kentucky ; Colonel Charles F. Johnson, Veteran Reserve Corps, chief superintendent.

Fifth. The central sub-district, fifteen counties, (not included in the above ;) no chief superintendent ; the agents for counties in this sub-district reporting direct to this office.

Civilian superintendents and agents are employed at moderate salaries, and are instructed that they will be held to an equally strict accountability with the officers of the army on duty in this bureau, for the fidelity with which they discharge their duties, and they are to lend to the freedmen every possible facility to obtain remunerative employment and permanent homes.

There are on duty in the Bureau of Refugees, Freedmen and Abandoned Lands, in this State, twenty-one (21) army officers, (not including the assistant commissioner,) consisting of two colonels, two lieutenant colonels, one major, five captains, five first lieutenants, six second lieutenants ; total, twenty-one ; all officers of the Veteran Reserve Corps. The number of civilian superintendents and agents are as follows : thirteen superintendents, twelve agents ; total, twenty-five.

The superintendents have charge of from three to eleven counties each, and the agents from one to three counties ; the latter reporting direct to the superintendents for orders. General instructions to the subordinates of the bureau are furnished by circulars from this office, copies of which, as issued, have been submitted to you as directed. All superintendents are required to furnish monthly reports, &c., promptly, on all subjects properly belonging to their administration. The principal difficulty in the way of a successful administration is the adjudication of suits by the bureau courts, on which subject I refer you again for information to the following quotation from the report of General Ely, submitted to you last August :

"The strong opposition of the people and civil authorities generally of the State to the adjudication of suits by the superintendents of the bureau, and the fact that by the statutes of the State negro testimony is excluded from the civil courts in the trial of cases as between whites and blacks, has been the source of great annoyance and difficulty to the subordinates of the bureau in administering and bringing to punishment, through the State legal channels, persons who are guilty of gross crimes against refugees and freedmen. The plan first adopted was to submit all cases of a serious character applying to the subordinates of this bureau for justice to the State authorities, asking their assistance and co-operation to arrest, try, and punish offenders. This course was eventually found to be impracticable, by reason of the prohibitory State statutes in regard to evidence of colored people, notwithstanding many of the judges of the courts, in different parts of the State, expressed their desire and intention, so far as their authority would permit, to inflict proper punishment in the case of parties guilty of the perpetration of these crimes, when brought before them. This

matter, on being brought to the attention of the Hon. Bland Ballard, judge of the United States district court, district of Kentucky, received the immediate consideration and co-operation of the court, and has resulted in the determination of that court to try such offenders as are arrested by the military authorities for committing outrages and crimes against refugees and freedmen, under the provisions of the law known as the 'Civil Rights bill;' all the minor disputes and cases are settled and adjudicated by the local superintendents of the bureau as heretofore."

The decision of the United States district court in the case of *Smith vs. Read & Veach*, on appeal from Harrison county court, virtually annuls the legality of all bureau courts in this State. This case is as follows:

A colored man brought suit against Smith, a white man, before J. W. Read, esq., superintendent of this bureau, at Cynthiana, Harrison county, Kentucky, for damages for severely beating him in April last. Superintendent Read heard the case, and fined Smith fifty dollars, which amount Smith refused to pay. Superintendent Read then levied on a pair of horses belonging to Smith, and placed them at livery in Cynthiana, advertising them for sale, to satisfy the judgment.

Smith sued out a writ of replevin in Harrison county court, repossessing himself of the horses, and sued Superintendent Read in the same court for damages. On the petition of Read, the cause was removed to the United States district court of Louisville, Kentucky, and on the 23d of October was tried before a jury in said court, (all the facts in the case being admitted,) and Superintendent Read fined ten dollars and costs.

A case of a similar character against J. Bond Thompson, superintendent of Livingston county, will be tried at the February term of the United States district court. The decision in the Read case, if sustained by the United States Supreme Court, will render inoperative all orders and circulars establishing bureau courts, so far as this State is concerned.

FREEDMEN.

The number of freedmen in the State is about two hundred thousand, (200,000,) and but a few white refugees.

SOURCES OF REVENUE.

There being no abandoned lands or confiscated property in this State, the only sources of revenue are receipts arising from fees for approving labor contracts, apprenticing abandoned minors or children, with the consent of parents; marriage certificates and cost of adjudicating minor suits between the freedmen. The total monthly receipts in such cases have been as follows:

July .....	.....
August	\$610 41
September.....	471 25
October	466 85
	<hr/>
Total	1,548 51
	<hr/> <hr/>

Which amount has been remitted monthly to your chief disbursing officer, Washington, D. C., as required by Circular No. 9, War Department, Bureau of Refugees, Freedmen and Abandoned Lands, July 17, 1866.

LABOR.

The reports of superintendents and agents from all parts of the State show that the freedmen are, generally speaking, industriously employed at fair wages. There are, however, some exceptions, and while the greater portion are at work, a few prefer a life of vagrancy and idleness. The superintendents and

agents, in such cases, have been directed to take charge of all idle and vagrant people, either refugees or freedmen, and get them places of employment and compel them to go to work, thus giving them to understand that they will not be permitted to live on the thrifty and industrious. The average rate of wages per month paid in the State to field hands and house servants, &c., is from \$5 to \$10 for women, and from \$10 to \$25 for men, including rations and quarters.

Both employer and employé are encouraged to submit their labor contracts to the supervision and approval of the local superintendents, to secure mutual protection, and the freedmen are encouraged to make their contracts for extended periods, in order to secure them permanent employment. There has been great opposition on the part of a large majority of employers to the submission of contracts for the approval of the bureau, but the system is gradually gaining favor.

There is a very active demand for labor in this State, and the main difficulty in filling it by freedmen is the persecutions they are subject to, in some portions of the State, by a class of lawless white men known as "regulators," heretofore referred to in the monthly report from this office.

There being no lands within the limits of this State included in the late "homestead act" of Congress, there has been no applications either by white refugees or freedmen to purchase lands under the act, or to remove to them from the State.

QUARTERMASTER AND DISBURSING OFFICER.

Brevet Brigadier General John Ely, United States volunteers, colonel Veteran Reserve Corps, chief superintendent of the State, in addition to his other duties, is the acting quartermaster and disbursing officer of the State. The following summary of his report shows the amount of receipts and disbursements in the State from the date of his assignment to such duty to 31st October, inclusive:

REFUGEE AND FREEDMEN'S FUND.

1866.	DR.
July 12. To cash from Major General C. B. Fisk.....	\$5,000 00
Aug. 31. To cash from superintendents and agents.....	610 41
Sept. 30. To cash from superintendents and agents.....	471 25
Oct. 31. To cash from superintendents and agents.....	466 85
	<hr/>
	6,548 51
	<hr/> <hr/>

1866.	CR.
July.....	\$48 33
By cash paid salaries of superintendents and agents, August.....	1,181 25
	<hr/>
July.....	326 67
By cash paid salaries of clerks, August.....	630 21
	<hr/>
By cash paid stationery and printing, August.....	956 88
August.....	43 75
By cash paid quarters, fuel, and office rent, October...	132 17
	<hr/>
July.....	17 50
August.....	149 67
By cash paid medical department, September.....	57 16
	<hr/>
July.....	377 05
August.....	10 00
	<hr/>
	441 21

By cash paid transportation and mileage		\$117 75
By cash paid internal revenue department.....		8 33
August.....	\$2, 518 64	
September.....	640 35	
By cash transferred to Colonel Balloch, October.....	387 40	
	<hr/>	3, 546 39
By balance on hand in United States depository.....		51 95
		<hr/>
		<u>6, 548 51</u>

APPROPRIATION FUND.

1866.		DR.
August.	To cash received from Colonel Balloch.....	\$7, 310 00
September.	To cash received from Colonel Balloch.....	3, 550 00
October.	To cash received from Colonel Balloch.....	4, 250 00
		<hr/>
		<u>15, 110 00</u>

1866.		CR.
September	\$1, 761 04	
By cash paid salaries of superintendents and agents, October	2, 028 31	
	<hr/>	\$3, 789 35
August.....	305 62	
September.....	1, 458 08	
By cash paid salaries of clerks, October.....	1, 340 37	
	<hr/>	3, 104 07
August.....	50 45	
September.....	97 10	
By cash paid stationery and printing, October.....	313 42	
	<hr/>	460 97
September	230 57	
By cash paid quarters, fuel, and office rent, October....	200 81	
	<hr/>	431 38
August.....	75 25	
September	566 09	
By cash paid medical department, October.....	655 15	
	<hr/>	1, 296 49
September	225 15	
By cash paid transportation and mileage, October.....	288 97	
	<hr/>	514 12
By cash paid repairs and rent of school-houses, October.....		110 00
September.....	160 05	
By cash paid telegraphing and postage, October.....	262 01	
	<hr/>	422 06
August.....	46 73	
September	61 69	
By cash transferred to internal revenue department, October.....	62 93	
	<hr/>	171 35
Balance on hand in bank, (United States depository).....		4, 810 21
		<hr/>
		<u>15, 110 00</u>

The total money receipts have been as follows :

Bureau and Refugees' fund.....	\$6,548 51
Appropriation	15,110 00
	<hr/>
Total	21,658 51
	<hr/> <hr/>

The total expenditures, as follows :

Salaries of superintendents and agents.....	\$5,018 93
Salaries of clerks.....	4,060 95
Paid for stationery and printing.....	504 92
Paid for quarters, fuel, and office rent.....	581 05
Paid for medical department.....	1,740 70
Paid for transportation and mileage.....	631 87
Paid for repairs of school-houses in October	110 00
Paid for telegraphing and postage.....	422 06
Transferred to internal revenue department.....	179 68
Transferred to Colonel Balloch.....	3,546 39
	<hr/>
	16,796 35
October 31, cash in bank, (U. S. depository).....	4,862 16
	<hr/>
	21,658 51
	<hr/> <hr/>

SCHOOLS.

The following statistics and remarks in regard to schools, also taken from General Ely's report, hereto forwarded, are furnished (in the absence of a school superintendent, one not having yet been appointed) for your information :

June, 1866.—Number of schools.....	41
Number of teachers.....	54
Number of scholars	2,498
July, 1866.—Number of schools.....	19
Number of teachers.....	18
Number of scholars	781
Aug., 1866.—Number of schools.....	15
Number of teachers.....	13
Number of scholars.....	562
Sept., 1866.—Number of schools.....	35
Number of teachers.....	39
Number of scholars.....	2,451
Oct., 1866.—Number of schools.....	54
Number of teachers.....	67
Number of scholars.....	3,259

These schools, excepting those at Lexington and Covington, are taught by colored teachers, and supported by subscriptions from the parents of the children (freedmen) who attend them, and are generally under the auspices of the several colored religious denominations, whose churches are used as school-houses, for none of which is rent paid by the government.

At Covington there are two free schools, under the supervision of the Cincinnati branch of the Western Freedmen's Aid Society, the bureau paying \$25 per month rent for each house in which the schools are held, the aid society paying the teachers and furnishing the scholars with books, stationery, &c. The children are taught by the Misses Wolfe, of Cincinnati, who are young ladies of respectability, and fully qualified for the duty they are performing.

At Lexington the bureau has rented a good building, sufficiently large to accommodate all children of freedmen in that city, at a monthly rent of one hundred and ten (110) dollars, the freedmen and their white friends at Lexington repairing and furnishing the house with desks and accommodation complete for six hundred (600) scholars, at a cost of over \$500.

The city council of Lexington also ordered the repayment to the treasurer of the colored school board, for this purpose, of over one hundred (100) dollars, previously collected as a school tax from the freedmen. This school is free to all colored children of the city, and is under the auspices of the Cincinnati branch of the American Missionary Association, Rev. E. M. Cravath, secretary.

The superintendent and teachers are J. N. Phillips, Miss Sarah B. Todd, Miss Dora Brooks, all of whom are well qualified for the duty they are performing. They are paid for their labor by the benevolent association above named.

A recent tour of inspection to Lexington assured me that the establishment and success of this school is very satisfactory to a large majority of its most substantial and intelligent citizens.

A correspondence has been opened with Rev. E. M. Cravath, requesting the aid of himself and the society he represents in establishing similar schools to that at Lexington in this city and the larger towns throughout the State.

There is a very general desire on the part of the colored people to attain knowledge and to provide suitable means for the education of their children. Many of the schools have met with strong opposition from a class of white malcontents who style themselves "Regulators," and aside from the assistance and protection afforded by the bureau, the colored people meet with but little encouragement in their efforts to organize schools. In some places they have been broken up, and the teachers driven from their posts. From this general remark it affords me pleasure to except the cities of Louisville, Frankfort, Lexington, and Danville, in all of which little or no opposition is now shown, but, on the contrary, active encouragement from many of their most substantial white citizens.

HOSPITAL AND DISPENSARY.

A hospital was established in this city early in July last for the admission of the indigent sick refugees and freedmen of the whole State. A dispensary was also established in Louisville during the month of August for the distribution of medicine to the same class in this city. Both of these institutions are under the supervision of Brevet Major F. S. Town, assistant surgeon United States army, who is assisted by Dr. R. A. Bell, contract surgeon in charge of the hospital, and Dr. John A. Oeterlong, also a contract surgeon, in charge of the dispensary, who visits freedmen outside of the hospital who apply to the dispensary for medical attendance.

Number of patients admitted into the hospital.....	304
Number of patients discharged, cured.....	140
Number of patients died.....	40
Number of patients remaining on hand.....	122
About ten per centum of whom are white refugees.	

Number of rations issued to hospital, 14,025. Money value of which at fourteen and one-third cents per ration, is \$2,010 25.

The number of persons who have applied to the dispensary for medicine and medical attendance is 373. Number of prescriptions issued, 1,020.

These institutions are necessary for the reason that not a single county in the State, so far as I have any official knowledge, has made provision for the support of its pauper freedmen; neither is there any provision on the part of the State for the care of the insane of the same class.

CRIMES, ARRESTS, AND CONVICTIONS.

The number of outrages officially reported by the several subordinates of the bureau in this State as committed on freedmen by white persons since June 1, 1866, to 31st October (inclusive,) is 237. Arrests made during same time, 42.

These outrages generally consisted of demolishing the houses of freedmen, robbing and whipping of them, and were usually committed at night by lawless whites in disguise, styling themselves "Regulators." The small number of arrests is owing to two causes: First, the inability of the sufferer to identify by name, under oath, the persons who committed the crimes. Second, the want of cavalry troops to make arrests, the "Regulators" being generally mounted and well armed.

In none of these cases has there been any action reported of the State civil authorities arresting and punishing the offenders.

At the October term of the United States district court, the Hon. Bland Ballard, judge, John Rhodes, John Steward, and Thos. Vickens, alias Texas, were convicted on a jury trial, by negro testimony, of theft and robbery of freedmen in Nelson county. These men were arrested by order of this office and turned over to the United States civil authorities for trial, after ineffectual efforts to have them indicted and tried by the Nelson county civil authorities, where the crime was committed. These men are in prison awaiting the sentence of the court which tried them.

CROPS AND THE FREE LABOR SYSTEM.

As evidence that the free labor system and work for wages is a success in Kentucky, the reports of the subordinates of the bureau from every section of the State, and from my own observation, show that the crops of corn, tobacco, hemp, and grass, four of the main staples of production, are larger this season than usual, the wheat crop only being reported below a full average yield.

Occasional violations of contract by both employer and employé have been reported, but, as a general rule, those which have been submitted to the superintendents of the bureau for approval have been complied with.

CLAIMS.

The number of claims for colored soldiers for back pay, bounty, &c., forwarded to the Commissioner Bureau Refugees, Freedmen and Abandoned Lands, Washington, D. C., is about 268; collected, none.

DEDUCTIONS AND SUGGESTIONS.

From the foregoing report, it will be seen that the whole cost of supporting the bureau averages about thirty cents per head for each colored person in the State per annum; that bureau courts have proved inadequate to protect the rights and property of freedmen; that the action of the United States district courts in extending to freedmen the provisions of the law known as the "Civil Rights bill," has, in a measure, removed the necessity of bureau-courts, and it would be entirely removed by extending the power of the district court by the appointment (by proper authority) of commissioners of that court in Covington, Cynthia, Lexington, Danville, Frankfort, Lebanon, Bowling Green, Owensburg, Henderson, and Paducah, to take testimony and commit offenders against the provisions of the laws of the United States, thus leaving to the superintendents of this bureau the duty only of arresting offenders, and delivering them into the custody of such commissioners; that until the laws and public sentiment of this State secure to the negro the right of life, person, and property, the protection of the United States authorities, either through this bureau or other agency,

is a necessity, not only to the freedmen but to the industrial interests of the State, the freedmen now filling the largest portion of the demand for its labor.

In closing this report, I desire to bear testimony to the efficiency and fidelity with which my subordinates have performed the onerous and perplexing duties intrusted to them.

Respectfully submitted :

JEF. C. DAVIS,

Brevet Major General U. S. A. and Ass't Com'r State of Kentucky.

Major General O. O. HOWARD,

Commissioner, &c., Washington, D. C.

LOUISIANA.

HEADQUARTERS BUREAU REFUGEES, ETC., STATE OF LOUISIANA,
New Orleans, Louisiana, October 31, 1866.

In response to your communication of October 2, 1866, I have the honor to make the following report :

In the organization of the bureau in this State it was divided into what were called districts, each district embracing from one to three parishes. Since then very few changes have been made in this respect. Some districts which were thought too large have been reduced, but the general plan is much the same as at first adopted.

To each district was assigned an agent, or assistant superintendent, who was, if possible, an officer of the army, but when they could not be obtained, a citizen was appointed. After the assignment of officers of the Veteran Reserve Corps to duty in the bureau, civilians who were acting as resident agents and officers of other organizations were gradually relieved, so that at one time we had but one officer (Lieutenant H. C. Seymour, eighty-first United States colored troops) outside of the Veteran Reserve Corps holding the position of parish agent, and he was on duty in this city.

The resignation of several officers of the Veteran Reserve Corps, and the impracticability of procuring officers from the troops serving in this State, have rendered it necessary to hire civilians as resident agents. Several are now employed in this way, and are of that character that would justify full confidence in their honesty and ability. As a general thing they have been officers in the United States army.

The relieving of officers and agents (by muster-out of service and otherwise) who had obtained the confidence of the freedmen and planters, and who had, perhaps, just become fully acquainted with the duties devolving upon them, has been in many cases very detrimental to the bureau, as the new man would require just as much time to acquaint himself with the people of his district, and post-himself upon the rules and workings of the bureau, as his predecessor.

As a general thing the agents have been treated very courteously by the people of their respective parishes. There are some exceptions, however. The murder of Lieutenant Simon G. Butts, Veteran Reserve Corps, in Winn parish, is a most flagrant one. Every effort has been made to obtain some trace of the party who committed the cowardly act, but without avail.

In some portions of the State (principally the northern and northwestern) our officers and agents are insulted and threatened, but, except in the case of Lieutenant Butts, no violence has been offered.

Under the system which has been adopted throughout the State, the usual business pertaining to their office is performed by agents with very good success, and generally with satisfaction to all parties concerned.

LAND DEPARTMENT.

This department was at first organized as a separate department of the bureau, and was in charge of a superintendent, who, by order of the assistant commissioner, transacted the business pertaining to that department.

During the past year most of the city property, and nearly all of the plantations which were in our possession, have been restored to their owners, and in this way the necessity for having an officer to attend to this business alone has nearly ceased to exist. The plantation department was abolished on the 30th day of September, 1866, and all papers and records turned over to Captain W. B. Armstrong, assistant quartermaster, who was directed to supervise all matters pertaining to that department in the future.

Attention is called to the following statistical report of the amount of property now in our possession, and the amount restored during the present year.

Report of property in possession of the Bureau of Refugees, Freedmen and Abandoned Lands, State of Louisiana, restored to its owners from January 1, 1866, to September 30, 1866, in accordance with the provisions of Circular No. 15, War Department, Bureau of Refugees, Freedmen and Abandoned Lands, 1865, and also that remaining in possession of the bureau October 1, 1866.

Month.	Town property.		County property.	
	No. of pieces.	Value.	No. of pieces.	Value.
January	15	\$90, 100	7	Unknown.
February	14	62, 400	4	do
March	18	155, 100	4	do
April	6	19, 300	2	do
May	6	129, 350	2	do
June	6	51, 000	0	do
July	10	35, 600	2	do
August	2	4, 000	1	do
September	2	18, 100	2	do
In possession of the bureau on October 1, 1866	64	149, 710	26	do
Total	143	750, 060	50	do

NOTE.—In this report, "piece of property" is understood to mean the property owned by one individual in one location.

The most of the plantations reported now in our possession are in the four parishes (Carroll, Concordia, Tensas, and Madison) formerly under the control of the assistant commissioner of the State of Mississippi, who, when turning them over to us, gave very little information in regard to the cause of seizure or status of the owners, and in many cases not even the names of the owners.

The greater part of this property would appear to have been seized without authority. Very little of the city property reported yields the bureau any revenue, the most valuable part having been restored to owners. The crops on the few plantations which were leased by this bureau have suffered so much from the overflow and from the ravages of the army worm, that it is very doubtful whether we will get the rent agreed upon. Considerable of the property reported as being now in our possession is property that is mortgaged for more than its value, and the owners are either out of the country, or will not make application for its restoration. It would be a good plan if some general authority were given to allow persons having liens upon this property, who could comply with the requirements of the bureau in applications for

restoration of property, to go on and satisfy their claims through the civil courts, this bureau retaining the excess, should there be any after all claims were satisfied.

LABOR.

The regulations under which contracts are made, and by which employer and employé are governed, are the same in nearly every respect as were promulgated in Circular No. 29, issued in December, 1865. These regulations have been found to be generally very satisfactory to all parties concerned, and have been carried out pretty faithfully by both the planters and freedmen.

If the crop of this year had been a success it would have helped the officers of the bureau greatly. The planters would have been pleased to think they had been successful, and the freedmen would have had greater confidence in their employers, and would have gone to work next year with increased ardor. But the disastrous events which have injured the crop to such an extent, in many instances resulting in its entire destruction, have discouraged the planters, and greatly lessened the confidence of the negroes in their employers. Many of the planters are ready to discharge a laborer on the slightest provocation, and then refuse to pay him his wages on the pretended ground of idleness, insolence, or something fully as trivial. A great many planters who made contracts for the year, but whose crop was entirely destroyed, are discharging their hands, but, at the same time, paying or securing the payment of whatever may be due them. This has been approved by the bureau, as those negroes who choose to go to work can readily find employment elsewhere. The negroes as a class have not yet learned the fact that their labor is their capital, and therefore are too ready to quit their work for the most trivial reasons. Our agents have been untiring in their efforts to impress upon their minds the necessity and advantages of faithfully and diligently carrying out their contracts. The following report shows the number of hands employed under the regulations of the bureau throughout the State, and the number of plantations on which they are employed. If this aggregate were increased, say to 150,000, it would approximate to the total number of negroes in the State. This is the only way in which the number can be estimated :

Number of agreements received at Bureau of Refugees, Freedmen and Abandoned Lands, State of Louisiana, from January 1, 1866, to October 1, 1866.

NUMBER OF FREEDMEN EMPLOYED.

Name of parish.	No. of plantations.	No. of hands employed.
Orleans	4	85
Jefferson	14	327
St. Bernard	6	186
Plaquemine	33	1,012
Ascension	29	860
Assumption	39	565
East Baton Rouge	17	262
West Baton Rouge	15	236
Iberville	81	1,112
Terrebonne	22	615
St. Mary's	38	755
St. Charles	11	398
St. John Baptist	22	315
St. James	27	745
Lafourche	22	205
East Feliciana	42	554
West Feliciana	64	579
St. Martin	98	925
Vermillion	4	25
Lafayette	29	210
St. Landry	176	1,633
St. Helena	134	956
Washington	5	21
St. Tamany	1	6
Point Coupee	57	787
Livingston	2	16
Avoyelles	37	252
Rapides	42	1,686
Sabine	108	388
Natchitoches	326	3,298
Jackson	70	719
Caddo	62	1,160
Bossier	28	1,087
De Soto	3	37
Washita	59	2,081
Union	17	190
Morehouse	49	979
Catahoula	95	1,477
Franklin	4	45
Caldwell	31	308
Claiborne	180	1,284
Bienville	21	216
Tensas	57	2,475
Madison	3	125
Carroll	48	1,590
Concordia	26	2,084
Total	2,262	34,871

A large number are congregated in this city and the adjacent towns on both sides of the river. Some support themselves and their families in a miserable way by working now and then a day on the levees; but many appear to have no occupation whatever nor any means of support. Nothing would induce this class to go into the country and work on a plantation, where they could have a comfortable home and good wages, they rather preferring to remain in a city and

live as best they can. Many freedmen who have been working on plantations where the crop is more or less a success have saved their wages, and next year will work some plantations for themselves, or work land which they may have located under the homestead act.

LOCATION OF HOMESTEADS BY FREEDMEN.

Many difficulties are encountered in procuring locations for those who desire it. The principal difficulty arises from the nature of the government lands in this State. A large portion of this land is either heavily wooded, with no prairie, or prairie land remote from any timber and not well watered. To clear the timbered land and prepare the ground for the crop would require more money than most of the freedmen possess. The lands required for this purpose should be of that nature which could be at once cultivated, and at the same time furnish the fuel, &c., needed, of which there is very little in the State. On the line of the Opelousas and Great Western railroad there is a very large tract of excellent land, which was temporarily ceded by Congress to the railroad company, but which, it is believed, now reverts back to the United States government by limitation of the act. If this is the fact, and locations could be made upon it, much could be done in the way of settlements, as the land has many natural advantages for immediate settlement and cultivation. The report of the number of applications made for homesteads and the number actually located is herewith submitted:

Number of homesteads located.....	49
Heads of families.....	31
Unmarried.....	18
	<hr/>
Whole number, including women and children.....	183
	<hr/> <hr/>

These people have an available capital in cash and personal property of \$6,260. The hostility prevailing among the whites throughout the State to negroes owning land and cultivating it on their own responsibility, is a great hindrance to the successful carrying out of the provisions of the homestead act.

It would be very unsafe for the freedmen to settle in some portions of the State, except in large colonies for mutual protection, as they would be either killed or driven away.

Some applications have been made for certain plantations or city property, and when the parties were told they could not locate at will in the cities or country, they did not want to locate at all.

CLAIM DEPARTMENT.

The prosecution of claims by the bureau has been carried on to quite an extent; but notwithstanding repeated publication of advice to the negroes, both through our agents and officers and through the press, many will still put their discharges and claims in the hands of any one who may ask them to do so. Some time since the appointment of deputy clerk of the United States district court was obtained for the chief clerk of the assistant commissioner, thus enabling all parties who presented their claims to have them prosecuted without any charge whatever. Notwithstanding all this, they go to the various claim agents in the city, who in many cases have been officers of colored regiments, rather than to go where they will be charged nothing. They seem to have the idea that because they pay something they will get their money quicker. Circular No. 12, War Department, Bureau Refugees, Freedmen and Abandoned Lands, July 14, 1865, directed all officers of the bureau to act as agents of the United States Sanitary Commission and aid the commission in the prosecution

of claims made for colored soldiers and their representatives against the United States. At the time the agency of the commission was abolished in this city, a large number of claims had been prepared for white soldiers or their relatives; and as most of these people were in needy circumstances and could be classed as refugees, they were assisted in the preparation of such additional evidence as was found necessary to bring their claims to a successful issue.

A report of the number of claims presented, the number settled, and the amount collected, including those prosecuted through the agency of the Sanitary Commission, is herewith submitted :

Report of the number of claims prepared and prosecuted by the Bureau of Refugees, Freedmen and Abandoned Lands, State of Louisiana, through the agency of the United States Sanitary Commission and the Bureau of Refugees, Freedmen and Abandoned Lands, claim division, from January 1 to October 31, 1866.

THROUGH THE AGENCY OF UNITED STATES SANITARY COMMISSION.

Class of persons for whom prepared.	PENSIONS.								ARREARS OF PAY, BOUNTY, &C.											
	Whites.				Colored.				Whites.			Colored.								
	No. received and on hand.	No. pending.	No. rejected.	No. settled.	No. received and on hand.	No. pending.	No. rejected.	No. settled.	No. received and on hand.	No. pending.	No. rejected.	No. settled.	Amount collected.	No. received and on hand.	No. pending.	No. rejected.	No. settled.	Amount collected.		
Soldiers.....	64	32	1	31	49	26	..	23	53	25	1	27	\$1,737	52	31	23	..	8	\$961	75
Widows.....	110	64	..	46	42	32	..	10	72	26	1	45	5,806	53	64	63	1	..	..	..
Mothers.....	4	1	1	2	6	5	..	1	19	7	..	12	1,857	73	9	7	..	2	..	..
Fathers.....	1	1	..	..	..	..	..	..	5	4	..	1	419	33	24	24	..	..	..	..
Children.....	1	1	..	..	..	..	..	..	4	4	..	..	..	..	..	..	..	..	..	..
Sisters and bro's.	2	2	..	..	..	..	..	..	18	15	..	3	418	61	4	3	..	1	180	61
Totals.....	182	101	2	79	97	63	..	34	171	81	2	88	10,239	72	132	120	1	11	1,142	36

THROUGH BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS, CLAIM DIVISION.

For whom prepared.	PENSIONS.				ARREARS OF PAY, BOUNTY, &C.					
	Received.	Pending.	Rejected.	Settled.	Received.	Pending.	Rejected.	Settled.	Amount collected.	
Soldiers.....	3	1	..	2	49	23	2	24	\$2,261	17
Widows.....	12	12	..	..	18	12	..	..	..	..
Mothers.....	..	..	..	..	6	5	..	1	35	83
Fathers.....	..	..	..	..	2	..	..	..	..	..
Children.....	1	1	..	..	1	1	..	..	..	..
Brothers and sisters.....	..	..	..	..	..	..	..	..	..	..
Totals.....	16	14	..	2	76	49	2	25	2,297	00

The funds under the immediate control of the assistant commissioner in this State consist of the conscript account and seizure account.

The conscript account was created by Special Orders No. 137, Department of the Gulf, Provost Marshal General's Office, 1864, and under the provisions of this order all the planters in the State from whose plantations laborers were conscripted paid to the bureau of free labor the amounts due the laborers at the time of their conscriptions. The following statement shows the amount on hand

on January 1, 1866, the amount expended since that time, and the balance now on hand awaiting claimants, many of whom are still in the army :

Amount on hand January 1, 1866	\$6, 878 63
Amount expended to November 1, 1866	1, 418 95
	<hr/>
Balance on hand	5, 459 68
	<hr/> <hr/>

By General Order No. 138, Headquarters Department of the Gulf, series 1864, the wages of the laborers were made a first lien on the crops raised on plantations in this State in that year. The products of the plantations were seized in many places under that order, and the seizure account is composed of balances due both to the planters from whom the seizures were made, and to the laborers who were working on the plantations.

Amount on hand January 1, 1866	\$1, 562 72
Amount expended to November 1, 1866	997 00
	<hr/>
Balance on hand	965 72
	<hr/> <hr/>

EDUCATIONAL DEPARTMENT.

This department was at first organized under the superintendence of Captain H. R. Pease, eighty-fourth United States colored infantry, March 2, 1866. Captain Pease was relieved by Brevet Major A. G. Streder, Veteran Reserve Corps, who held the position until August 11, 1866, when he was mustered out of service, and First Lieutenant Frank R. Chase, Veteran Reserve Corps, was appointed to the vacancy.

Previous to the 31st of January, 1866, the numerous teachers of colored schools were paid out of the funds belonging to the bureau; houses were rented and books, school material, &c., furnished without stint, thus giving tuition free to all who might desire it. Children were almost forced to attend some one of these free schools, which were established in nearly every city and parish in the State. The expenditure, however, was enormous, (see statement of cash expenditure for the month of December, 1865, which was \$20,688 91,) and it was clearly seen that it must be greatly reduced. On December 27, 1865, an order was issued suspending the schools then in operation, to take effect January 31. Strenuous efforts were then made to re-establish the school department on a self-supporting basis.

Report of expenditures by office general superintendent of education, Bureau Refugees, Freedmen and Abandoned Lands, during the month of December, 1865, from bureau funds, Captain H. R. Pease, eighty-fourth United States colored infantry, general superintendent.

7 clerks	\$697 33
3 school superintendents	220 00
4 travelling agents	435 00
262 teachers	16, 734 67
17 janitors	244 00
13 mechanics	601 55
43 builders	1, 274 66
Transportation	74 70
Purchases	405 00
	<hr/>
	20, 686 91
	<hr/> <hr/>

In the cities a tuition system was established by which the children could attend school by the payment of from \$1 to \$1.50 per month. In the country agents were instructed to insist upon provision being made in every contract for the maintenance of schools for the children of the laborers. This was carried out by having set aside from the monthly pay of the laborer fifty cents, which was applied to the payment of the teachers and the rents of school-houses; but by the advice of employers hostile to the education of negroes, and in many cases from the indifference of the negroes themselves to the education of their children, numbers objected to paying this tax. The regulations governing this subject were then modified in such a way that where there was no school there was no tax collected; laborers who did not send their children to any established school were not taxed, and where the laborers were unanimously averse to schools no effort was made to establish them, it not being thought politic to *force* schools upon the freedmen. As a matter of course, the schools languished, and were discontinued one by one.

In the cities for a time the tuition system succeeded no better. Scholars finding that they must pay a nominal tuition, gradually dropped away. Many of the old teachers remained, hoping that in time their salaries, which must come from the sale of tuition tickets, would increase; but at last, when it was seen that there was no brighter prospect for the future, the schools were nearly all discontinued.

During the months of February, March, and April, this lack of support on the part of the freed people was particularly evident in many cases; teachers who tried to carry on a school from personal interest in the education of the colored people, and also from the necessity of teaching to earn their daily bread, receiving only eight or ten dollars per month. At this time the hostility to colored schools was so great that many acts of personal violence and insult were committed on the teachers, school-houses were burned, and pupils beaten and frightened.

As the military force began to be withdrawn from the smaller places in the country, schools had to be discontinued for want of protection, as the civil authorities would do little or nothing to protect the freed people in the enjoyment of their rights, or punish the perpetrators of outrage where the injured party was a negro. Planters refused to board teachers, and so teachers had to abandon their schools or occupy rooms and board with the colored people. This state of things, taken in conjunction with the heavy debt contracted previously on account of the school department, (more than \$80,000,) made it look exceedingly gloomy for the future of the colored schools in the State of Louisiana.

In the latter part of April a board of officers was convened to audit all accounts to be paid out of various "funds," such as "Sequestration fund," "Corps d'Afrique fund," "Hospital tax fund," &c.

Their action in recommending a payment of a large share of the indebtedness of the bureau, on account of the school department, by the quartermaster's department outside of the bureau, removed one great obstacle to the successful establishment of schools. The feeling of hostility to colored schools began to decrease, and laborers began to take some interest in the matter, and it was thought that the schools would again be in a flourishing condition. Planters found that the freedmen worked better when their children had the advantages of education, and were very glad to have schools established; in some cases allowed the teachers to room and board in their own houses, and in a few cases went so far as to board the teachers free of charge. But during the summer months new obstacles have arisen to interrupt their successful establishment:

First. The overflow impoverished many planters, and, as a consequence, the laborers were sufferers to an equal extent.

Second. The New Orleans massacre renewed the former hostile feeling, especially in the larger towns, and many outrages were perpetrated.

In the city of New Orleans, during the month of August, four colored churches, also used for school purposes, were burned, and attempts made to fire several other buildings used as school-houses. One church nearly finished, at a cost of about \$1,000, was completely demolished in one night, because a colored school was to have been opened in it the next week. Through fear the children dared not attend, and thus many schools which were about to be opened had to be given up.

Third. The prevalence of cholera, and afterwards of yellow fever, has decreased the attendance materially. The picking season also had its effect upon the schools, parents requiring their children to be in the field.

It was hoped that many fine schools could be established in the country after the crops had been gathered, but the disastrous events of the past summer (overflow, army worm, drought, &c.) have impoverished the country to such an extent that schools seem to be out of the question in many parts of the State. In some localities, however, where the crops average from fair to good, new schools have been and will be opened, so that the average number of pupils may, perhaps, approximate to the number reported at the beginning of the year.

In the establishment and conducting of schools outside of the city, the resident parish agents have the immediate control of the schools in their respective parishes, hiring and discharging teachers as they may deem best.

Applications for situations are received at the office of the general superintendent at these headquarters, and if, upon examination, the applicants are found competent they are sent into the country upon the application of the parish agents, or employed in the city, if occasion requires.

Many difficulties are encountered on account of the unreliable character of the freedmen and their evident unwillingness in many cases to expend any portion of their wages upon the education of themselves or children. During the month of September the city schools have shown an increased attendance, and consequently the amounts received from the sale of tuition tickets have increased accordingly. Two new schools have been opened, and the proficiency of the pupils is encouraging. In some parts of the city the hostility on the part of the white citizens is yet so great that schools which would be well attended cannot be established. The "normal school" in this city is one of the institutions under our charge. It is very nearly a model for any of the public white schools in the city in point of discipline, regularity of attendance, and proficiency of the pupils. It has been furnishing many teachers for the different schools throughout the State, and reflects credit upon its three very efficient teachers. During the month of September the number of schools in the parishes has increased, and the opposition to them has greatly diminished. There are quite a number of private schools throughout the State, but in most cases are not of much advantage to the pupils, as the teachers (generally colored persons) can hardly read and write themselves. The school property now on hand was all purchased prior to January 1, 1866, and is distributed to the various schools under our charge. This supply is now almost exhausted, and a new supply will soon have to be purchased or another obstacle be contended with, as it is almost impossible for the freedmen to obtain the necessary books and school property. Very little, if any, aid has been given to schools in this State by benevolent associations at the north. It is not known that one dollar has been expended in this way during the past year, notwithstanding the repeated protestations of willingness, and apparent interference with the school department here, on the part of certain associations at the north. The accompanying statistical reports will show the status of the schools up to the first of October, the amount of expenditures, and from what source received, and the amount of school property on hand and expended during the year.

The distance of many of the parish agents from the city and the uncertain mode of mail communication render it impossible to make a report up to a later date than October 1.

Financial and statistical report of schools for freedmen and refugees in the State of Louisiana, (including the city of New Orleans,) from January 1, 1866, to October 1, 1866.

Month.	No. of pupils, teachers, and expenditures for salaries of teachers in schools supported by Bureau of Refugees, Freedmen and Abandoned Lands.				Five per cent. tax and sale of tuition tickets.				Private schools not under the control of the bureau.			Am't expended for clerks, school super'ts and directors, travelling agents, rent and repair of buildings, janitors, transportation, &c.	Total expended by educational department.
	No. of schools.	No. of teachers.	No. of pupils.	Am't expended for salaries of teachers.	No. of schools.	No. of teachers.	No. of pupils.	Am't expended for salaries of teachers.	No. of schools.	No. of teachers.	No. of pupils.		
January....	101	332	11,134	\$14,379 16	14	40	1,559	\$2,180 85				\$3,036 73	\$17,415 89
February ..	1	1	35	80 00	29	50	2,527	1,552 25	3	3	150	2,345 72	4,006 57
March.....	3	6	225	402 00	27	46	2,182	1,705 72	2	2	42	1,920 57	3,756 59
April.....	1	2	80	32 00	40	57	2,665	2,211 68	9	9	361	1,656 45	4,048 13
May.....	1	3	99	180 00	61	72	2,642	1,869 85	12	13	334	761 96	2,634 81
June.....					61	76	2,239	3,336 78	28	28	1,071	671 00	4,007 78
July.....					61	61	2,773	2,496 09	47	48	1,406	719 55	3,215 64
August.....					66	69	3,151	3,027 59	40	41	1,581	728 08	3,755 67
September ..													
Total....	116	244	11,573	15,073 16	365	474	19,730	18,380 91	142	144	4,948	13,645 31	47,099 38

Return of school property on hand, expended, lost, destroyed, and sold in office of general superintendent of education, Bureau of Refugees, Freedmen and Abandoned Lands, State of Louisiana, from January 1, 1866, to September 30, 1866.

School property.	On hand January 1, 1866.	Expended, lost, and destroyed.	How disposed of—				On hand September 30, 1866.
			Transferred to other officers.	Sold.	Total issued and expended from January 1 to September 30, 1866.		
Charts	268	48			48	220	
Spellers	10,090	3,469		205	3,674	6,416	
Readers	4,309	633		249	782	3,427	
Geographies	2,611	263		49	312	2,299	
Arithmetics	10,100	3,010		99	3,109	6,991	
Grammars	313	94			94	219	
Dictionaries	30	16		1	17	13	
Ink bottles	210	210			210		
Penholders	500	300			300	200	
Slates	3,168	350		77	427	2,741	
Water pails	7	7			7		
Brooms	12	12			12		
Desks	1,684	263			263	1,421	
Benches	1,499	376			376	1,123	
Black-boards	204	96			96	108	
Stoves	89	68		8	76	13	
Stove-pipe (feet)	1,667	1,200	300		1,500	167	
Stove caps	15	15			15	15	

QUARTERMASTER'S DEPARTMENT.

This department requires but little explanation as regards its workings and the general business performed. Up to August 1, 1866, many supplies in the way of transportation, quartermaster's stores, payment of travelling expenses of officers connected with the bureau, &c., were received from the quartermaster's department, outside of the bureau. Now, all expenses incurred in connection

with the bureau, of whatever nature, are paid by the disbursing officer of the bureau from the appropriation for its support.

The accompanying reports show the amount of business that has been transacted, the current expenses, &c. :

Report of the amount of public funds received and disbursed by Captain W. B. Armstrong, assistant quartermaster, on account of the Bureau of Refugees, Freedmen and Abandoned Lands, State of Louisiana, from January 1, 1866, to September 30, 1866.

RECEIPTS.

Cash on hand January 1, 1866.....	\$28, 047 83
From rents of abandoned and confiscated property.....	46, 427 35
From school tax collected under General Orders No. 38, headquarters department of the Gulf, 1864.....	50, 749 65
From fines collected by provost marshal.....	239 25
From sales of school material.....	162 74
From sales of plantation property, muls, horses, wagons, ploughs, &c.....	6, 061 00
From Hon. C. Bartlett, purchase money advanced on Soulé property, refunded on surrender of property.....	2, 350 00
From miscellaneous sources.....	288 63
From Captain A. J. McGonnigal, assistant quartermaster.....	1, 651 67
From Brevet Colonel G. W. Balloch, chief disbursing officer, on account of refugees and freedmen's fund.....	2, 200 00
From Brevet Colonel G. W. Balloch, chief disbursing officer on account of appropriation fund.....	32, 249 65
	<hr/>
	170, 427 77
	<hr/> <hr/>

DISBURSEMENTS.

For purchase of material, as per abstract A.....	\$4, 612 47
For salaries of citizens employed, services rendered, mileage and travelling expenses of officers and employés, postage, commutation of quarters, fuel, and rent of buildings, as per abstract B.....	137, 867 95
Amount deposited with assistant treasurer United States, on account of income tax on salaries.....	1, 840 73
Amount transferred to officers.....	589 30
Amount on hand September 30, 1866.....	25, 517 32
	<hr/>
	170, 427 77
	<hr/> <hr/>

MEDICAL DEPARTMENT.

This department has been under the charge of Surgeon E. Griswold, United States volunteers. On the 1st of January, 1866, there were established three hospitals; one at the marine hospital, turned over by the Treasury Department, in this city; one at the Rost Home colony, (Destrehan plantation,) St. Charles parish, and one at Shreveport, Louisiana. Park of the marine hospital was also used as an asylum for refugees.

There were on duty in the State at that time seven acting assistant surgeons; one stationed at Shreveport, one at the Rost Home colony hospital, and five in this city. The following statistical report shows the number of white refugees received into the asylum during the year, their final disposition, and the number and value of rations issued to same.

In asylum January 1, 1866 :

Adults, male.....	7
Adults, female.....	24
Children.....	24

Received during the year 1866 :

Adults, male.....	4
Adults, female.....	3
Children.....	5

Total :

Adults, male.....	11
Adults, female.....	27
Children.....	29

Discharged during the year :

Adults, male.....	11
Adults, female.....	27
Children.....	29

Number of rations issued to refugees in hospital.....	2,700
Money value.....	\$422 18

NOTE.—This asylum for refugees was discontinued on the 30th of September, and its inmates, four (4) in number, discharged.

Number of freed people who have received medical attendance in hospitals or from physicians under charge of Bureau of Refugees, Freedmen and Abandoned Lands, State of Louisiana, from January 1, 1866, to October 31, 1866.

Locality, &c.	Cases treated from January 1 to October 31, 1866.					Deaths from Jan. 1 to Oct. 31, 1866.					Cholera cases treated.		Rates of deaths per 1,000.
	Male adults.	Female adults.	Children		Aggregate.	Male adults.	Female adults.	Children		No. of cases.	No. of deaths.		
			Male.	Female.				Male.	Female.				
Under treatment, January 1, 1866.....	150	78	24	19	271	.....	.....	.....	.....	.....	.....	.....	.....
Freedmen's (marine) hospital, New Orleans.....	1,255	603	94	78	2,030	375	130	9	13	527	239	141	25.9
Freedmen's hospital, Shreveport, La.....	240	214	81	64	599	36	27	5	8	76	5	4	126.8
Rost Home Colony, St. Charles Parish, La.....	365	376	162	153	1,056	28	25	14	10	77	73	33	72.9
First municipal dist., New Orleans, La.....	64	63	8	9	144	6	14	1	2	23	28	16	159.7
Borough of Algiers, La.....	126	133	44	40	343	13	11	10	1	35	32	15	112.0
Borough of Gretna, La.....	21	23	4	8	56	2	.....	.....	.....	2	2	1	35.7
Borough of Carrollton, La.....	176	116	26	25	343	7	2	2	3	14	18	13	40.8
Parish of St. John Baptiste, La.....	95	56	27	22	200	2	1	.....	.....	3	11	1	5.0
Parish of Assumption.....	16	15	14	19	64	2	1	1	1	5	3	1	78.1
Total.....	2,508	1,677	484	437	5,106	471	211	42	38	762	421	227	.....

April 1, 1866, the colored orphan asylum, under the superintendence of Madame Louise de Mortie, was taken under the care and patronage of the bureau, and located in part of the marine hospital. This asylum receives medical attendance and medical stores from the bureau, and also rations, as forming part of the hospital.

The following statistical report shows the cost of the freedmen's hospitals during the past year :

Nature of expense.	No. of rations.	Value.
Rations issued to sick freedmen at New Orleans.....	72,731	\$10,952 67
Do. to sick freedmen at Shreveport.....	14,026	2,033 77
Do. to orphan asylum, New Orleans.....	6,305	924 22
Do. to hospital attendants, New Orleans.....	17,877	4,324 63
Do. to refugees, New Orleans.....	2,700	422 18
Medicines, medical stores, &c.....		5,745 72
Salaries of medical officers, attendants, &c.....		18,082 55
Repairs and sundries.....		500 00
Total.....	113,639	42,985 74

This estimate does not include rations issued to those sick at the Rost Home Colony hospital, those being reported as if the people were in their quarters.

During the year there have been on duty in the bureau one surgeon United States volunteers, and nineteen (19) contract physicians.

The following are the names and stations of medical officers now on duty in the bureau :

Name.	Rank.	Station.	Nature of service.
E. Griswold.....	Surgeon U. S. V....	New Orleans, La.....	Chief medical officer, on leave of absence.
E. H. Harris.....	A. A. Surg. U. S. A.....	do.....	In charge of freedmen's hospital, N. O., acting chief medical officer.
D. Hershey.....	do.....	do.....	Freedmen's hospital.
H. L. Downs.....	do.....	do.....	do.....
M. Wm. Miller.....	do.....	Gretna, La.....	Attending sick and destitute freedmen.
S. L. Henry.....	do.....	Carrollton.....	do.....
W. H. Wisner.....	do.....	Rost Home colony, St. Charles parish, La.	In charge of colored hos'l.
Wm. Bishop.....	do.....	St. John Baptiste parish.	Attending sick and destitute freedmen.
Geo. Doig.....	do.....	Shreveport, La.....	In charge of freedmen's hospital.

The general health of the freedmen throughout the State has been very good for the past year. Small-pox was very violent during the months of February, March and April; but after that gradually died away. Cholera made its appearance among the freedmen in a very malignant form about the 28th of July, 1866, a few days earlier than it was known to have appeared among the whites. The greater number of deaths reported occurred during the month of August. About September 15 the cholera began to assume a milder form, and now has almost entirely disappeared from among the freed people, though now and then a case is received at the hospital in this city. In view of the dirty condition of the city, and the well-known filthy habits of the freedmen, as a class, the small number of deaths among them this season is somewhat remarkable.

Reports of suffering and want of medical attendance among the freedmen in this city and its adjacent towns having been received, several physicians were hired and put on duty, but these reports were found to have been much exaggerated, and the physicians have lately been discharged, their services not being required.

On the 4th of September reports were received that the cholera had broken

out in the parish of St. John Baptiste, and was raging fearfully. Acting Assistant Surgeon Wm. Bishop was immediately sent there, where he still remains.

The following report shows the number of cases treated by Dr. Bishop in that parish :

		Died.
Adults, male	12	1
Adults, female	15	1
Children, male	12	..
Children, female	10	..
	—	—
	49	2
	==	=

Cholera cases treated, 9 ; died of cholera, 1.

These cases are included in the number reported above. Some reports have lately been received of suffering in two or three localities in the country, and medical assistance has in all cases been promptly rendered either by sending a physician or giving the agent authority to hire a physician residing in the parish. Yellow fever has not prevailed to any extent among the freedmen, no cases having come under our care as yet. During the year a few cases of insane freed people have come to our notice. There being no suitable places for such cases under control of the bureau, they were transferred to the insane asylum in this city, supported by the civil authorities and benevolent associations. No objection has ever been made on the part of the civil authorities here, or the superintendent of the asylum, to receiving from this bureau refugees or freedmen, and, from the reports of our medical officers, it is believed they receive the same treatment as others.

The institution is now much crowded, but the authorities hope soon to have room to accommodate all. The civil authorities throughout the State seem to take very little or no interest in the sick and destitute among the freedmen, nor in the cases of poor whites, if they have been Union people.

In no place, either in the cities or country, have the authorities charged with such matters made any provisions for either of these classes.

Cases of sick and destitute people are sent to the marine hospital from all parts of the State, the parish authorities saying that "they will be a burden to the parish, and that the bureau should provide for its wards."

This department has been conducted during the year with the most rigid economy. No doubt but what a physician stationed in each parish could have prevented much suffering that has been passed over, but in view of the clause in all contracts requiring the planter to furnish medicines and medical attendance, it has not been thought best to send physicians into the country, except in a very few extreme cases.

The acting chief medical officer makes the following remarks and recommendations, which are fully concurred in : Regarding the sufficiency of the rations issued to the freedmen, I can only say that, in my opinion, the refugee ration is inadequate to their wants. Great difficulty has been experienced in the hospital from inability to furnish proper diet for the sick, and a fair proportion of the deaths reported can be readily traced to a lack of proper nourishment. This has been particularly the case in Shreveport. At the hospital in this city the utmost economy has been practiced, by means of which a hospital fund has been established which now enables the managers to conform to the diet table furnished by the chief medical officer War Department, Bureau of Refugees, Freedmen and Abandoned Lands, Washington, District of Columbia, and to procure for those very ill a few of those delicacies essential to proper diet.

In conclusion I would respectfully suggest that the issue of the army ration

in place of the refugee ration to the freedmen's hospital, the addition to the supply table of a few more medicines, and an addition to and increase of the hospital stores in the shape of farinaceous articles of diet, would be of great benefit to the sick, reduce the mortuary report of the hospitals, and greatly assist the medical officers in the treatment of patients under their charge.

ROST HOME COLONY.

In the latter part of 1865, numbers of infirm and helpless freed people were, for purposes of economy, collected upon the Destrehan plantation, owned by P. A. Rost, esq. The restoration of the property of Judge Rost was soon after ordered, and, with the exception of this plantation, all was restored as soon as possible. This was retained under the provisions of Circular No. 20 of 1865, from War Department, Bureau of Refugees, Freedmen, Abandoned Lands. The necessity for retaining the plantation this year seeming so great, on account of the large number of old and helpless which were there under our charge, arrangements were finally made to cultivate the place, raise a crop of sugar and cotton, pay Judge Rost a reasonable rent, and at the same time provide for the dependants without expense to the government. The prospect, thus far is very flattering, and there is every reason to believe that after all expenses are paid there will be a considerable balance in favor of the bureau.

Rations and clothing have been furnished this colony, also medical attendance, the estimated value of which is shown in the approximate tabular statement herewith. The average number of freed people upon the plantation has been about seven hundred and eleven, (711;) of this number about five hundred and fifty, (550,) old and young, are dependent on the bureau for support; some, however, have rendered more or less assistance, as they were able, in gathering the crop, and at the same time have physically benefited themselves. At the close of the year the place will be given up, and the helpless now there otherwise provided for.

Exhibit showing the approximate cost, probable productions, and balance in favor of Rost Home colony, St. Charles parish, Louisiana, from January 1 to October 31, 1866.

EXPENSES.

Subsistence, 176,513 rations, at 15 cents.....	\$26, 476 95
Forage.....	7, 302 10
Wages of laborers.....	9, 000 00
Clothing for laborers.....	1, 000 00
Medical attendance and medicines.....	1, 400 00
School teacher's salary.....	750 00
Rent of plantation.....	13, 350 00
Repairs to machinery.....	500 00
Coal for blacksmiths, \$50; iron, \$31.....	81 00
Leather, \$25; wagon grease and tallow, \$25.....	50 00
Hoop-poles, \$300; rope, \$250; bagging, \$150.....	700 00
Grain sacks, \$150; belting, white and red lead, \$50.....	200 00
Lime for sanitary purposes and repairs.....	120 00
Incidental expenses.....	50 00
Balance in favor of the plantation.....	19, 120 00
	<hr/>
	80, 100 05
	<hr/> <hr/>

ESTIMATED RECEIPTS FROM PLANTATION.

31,500 pounds of cotton, ginned, at 35 cents.....	\$11, 025 00
10,500 pounds of cotton, unpicked, at 35 cents.....	3, 675 05

350 acres of sugar cane, estimated to produce 420,000 pounds of sugar, at 15 cents per pound	\$63, 000 00
6,000 gallons of molasses, at 40 cents per gallon.....	2, 400 00
	80, 100 05

ISSUES OF RATIONS TO INDIGENT AND HELPLESS.

Up to the first of October of this year issues were made to many indigent people, both white and black. At that date, under orders from Major General Howard, it was discontinued except in a very few cases where it was reported to the bureau that such issues were necessary to prevent actual starvation. Probably the number of this class to whom rations have been issued during October will not exceed one hundred. Reports are now coming in from our agents of the great destitution in all parts of the State consequent from the destruction of the crops by overflow and other causes. It is evident that something will have to be done by the United States government to aid these people, or there will be much suffering during the coming winter.

The parish juries in nearly every parish report that they are unable to render assistance to any class on account of the lack of funds and the impossibility of raising any by taxation or otherwise.

About one-half of the cultivated land in the State was overflowed, and the consequent poverty of the people, who only expected to barely make a living this year, is very great.

During the period in which issues were being made to people who were suffering from the overflow, reports were received from some parts of the State of abuses of this generosity of the government. It was no doubt the case that people who were really in want and suffering were neglected, and those who were in no need received rations. It was impossible to prevent this in those localities where it occurred. The uncertainty, and often the impossibility, of obtaining transportation to the different parts of the parishes, more especially during the overflow, obliged us to depend to some extent upon the members of the parish police juries to see that the rations were properly distributed. Under these circumstances, some abuses could not be prevented, and when they were brought to our knowledge it was too late to rectify them.

The following statistical report will show the number of rations issued to all classes during the past year up to November 1, 1866 :

Rations issued by Bureau of Refugees, Freedmen and Abandoned Lands, State of Louisiana, from January 1 to October 31, 1866.

Month.	Freedmen.						Refugees.					
	Men.	Women.	Children.	Total.	Rations.	Value.	Men.	Women.	Children.	Total.	Rations.	Value.
January	442	403	347	1, 192	27, 926	\$4, 830 16	1	8	15	24	726	\$116 16
February	431	391	336	1, 158	22, 949	3, 764 04	...	7	13	20	454	73 72
March	540	480	368	1, 388	30, 537	4, 830 94	1	4	5	10	492	73 80
April	516	473	386	1, 375	31, 678	4, 894 74	1	4	5	10	247	37 05
May	508	438	312	1, 258	31, 161	4, 714 46	6	51	29	86	2, 089	302 91
June	419	400	290	1, 109	23, 941	3, 471 44	5	40	29	74	1, 680	243 60
July	540	402	295	1, 237	28, 576	4, 556 15	13	19	26	58	1, 322	204 91
August	436	374	301	1, 111	32, 776	5, 117 68	26	17	34	77	1, 874	273 61
September	525	381	330	1, 236	30, 702	4, 666 06	15	11	19	45	1, 278	185 81
October	470	467	331	1, 268	33, 896	5, 116 42	6	8	14	28	660	95 70
Total.....	.....	.....	.....	.....	294, 202	45, 963 59	.....	.....	.....	.....	10, 822	1, 606 27

Rations issued by Bureau of Refugees, Freedmen, &c.—Continued.

Month.	School employés.		Persons rendered destitute by overflow.					Total.		
	Rations.	Value.	Men.	Women.	Children.	Total.	Rations.	Value.	Rations.	Value.
January	5,673	\$1,304 79							34,325	\$6,251 61
February	2,940	676 20							26,343	4,512 96
March	1,674	368 28							32,703	5,273 02
April	360	90 00							32,285	5,021 79
May	270	67 50	400	500	660	1,560	24,600	\$3,567 00	58,120	8,651 87
June	180	37 50	851	930	1,455	3,235	64,835	9,471 07	90,636	13,153 61
July			251	400	1,399	2,050	41,000	6,308 94	70,908	11,130 00
August			108	190	432	730	15,934	2,310 43	50,584	7,701 72
September									31,980	4,851 87
October									34,556	5,212 12
Total	11,097	2,544 27					146,459	21,647 44	462,580	71,760 57

GENERAL REMARKS.

The following general summary of reports lately received will show the state of feeling existing between the whites and blacks, and the general treatment of the latter.

In the parishes of Orleans and Jefferson, there are many complaints of injustice of the employers in hiring the freedmen and refusing to pay them. The amounts are too small to justify them in applying to a justice of the peace, and, as far as practicable, the accounts are adjusted in this office, and the rest referred to the civil authorities.

Parishes of St. Bernard and Plaquemine, (L. B.)—Reports from these parishes show but very few cases coming before the agent for adjustment. Good feeling, as a rule, exists between the planter and freedmen.

Parish of Plaquemine, (R. B.)—Reports from this parish show but few cases coming before the agent for adjustment. No complaints where regular contracts are made. The civil authorities are inclined to give justice to the freedmen.

Parish of Terrebonne.—Reports from this parish show that the tendency is to abuse the freedmen, and that it is impossible to obtain justice through the civil courts; that there has been more brutality towards the freedmen within the last month, than the five previous ones. The freedmen are well disposed towards the whites.

Parish of St. James.—In this parish a majority of the freedmen are inclined to be indolent and are insolent to the whites, thinking, as they are now free, they are not obliged to work. The civil authorities are inclined to give them justice, showing no partiality towards the whites.

Parish of Ascension.—The agent reports matters quiet in this parish, but few cases coming before him for adjustment. The prevalent feeling between the planters and laborers is distrust, owing to the delinquency of the planter in paying his hands promptly. The freedmen are orderly and work well.

Parish of Assumption.—Reports from this parish show an adjustment of a large number of cases, mostly breaking contracts. All other complaints are turned over to the civil authorities, who are inclined to do justice to all parties. The freedmen are working well, and, as a rule, are well treated by the planters; still there exists a feeling of distrust between them which is unaccountable.

Parishes of St. Helena and Livingston.—Reports from these parishes show adjustment of quite a large number of cases, mostly of a trifling character. A majority of the planters are well disposed towards the freedmen. Some of the

colored clergy have been inclined to sow the seed of discord among the freedmen, but through the influence of the agent they have stopped that, and matters are now improving. The labor system has proved a success. The crops are comparatively good and the freedmen have worked well.

Parishes of Iberville and West Baton Rouge.—Reports from these parishes show adjustment of but few cases of importance. The feeling between the whites and freedmen is very good. The judge of the district court is a truly loyal man, and all parties obtain justice. The freedmen are working well.

Parish of St. Martin's.—Reports from this parish show but few cases coming before the agent for adjustment. One case was the murder of a freedman, where he was decoyed into a piece of woods and there killed; another case was of a freedman being shot and badly wounded while passing a piece of woods. Both acts were committed by persons unknown; no clue as yet to the guilty parties. The whites and freedmen as a rule are quiet and orderly, and well disposed towards each other. The freedmen are contented and happy, and working well.

Parishes of Lafayette and Vermillion.—Reports from these parishes show a limited number of cases of importance coming before the agent for adjustment. The feeling between the whites and freedmen, as a general thing, is very good, and freedmen are working well.

Parish of East Baton Rouge.—Reports from this parish show an adjustment of a large number of cases, a majority of which were of minor importance. The planters in the most remote parts of the parish are inclined to turn off some of their hands before the expiration of contract, as they can get along with a less number. Some trouble is apprehended in the closing up of contracts between the planter and laborer, as many have made no bureau contracts.

Parish of East Feliciana.—Reports from this parish show a large number of cases coming before the agent for adjustment, many of which are of a serious character, such as fighting, stabbing freedmen, cruelly whipping their wives and children, &c. A very ill feeling exists between the whites and freedmen. It is impossible for a freedman to get justice before the civil courts. The freedmen are working well.

Parish of Point Coupee.—Quite a number of cases of importance have come before the agent of this parish for adjustment, among which are the murder of three freedmen by whites; two by shooting and one by beating. The parties arrested for the shooting have been turned over to the seventh district court for trial, and the other is awaiting examination before the justice of the peace. Many freedmen have been turned off plantations without cause, the planters not assigning any reason for so doing, and refusing to pay them. These cases are generally amicably adjusted. A large majority of the better class of planters are well disposed towards the freedmen and treat them fairly; but the opposite can be said in regard to the small planter and the poorer class of whites. As a rule, the freedmen work well and are peaceable.

Parish of St. Landry.—Reports from this parish show a large number of cases coming before the agent for adjustment, some of them of a serious nature; among these are the murder of five freedmen. These cases are now pending in the civil courts. Among the better class of people the treatment of the freedmen is very good, but among the small planters a feeling of intense hatred is manifested towards the freedmen. The civil authorities are afraid to do their duty, and dare not give the freedmen justice if they would. In some parts of the parish troops are very much needed. At present no one feels safe. The demoralization of the people is so great that one will swear to any falsehood to clear his friends.

Parish of Concordia.—Reports from this parish show the adjustment of but few cases, and those of minor importance. The whites and freedmen get along very well. There are some evil-disposed freedmen who cause some trouble,

owing, perhaps, to the erroneous idea they have had of lands being divided among them. Many are still under that impression.

Parish of Rapides.—Reports from this parish show but few cases for adjustment. The freedmen are not restrained in their rights. The civil authorities endeavor to give justice to all parties.

Parish of Catahoula.—But a few cases of minor importance have come before the agent of this parish. The better class of planters are inclined to treat the freedmen fairly, but the lower class, or small planters, are inclined to pay no regard to the regulations of the bureau, committing acts of injustice and cruelty upon the freedmen. The civil authorities will not give the freedmen justice. The freedmen in the distant part of the parish, in many cases, are prevented from complaining to the agent.

Parishes of Sabine and Natchitoches.—Reports from these parishes show a large number of cases coming before the agent for adjustment, several of a very serious nature, among which is one for murder and one for assault and battery; both turned over to the civil authorities. The feeling between the whites and the freedmen is good.

Parish of Tensas.—A large number of cases have come before the agent of this parish for adjustment. A majority of them were turned over to the civil authorities. Those of a trivial character were adjusted by the agent.

Parishes of Franklin and Caldwell.—Reports from these parishes show a small number of cases coming before the agent for adjustment, most of which were of a serious nature. Two were for murder of freedmen by whites, and one for the murder of a planter. Eight freedmen were arrested, charged with the murder of the planter, and, while being taken to prison, were met by a party of men disguised, and two of the prisoners shot dead, and four of the others have not been heard from since, and are supposed to have been murdered. Affairs in the parish of Franklin are in a terrible state. There is an organization there known as the "Black Horse Cavalry," composed of planters and late guerillas, who go blackened and disguised, for the purpose of whipping freedmen and preventing their leaving the parish. Murders of freedmen are numerous. It is impossible for the freedmen to obtain justice through the civil courts. The freedmen are working well in Caldwell parish, and better than could be expected, in the present state of affairs, in Franklin.

Parishes of Washita, Union, and Morehouse.—Reports from these parishes show a large number of cases coming before the agent for adjustment. The majority were of a trivial nature and were adjusted by the agent. Those of more importance were generally referred to the civil authorities, where the freedmen receive an impartial trial. The relation existing between the whites and freedmen is generally satisfactory.

Parish of Carroll.—But few cases have come before the agent for adjustment in this parish. One case of the whipping of a freedman by an overseer, who is now under investigation. The freedmen, as a rule, are working well, and are cheerful, contented and happy.

Parish of Bienville.—Reports from this parish show but few cases for adjustment, and they of a frivolous character. No cases of cruelty have been reported. The citizens seem inclined to be friendly to the freedmen, and promise to help protect them.

Parishes of Caldo, Bossier, and De Soto.—Reports from these parishes show quite a large number of cases coming before the agent for adjustment. All cases but those of minor importance have been referred to the commanding officer of the post of Shreveport, who has either adjusted them or referred them to the civil authorities. The freedmen, as a rule, have been working well, but much trouble has arisen between planters and laborers. The freedmen have not been treated well by the planters, and in the parish of De Soto they have fared much worse than in either of the other parishes. The reason for this is apparent;

the parish being on the line of the State of Texas, and in close proximity to a band of robbers, who seem, in a measure, to control affairs.

There are several parishes that are so far distant, and not available by mail, that no reports have been received from them recently.

We know, however, that in those distant parishes affairs are controlled to a great extent by bands of jayhawkers, who ride about the country, whipping and robbing freedmen, and who defy arrest by retreating to the swamps, which afford a secure retreat.

Number of officers and agents on duty with the Bureau of Refugees, Freedmen and Abandoned Lands, State of Louisiana, from January 1, 1866, to October 31, 1866, the number of each rank on duty, and the aggregate time served in each month.

Rank.	January.			February.			March.			April.			May.		
	Number on duty.		Agg't time served.	Number on duty.		Agg't time served.	Number on duty.		Agg't time served.	Number on duty.		Agg't time served.	Number on duty.		Agg't time served.
	M's.	D's.		M's.	D's.		M's.	D's.		M's.	D's.		M's.	D's.	
Brigadier general.....	1	1	.....	1	1	.....	1	1	.....	1	1	.....	1	1	.....
Lieutenant colonel.....	1	1	.....	1	1	.....	1	1	.....	1	1	.....	1	1	.....
Captains.....	23	20	25	24	23	20	23	22	2	27	22	18	28	24	.....
First lieutenants.....	21	13	4	21	20	2	21	17	28	19	10	2	19	17	12
Second lieutenants.....	5	5	.....	5	5	.....	9	5	.....	9	7	27	10	8	3
Surgeon.....	1	1	.....	1	1	.....	1	1	.....	1	1	.....	1	1	.....
Acting assistant surgeons.....	7	6	22	8	7	24	8	8	.....	9	7	26	8	7	15
Civilian agents.....	4	4	.....	4	3	9	4	4	.....	4	4	.....	5	3	18

Rank.	June.			July.			August.			September.			October.		
	Number on duty.		Agg't time served.	Number on duty.		Agg't time served.	Number on duty.		Agg't time served.	Number on duty.		Agg't time served.	Number on duty.		Agg't time served.
	M's.	D's.		M's.	D's.		M's.	D's.		M's.	D's.		M's.	D's.	
Brigadier general.....	1	1	.....	1	1	.....	1	1	.....	1	7	.....	.....	.....	.....
Lieutenant colonel.....	1	1	.....	1	1	.....	1	1	.....	1	1	.....	1	1	.....
Captains.....	26	24	20	24	22	7	22	19	17	20	18	23	17	16	14
First lieutenants.....	19	18	19	17	17	.....	16	16	.....	17	16	7	15	14	10
Second lieutenants.....	2	7	4	7	6	23	5	4	.....	4	4	.....	4	4	.....
Surgeon.....	1	1	.....	1	1	.....	1	1	.....	1	1	.....	1	1	.....
Acting assistant surgeons.....	7	7	.....	6	6	.....	12	6	25	12	10	7	12	10	12
Civilian agents.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	.....	24	4	3	6

Number of civilian employes employed in the Bureau of Refugees, Freedmen and Abandoned Lands, State of Louisiana, from January 1, 1866, to October 31, 1866, the number of each class employed, and the aggregate time served in each month.

In what department employed and nature of services rendered.	January.			February.			March.			April.			May.		
	No. employed.		Agg'e time served.	No. employed.		Agg'e time served.	No. employed.		Agg'e time served.	No. employed.		Agg'e time served.	No. employed.		Agg'e time served.
	M's.	D's.		M's.	D's.		M's.	D's.		M's.	D's.		M's.	D's.	
Assistant commissioner's office—															
Attorney	1	1	.....	1	1	.....	1	1	.....	1	1	.....		
Clerks	3	3	.....	3	3	.....	3	3	.....	4	4	.....	5	5	.....
Porters and messengers	4	4	.....	4	4	.....	4	4	.....	4	4	.....	5	3	10
Plantation department—															
Superintendent	1	1	.....	1	1	.....	1	1	.....	1	1	.....	1	1	.....
Clerks, assts. to superintendent, &c.	6	6	.....	7	6	2	3	3	.....	3	3	.....	2	2	.....
Quartermaster's department—															
Clerks, agents, warehousemen	8	8	.....	8	8	.....	8	7	2	6	6	.....	5	5	.....
Teamsters, laborers, &c.	19	8	12	13	9	19	13	13	.....	13	13	.....	18	14	3
Mechanics				6	6	.....	5	4	17	5	4	21	6	6	.....
Office of Provost Marshal General—															
Clerks	6	3	8	20	12	24	21	18	20	12	8	10	4	1	9
Special officers	3	3	.....	2	1	7	1	1	.....	1	1	.....		
Canvassers	20	12	20	23	14	6	12	4	12	1	10	.....		
Medical department—															
Clerks, stewards, &c.	12	10	.....	8	7	.....	7	6	10	8	6	12	8	8	.....
Nurses, laborers, cooks, &c.	45	31	15	44	38	.....	51	42	5	59	48	.....	52	40	12
Educational department—															
Clerks	6	6	.....	5	5	.....	2	2	.....	2	2	.....	2	2	.....
School directors, superintendent, &c.	7	6	6	9	8	15	8	8	.....	8	7	.....	6	6	.....
Porters, janitors, &c.	20	20	.....	10	10	.....	10	10	.....	10	9	.....	11	11	.....
Mechanics	8	8	.....											
Clerks to county agents				12	8	29	25	24	10	22	20	8	10	8	14

In what department employed and nature of services rendered.	June.			July.			August.			September.			October.		
	No. employed.		Agg'e time served.	No. employed.		Agg'e time served.	No. employed.		Agg'e time served.	No. employed.		Agg'e time served.	No. employed.		Agg'e time served.
	M's.	D's.		M's.	D's.		M's.	D's.		M's.	D's.		M's.	D's.	
Assistant commissioner's office—															
Attorney															
Clerks	5	5	.....	5	5	.....	5	5	.....	4	4	.....	5	5	.....
Porters and messengers	4	4	.....	4	4	.....	4	4	.....	4	4	.....	4	4	.....
Plantation department—															
Superintendent	1	1	.....	1	1	.....	1	1	.....	1	1	.....		
Clerks, assts. to superintendent, &c.	2	2	.....	2	2	.....	1	1	.....	1	1	.....		
Quartermaster's department—															
Clerks, agents, warehousemen	5	5	.....	5	5	.....	4	4	.....	4	4	.....	4	4	.....
Teamsters, laborers, &c.	11	11	.....	11	11	.....	13	13	.....	12	12	.....	18	14	16
Mechanics	6	6	.....	6	6	.....	7	7	.....	7	6	6	7	6	6
Office of Provost Marshal General—															
Clerks	1	1	.....			13							1		20
Special officers															
Canvassers															
Medical department—															
Clerks, stewards, &c.	8	8	.....	6	5	28	6	7	.....	7	6	.....	6	6	.....
Nurses, laborers, cooks, &c.	47	43	15	49	44	23	75	66	.....	56	52	6	55	51	16
Educational department—															
Clerks	3	2	6	2	2	.....	2	2	.....	2	2	.....	2	2	.....
School directors, superintendent, &c.	4	2	25	1	1	.....	3	3	.....	2	2	.....	2	1	15
Porters, janitors, &c.	5	5	.....	5	5	.....	5	5	.....	5	5	.....	5	5	.....
Mechanics															
Clerks to county agents	8	8	.....	8	8	.....	9	7	17	10	9	6	12	11	18

The enclosed reports of the number of officers and agents on duty with, and the number of civilians employed in the bureau from January 1, 1866, to October 31, 1866, are respectfully transmitted for your information.

I have the honor to be, very respectfully, your obedient servant,

P. H. SHERIDAN,

Major General United States Army.

Major General O. O. HOWARD,

Commissioner, &c., Washington, D. C.

M A R Y L A N D .

HEADQUARTERS ASS'T COMMISSIONER, DISTRICT OF MARYLAND,
BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
Baltimore, Maryland, November 3, 1866.

GENERAL: In compliance with your instructions, dated October 2, 1866, directing me to report all operations of the district under my charge to the 1st day of November, 1866, I have the honor to submit the following:

As stated in my last report to you, I am unable to furnish any information, other than that shown by the records on file in this office, of the operations of the bureau in this district previous to September 1, 1866, having no personal knowledge of the same, my assignment to duty as assistant commissioner for the district being on the date mentioned, viz., September 1, 1866.

The affairs of the bureau previous to March 30, 1866, were superintended by Brevet Lieutenant Colonel William P. Wilson, aide-de-camp. No record of the business transacted under his supervision remains on file in this office. Colonel Wilson was relieved on the 30th of March, 1866, by Brevet Major General George J. Stannard, whose district, comprising the State of Maryland alone at the time he entered upon his duties, was further increased in June by the addition of six (6) counties of Virginia, and two (2) of West Virginia, which addition was constituted a sub-district, designated the Shenandoah division, and placed under the charge of Brevet Major J. H. Remington.

General Stannard being mustered out of the service, to date July 1, 1866, he was succeeded in his duties by Brevet Lieutenant Colonel R. Chandler, as acting assistant commissioner, who was relieved about the 20th of July by Major General Francis Fessenden. On the 1st of September, 1866, I succeeded General Fessenden in the duties now discharged by me.

On the 1st of September the district (which, since the addition heretofore referred to, had remained intact) was, in compliance with instructions from your office, dated August 16, 1866, again reduced by transfer of six counties of Virginia and two of West Virginia to the jurisdiction of Major General Schofield, thereby leaving under my charge the State of Maryland alone, with the exception of the counties of Montgomery, Prince George's, Charles, Calvert, and St. Mary's; the number of colored people comprised in the State being 171,131, 87,189 of the number formerly slaves. Of the total number 42,411 belong to the counties above mentioned, leaving 128,720 colored people under my jurisdiction. These figures are taken from the census of 1860, since which time the colored population has greatly increased, but to what extent I am unable to report.

The practical business of the bureau did not commence until June, 1866, as previous to that date but one officer had been assigned to duty with the assistant commissioner in the district, consequently rendering it impracticable to carry out and make known the object of the bureau throughout the State. This difficulty was obviated in the early part of June by the accession of several officers, who were immediately assigned to duty at local posts in different

portions of the district, one or two being retained to investigate complaints received at headquarters, and discharge other duties connected with the office.

The condition of the freedmen in Virginia and West Virginia, as shown by the records on file, was generally satisfactory, but few complaints having been received; none of a serious nature. This, however, is in marked contrast to portions of the State of Maryland, especially the seven lower counties on the eastern shore, where much bad feeling exists against both freedmen and bureau, and complaints are daily received of outrages and acts of injustice.

In compliance with instructions from your headquarters, dated June 12, 1866, officers stationed at local posts were gradually recalled, and the duties of the office are now discharged by inspectors from these headquarters.

COMPLAINT DIVISION.

The "complaint division" is under the charge of Brevet Major A. W. Bolenius. All complaints received at this office, either in person or by letter, are referred to Major B., by whom they are entered in a book kept for the purpose. Efforts are then made to settle said complaints by correspondence; such efforts being unsuccessful, an officer is ordered to investigate, and report result. Should the difficulty still remain unsettled, such action in the case is then taken as may be necessary, either bringing it before civil authorities, or otherwise.

A large majority of the complaints received refer to the illegal apprenticeship of colored children until they are eighteen and twenty-one years of age, which is, in fact, a phase of slavery. No language can be too strong in condemnation of this evil. Parents are deprived of those who are able and willing to support them, while children are denied the blessing of education, and doomed to spend long years in toil and servitude without an adequate compensation.

In most cases this has been done, apparently, in compliance with legal forms, but there is every reason to suppose, from statements made by parents, that misrepresentation and threats have been used to compel their attendance at the orphans' court, which attendance is considered equivalent to their consent; and, in many cases, not even the presence of the parents was considered necessary to sanction the compact. Of the numerous complaints received but seven have been satisfactorily adjusted, in each case the parties holding children voluntarily giving them up.

I have been informed from eminent legal sources that the whole system of apprenticeship is illegal, and consequently not binding, but have been unable to legally test the matter, owing to the inability of complainants to furnish the means required in paying expenses of court and sheriff. One case, however, has been brought before the court, and is now awaiting decision.

Another obstacle in securing justice to freedmen has been the refusal of justices of the peace to take the testimony of colored persons, in violation of the civil rights bill. As shown by the accompanying report of Major Bolenius, four justices have, through the instrumentality of this office, been arrested and brought before the United States commissioner in this city; and unofficial information has been received that a true bill was found against Justice Watkins, of Sandy Hook, Washington county, Maryland.

The difficulty is confined principally to the southern counties of the State. Below I give the number of complaints acted upon, and instances in which assistance has been given to colored people, referring you to the report of Brevet Major A. W. Bolenius for details:

COMPLAINTS.

Murder	1
Rape	1
Assault and battery	6
Refusing to obey civil rights bill	4
Illegal apprenticing of colored children	28
Miscellaneous cases	58

CLAIM DIVISION.

The "claim division," in charge of Brevet Major F. C. Von Schirack, was established about the 1st of June, 1866, under the supervision of Brevet Major John H. Piatt, and has been of invaluable service in the making out and forwarding of applications of colored soldiers and their families for bounties, pensions, &c. The business of this department has steadily increased, and a report of figures is inadequate to give an idea of the labor required in making out papers, procuring evidence, &c. Two or three regiments of colored troops are ordered here for muster-out, which will greatly add to the business of the division.

Below I give a list of applications for bounties, &c., forwarded and acted on by Major Von Schirack, and respectfully refer you to his accompanying report, in which are set forth the difficulties encountered in procuring the Maryland State bounty for colored soldiers :

Claims for State bounty, incomplete.....	103
Claims for State bounty forwarded.....	35
Claims for State bounty settled.....	3
Claims for arrearage of United States pay and bounty forwarded.....	9
Claims for arrearage of United States pay and bounty, incomplete.....	4
Claims for United States pensions forwarded.....	4
Claims for United States pensions, incomplete.....	2
Claims for United States additional bounty forwarded.....	3
Claims for United States additional bounty, incomplete.....	3
Number of claims in prosecution of which assistance has been rendered W. F. Baxom, general agent United States Sanitary Commission, Washington, D. C.....	80

Amount received and paid claimants in settlement of State and United States claims.

Amount received in settlement of State claims.....	\$650 00
Treasury certificates in settlement of United States claims received,	1, 795 16
Total.....	<u>2, 445 16</u>
Amount paid claimants in settlement of State claims.....	\$650 00
Treasury certificates in settlement of United States claims delivered to claimants.....	697 01
	<u>1, 347 01</u>
Balance, treasury certificates in settlement of United States claims awaiting disposition.....	1, 098 15
	<u>2, 445 16</u>

MEDICAL REPORT.

For operations of medical department I respectfully refer you to the accompanying report of Surgeon W. R. De Witt, jr.

Disbursements for this year to November 1.

MONEYS RECEIVED.

1866. July 31.....	\$391 00
August 27.....	1, 100 00
September 26.....	131 00

1866. October 5	\$770 00
October 6	3,200 00
October 25	14 50
October 30	43 48
Total	<u>5,650 08</u>

MONEYS DISBURSED.

For salaries	1,391 46
For rents	538 28
For postage	65 00
For expenses of officers travelling under orders	60 96
For internal revenue tax	14 37
For hauling rations at Winchester	24 00
For purchases	3,342 53
For miscellaneous expenditures	14 50
Balance on hand November 1, 1866	198 98
Total	<u>5,650 08</u>

Three thousand two hundred dollars of the amount stated as disbursed for purchases was expended in the purchase, at auction sale, of sixteen (16) government buildings, (formerly known as Hicks United States general hospital,) to be used in erecting school-houses for colored children.

REPORT OF QUARTERMASTER.

For transactions of the quartermaster, consisting principally in the purchase and transfer of property (a list of which is given below) for school purposes and carried upon the returns of Lieutenant Buckley, I respectfully refer you to his accompanying report.

Seven hundred feet fencing, received from Major J. M. Brown, chief quartermaster Bureau Refugees, Freedmen and Abandoned Lands.

Five stables, received from Major J. M. Brown, chief quartermaster Bureau Refugees, Freedmen and Abandoned Lands, transferred to R. M. Jauney, State superintendent of schools for colored children.

Five buildings, (barracks,) received from Colonel Bradley, chief quartermaster middle military department.

One stable, received from Colonel Bradley, chief quartermaster middle military department.

Two sinks, received from Colonel Bradley, chief quartermaster middle military department.

Sixteen buildings, purchased at government auction sale, known as Hicks United States general hospital, to be used in erecting school-houses for colored children; not yet transferred.

SCHOOL SUPERINTENDENT'S REPORT.

As stated in the accompanying report of First Lieutenant McDougal, the labors of the bureau in regard to schools for colored children have been of a "supervisory character, consisting of occasional inspection and protection of teachers from interference." Up to October 1, 1866, all other work connected with the organization of schools for colored children has been done under the superintendence of the "Baltimore Association for the Moral and Educational Improvement of the Colored People," whose noble efforts have met with great success.

Since the 1st of October, the bureau has co-operated with the above association by assuming the responsibility of renting buildings for school purposes, and erecting school-houses at such points as they are needed. For this purpose, (in compliance with instructions from headquarters,) sixteen (16) government buildings, formerly known as "Hicks United States general hospital," were purchased at auction sale, and will be used as above stated, the colored people, wherever able, assuming the expenses of rebuilding.

I respectfully refer you to Lieutenant McDougal's report for information on other points, and to the statistical report given below :

Total number of schools for colored children.....	49
Total number of above owned by freedmen.....	43
Total number of school-houses furnished by bureau.....	3
Number of white teachers.....	22
Number of colored teachers.....	45
Number of colored pupils, male.....	1, 800
Number of colored pupils, female.....	1, 828
Average attendance.....	2, 220
Number of industrial schools.....	4
Number of pupils attending industrial schools.....	511

The above report was obtained from the Baltimore Association, &c., but does not include the latest returns from the teachers made under their supervision, much of it being taken from previous returns of May and June. I regret exceedingly that the failure of teachers to forward their reports renders me unable to give fuller and more correct information. In order to do so, I delayed the report until the last moment. In future, all information referring to schools for colored children will be obtained by personal inspection of Lieutenant McDougal, school superintendent at these headquarters.

ABANDONED PROPERTY.

The only property of the above description in possession of the bureau during this year was two (2) frame dwellings, both in the Shenandoah division. One was returned to the owner in compliance with orders from these headquarters, dated July 18, 1866, and the other is now under the jurisdiction of Major General Schofield, being in the district transferred to him September 1, 1866.

RATIONS.

The issue of rations, a report of which is given below, was confined to the Shenandoah division, transferred September 1 to Major General Schofield. No rations have been issued in the State of Maryland.

3,289 rations issued to two hundred and ten refugees ; 7,351 rations issued to five hundred and seventy freedmen ; total, 10,640 rations issued to 780 refugees and freedmen.

TRANSPORTATION.

Requisitions for transportation have been issued (only in cases of evident necessity) in twelve (12) instances, and for the following number of persons, viz : thirty-two, (32,) all freedmen.

Officers, clerks, &c., on duty at this office October 31, 1866.

Names.	Rank.	Duty.
Gregory, E. M.....	Brevet major general.....	Assistant commissioner.
Knower, Edward C.....	Captain.....	Disbursing officer.
Wiegel, William H.....	Brevet colonel.....	Assistant adjutant general.
Von Schirach, F. C.....	Brevet major.....	Claim division.
DeWitt, W. R., jr.....	Brevet lieutenant colonel.....	Chief surgeon.
Bolemus, A. W.....	Brevet major.....	Inspector.
Buckley, John D.....	Lieutenant.....	Chief quartermaster.
McDougall, Charles.....	Lieutenant.....	Superintendent of schools.
Bailey, W. S.....	Lieutenant.....	Complaint department.
Total number of officers..... 9		
Total number of clerks..... 3		
Total number of messengers..... 1		
Total number of orderlies..... 1		

With reference to the homestead act and labor contracts, there is nothing to report, as all contracts between the white and colored population in this State are regulated by mutual agreement between themselves, without the approval of officers of the bureau, our action in the matter being confined to the investigation of complaints made by colored persons against their employers, of which few are received, as the condition of the laboring colored population is very satisfactory.

As stated previously in this report, our manner of securing justice among freedmen has been by bringing their complaints before the civil authorities; but such a course, I am convinced, is inadequate, owing to the refusal of justices of the peace in many counties to take the evidence of colored people. In three cases where justices of the peace for the above offence have been brought before the grand jury, they have failed to find a true bill against the parties accused, thus defeating our efforts to secure justice, and encouraging the whites to continue in the commission of acts of injustice and oppression upon the colored people.

I would respectfully recommend that freedmen's courts be established in the State for the investigation and dispensation of justice in all cases where colored people are unable to obtain justice in the civil courts.

I am, general, very respectfully, your obedient servant,

E. M. GREGORY,

Bvt. Major General Volunteers, Assistant Commissioner.

Maj. Gen. O. O. HOWARD,

Commissioner, &c., Washington, D. C.

MISSISSIPPI.

BUREAU REFUGEES, FREEDMEN AND ABANDONED LANDS,
OFFICE ASSISTANT COMMISSIONER FOR THE STATE OF MISSISSIPPI,
Vicksburg, Miss., October 31, 1866.

GENERAL: In compliance with your directions of October 2, I have the honor to submit an exhibit of the business of the bureau in Mississippi, for the year ending this date, in the form and manner by you requested.

There are no freedmen under the immediate charge and control of the assistant commissioner, except the indigent, sick and insane in the hospitals of the

bureau, who, therefore, come under the provisions of the 5th section of the act extending the existence of the bureau.

The number thus under charge is, at this date, as nearly as can be ascertained, 258; additions, deaths and discharges continually make such changes from day to day that the precise number cannot be fixed.

There are in forty counties of the State, as reported to the secretary of state of Mississippi, 284,036 freedmen; twenty counties have not been returned, but anything like an average of the forty counties already reported, extended to the counties whose statements have not been received, will no doubt increase the aggregate to largely upward of 300,000 resident negroes.

The State is divided into eight districts, and to each district a number of counties, proportioned to the facilities for reaching the more interior posts assigned. In charge of each of these districts are two or more officers, according to the number of counties and general condition of the districts. The property on Davis or Palmyra Bend is also under charge of an officer. Each of the senior officers in charge of these districts is denominated sub-commissioner, and each is required to make a written report of his business monthly.

The conduct of business in this State, so far as relates to papers, is strictly in conformance with the regulations of the Adjutant General's office. Besides the regular reports for information as to the method of transacting business, reference is made to the digest of orders and instructions issued and published by Colonel Samuel Thomas, formerly assistant commissioner for Mississippi, a copy of which is herewith furnished. The system therein prescribed is still continued in force.

In cases of complaints from the freed people, the State law is first appealed to, and its provisions, so far as they conform with the civil rights bill and other United States statutes, are first exhausted in endeavors to obtain settlements or redress as may be required.

The duties performed by officers are (the office and hours being established) to keep themselves well informed on the following points, viz: 1st, number of freedmen under charge; 2d, condition and manner in which they are being treated and paid; 3d, kind of contracts, and whether the freedmen understand the force of their obligations; 4th, whether any sick, old, or infirm are suffering for want of clothing, food, or medical attendance, and to have them in such cases transferred to the regular bureau hospitals for care and treatment; 5th, how many schools are in session and how many have been opened, what their condition is, and what can be done for their improvement; 6th, disposition of the white people to the black; 7th, the manner in which the State laws affecting the freedmen are administered.

Officers are required to use every means to make known to all in their districts the nature of their duties, and to this end are directed to put themselves in communication with prominent citizens of either color, and with the State and other officials resident within their districts. They must obtain the confidence of both white and colored citizens, that the white citizen may know that the bureau officer is to labor faithfully to instil into the colored man's mind the necessity of obeying the laws, and to seek to improve himself by education and by faithful and honest labor; that the interests of all classes are coincident; that the colored citizen has a friend and counsellor in the bureau officer, anxious to secure all to him which will add to his comfort and happiness, and to secure to him through the courts all his rights of person and property as a citizen.

The principal difficulties in the way of success are the animosities felt against the freedmen by a certain class whose prejudices control their better thoughts; the difficulty of instilling into the minds of officers the more certain and more beneficial effects of holding the civil authorities responsible for the equal distribution of justice between man and man, of whatever color; and that, if this were not the case, the dominance of the civil law having been substituted for the

military, no action of the military could be taken except as specially provided in orders and acts of Congress; and last, not least, the hitherto unsettled condition of the State in civil matters.

The roaming bands of desperadoes who make the freedmen and northern men their particular objects of murder and rapine have done much to keep alive the dying embers of sectional ill feeling. The men who form these bands are chiefly the debris of the rebel army, who have not devoted themselves to any industrial pursuits for their maintenance since the close of the war.

The difficulties in the way of the performance of the duties of the officers of the bureau are much increased by the existence of certain State statutes which affect the freed people alone, and which are unjust and oppressive. (See the statutes forbidding the freed people to carry arms; to lease or purchase land in the country; and the statute requiring them to contract for the year before the 10th day of January of each year, or obtain a license to do job work.) It is true that these statutes are nullified by the civil rights bill; but so long as the prejudices of the white people are protected and encouraged by formal statutes of State legislation, it will be impossible to obtain a thorough enforcement of the provisions of the civil rights bill intended for the especial protection of the freed people.

The efforts to overcome these difficulties have been strong and unceasing, and an improvement is manifest. The higher authorities of the State, executive and judicial, are doing what even one year since was thought impossible by the most sanguine; witness the decisions of the several judicial officers herewith enclosed; and this animus is finding its way down to the lower courts, slowly, to be sure, but with that power by which all great principles are moved.

Little has been accomplished under the homestead act, for the reason that little or no information has been obtained as to the position or extent of the three millions of acres of public lands scattered throughout the State, though every possible means has been taken to obtain maps and necessary records for the prompt execution of the provisions of the act.

We now await the necessary maps and records upon the application made to the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands from this office some months since, and also for the opening of a land office, which was asked from this office in July last.

The report of Captain J. H. Chapman, assistant commissary of subsistence, (copy herewith accompanying,) gives number of rations issued to whites and blacks of Mississippi for the month of October only, he having relieved Brevet Major James Gillette, and assumed the duties of assistant commissary of subsistence late in that month. By the operation of Circular No. 10 from office of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, of date August 22, 1866, the issue of rations, "except to the sick in regularly organized hospitals and to the orphan asylums for refugees and freedmen," has been discontinued.

The difference made by the issuance of this circular in the number of rations issued in October compared with those of September is 2,563½; the issues of September being 11,925½, and of October being 9,362.

During the year there has been a total issue of 179,380 rations. This includes, besides the October issues, 15,129 to refugees and 154,882 to freedmen. In the month of October only freedmen received the destitute ration.

As the civil law has been restored to predominance, the reports of all crimes are immediately sent to the civil officers having jurisdiction, and the course of the civil law to its highest courts first exhausted, except where the provisions of General Orders No. 44, current series, from headquarters of the army, require a different and more prompt action. No arrests are made by the military authority but under the requirements of said order. As yet, no cases requiring civil jurisdiction reported from this office have failed to bring to justice the offenders or

elicit an answer favorable to the prompt action, in proper civil course, by the magistrates.

It has been necessary to refer several cases to the State executive, and in each and all of them the action taken was most satisfactory and prompt.

As before remarked, the prejudice existing on account of color is only in the lowest courts, and among the unthinking people. In the higher courts, generally, prejudice on account of color does not exist. The securing of justice to the freedmen can only be left to the courts now that military authority resumes its subordinate place in the affairs of the government, and cases have yet to arise which will prove the impracticability of securing justice to them through the civil tribunals of the State.

At the beginning of the year the freed people were advised to contract, as the best means of securing homes and labor, but were informed that the State statutes absolutely requiring them to make contracts would not be enforced.

A number of contracts were printed in blank at the opening of the planting season, and presented to the assistant commissioner for his consideration, and those approved by him were generally used in the State. These forms preserved the usual legal requirements, modified by the existing relations between the white and black citizen, and were, as far as it was possible, based upon what the limited experience of the short time intervening between the termination of the war and the new year of 1866 had shown necessary.

The observance of these contracts has in some cases been evaded by the dishonest contractor, upon the miserable subterfuge that the employé has failed to comply with the terms of his agreement, and the most frivolous mistakes of the freedmen have been alleged as such failures. But the majority of employers have strictly abided by their covenants. The freed people have generally endeavored to perform their labor in a manner which would justify the assertion that they have been faithful to their labor promises. The observance of these contracts by all parties has been much the same as would have been in any community, under like circumstances.

Grasping human nature has been exercising its demands, and undoubtedly a wholesome fear of the lawful punishments attending breach of contract has prevented a more general attempt to swindle the ignorant freedmen, which might have been much greater before the majority could be charged as guilty. And the understanding that a loss of wages would follow indolence and a non-compliance with the terms of their contracts has, no doubt, deterred many of the freedmen from a slothful performance of their labor.

As a great majority of the freed people are too poor to lease or buy lands and provide the means of cultivating them, it is suggested that they be *advised*, not *required*, to continue the contract system by entering into written contracts in duplicate; the freed people will then have at all times in their possession the evidence of their claims against their employers, and which can be used to enforce their rights in the courts of the State.

As it has been applied, the results of the free-labor system are favorable. Although there has been a failure of crops, no blame is attached to the freedmen. The unfavorable season and the worm have worked the ruin. The rains of early spring retarded work until the grass had choked the young plant, and what was cleared was burned by the too long summer drought. The worm appearing in the month of September completed the desolation, and now the small yield will hardly purchase food sufficient to last till December 31, proximo. The desire to raise cotton triumphed over all considerations of caution; the cultivation of cereals was neglected, and the little cultivated was nearly all destroyed by the extreme heat of summer. All the breadstuffs grown in Mississippi will not more than subsist the people until January 1, proximo. All general reports show the freedmen as industrious as could possibly have been expected. The novelty and strangeness of their new relations have not worn off

even yet, but the idea that freedom means release from labor has quite disappeared.

The present system of cultivating large plantations upon the wages basis, it has been suggested, might be improved upon by leasing in small parcels and making the freedmen responsible, in the crop, for supplies furnished them, leaving them the proceeds of the crop, after paying the year's advances and rentage, as their pay. But this is an undeveloped idea; however, those who have tried this plan here report favorably upon its workings.

While the State statutes, if completely carried out, would in a few instances conflict with the civil rights bill and other acts of Congress; and while in cases involving questions as to the supremacy of State or United States statutes, or the constitutionality of the latter, a few decisions have been made adverse to the acts of Congress; still, the manner of executing State laws has evinced a disposition to abide by *some* law; and as the number of decisions and their weight, owing to the court or judge who made the opinion, have been in favor of the United States laws, we may fairly infer that the manner of executing the State laws has been in a great degree subordinate to those of the United States.

It has been distinctly announced, in orders and instructions from this office, that State laws making discriminations on account of color, (conflicting with the United States statutes,) or prosecutions against any persons forbidden by orders from the War Department, would not be allowed.

With reference to claims presented by discharged soldiers for bounty, &c., I would state that the little known of the requirements of the departments in all the minutiae of this duty of bureau officers, and the necessity for a perfect knowledge of these requirements, prompted the issuance of General Orders No. 16, current series, from this office on the 28th of August last. Since the issuance of orders directing the bureau to take charge of the collection of claims of colored soldiers and sailors, or their families, but eleven claims have been regularly forwarded to this office. Of these the majority have been returned for correction, and the rest retained for various causes. The general orders above referred to having advised a suspension for the perfection of the proper forms, and for further information, has undoubtedly had the effect to delay the transmission of more claims to this office; but upon the receipt of the necessary blanks the business will be prosecuted with the care and energy due so great an undertaking. Certain blanks have been received, and directions, as contained in the printed instructions of September 17, ultimo, and in Circular No. 6, current series, from your office, are being acted upon with all practicable expedition.

Much, it is hoped, will be accomplished during the next six months in this matter, that the apparently conflicting and what has appeared almost impenetrable mass of necessary detail may be fully comprehended. A number of claims upon which payment has actually been made was collected by and through the agency of Mr. G. Gordon Adam, who has acted as solicitor for the bureau in this State. The number thus collected cannot be definitely ascertained on account of the absence of Mr. Adam, but the approximate estimate is twenty.

The report of the surgeon-in-chief accompanying presents the following facts: There have been at various times established in this State 10 hospitals; there now remain but 4, for the year ending October 31, 1866. There were treated in hospitals and at dispensaries 1,897 adult males, 1,823 adult females, 464 male children, and 424 female children, making a total of 4,608. Of these there died 210 adult males, 147 adult females, 28 male children, and 23 female children, making a total of 408. This fixes the ratio of deaths at 88 per 1,000. The surgeon-in-chief reports also the cases of cholera treated, included in the above, 184 in number, of which 70 terminated fatally.

The pay of contract physicians he reports as too small to secure a desirable class, and gives strong reasons. And here it may be said that although in this

State a good professional ability has been shown by most of the physicians under contract, yet, when any of these gentlemen do not renew their contracts, much inconvenience, to say the least, is the result, and generally there is danger that patients will suffer before a new contract will be accepted.

The surgeon also reports upon the necessity of provision for indigent insane colored persons. It has been absolutely necessary to take charge of a number, and the limited accommodation is not extended as yet to more than one room, and here there is great danger that the patients in their frenzies will injure each other. Fire cannot be allowed them without endangering the buildings, and many necessaries are needed for them which the appropriation does not allow; and as for the "refugees and freedmen's fund," it is not likely that it is large enough to meet the demands upon it which an attempt to build a hospital would make.

The State or municipal authorities have made no provision for this class of the freed people. It was hoped that the session of the legislature just closed would act in this matter, as well as in other matters of provision for the colored people; but no relieving law was passed, and the negro, whether sane or insane, must still be an object of charity on the government. The impracticability of admitting this class of the freed people to the regular asylums can be readily seen, and as well the necessity of providing an asylum for their accommodation until the municipal authorities do make the proper provision.

The attention of the governor was called in July last to the propriety of the State's providing for this class of unfortunates; to which he replied, that the legislature had not made any provision for their maintenance, and, in addition, that the State asylum was already crowded to its utmost capacity.

The surgeon notices the insufficiency of the hospital ration as allowed. This matter has been discussed heretofore, as well as the matter of the necessity of an insane asylum; but as, so far, nothing has resulted, the recommendation that the ration be the same as issued to sick soldiers could not but be specially noticed here.

The suggestion made during the last summer for establishing a central asylum at Louisville, Kentucky, or some other point possessing facilities of ready access, to be under the control of the bureau, is renewed.

There having been no superintendent of education appointed by me, therefore, in all matters relative to schools, I beg leave to refer to the education reports of Dr. Joseph Warren, for the current year ending June 30, 1866, forwarded from this office July 12, ultimo, and to the report furnished under date of October 31, 1866, which includes the time intervening between the close of the current year and this date.

But little can be said of the receiving and disbursing officer's business. The report accompanying shows an expenditure for the month last past of \$4,215 32 of the congressional appropriation moneys. The total of disbursements on account of the "refugees' and freedmen's fund" assumed a total of \$8,856 49. This, however, is inclusive of \$8,000 turned over to Mr. Joseph E. Davis, to whom, on the 1st of January, proximo, will be restored his property on "Palmyra or Davis's Bend," and the rents accruing thereon from the 20th day of March last past, the date of Mr. Davis's pardon, exclusive of all expenses of collecting and apportioning said rents, and all and any moneys paid to the use and benefit of said property. This, by express stipulation between Mr. Davis and myself, will be three-fourths of the amount of the rents, after all the expenses and expenditures mentioned are deducted from the gross amount collected. This sum turned over to Mr. Davis, it was ascertained, could not be equal to the amount which would be due him when the necessary deductions had been made; therefore, it appeared as well that the money already collected should be, in the hands of Mr. Davis as in the custody of the government, with all the necessary risks.

From the foregoing may be deduced these facts : that the return of civil law to its proper authority has reduced the number of freed people under immediate bureau control and charge to only the indigent, sick, and insane ; that for the direct control of this bureau over the freed people is substituted the highly necessary duty of advising them as to the course to be pursued in securing to them their rights to the peaceful enjoyment of life, and the protection of their property ; that their condition is improving, slowly it may be, but surely ; that their treatment by the higher classes is an example which will sooner or later meliorate the usage which they, like all weaker classes, receive from the more thoughtless and lower order of people, who affect to rule by brute force ; that the self-confidence and esteem engendered in the mind of the freedman by the knowledge that he can alone effect just what the white man can in procuring his rights ; that he is just as free and endowed with the same rights, has an elevating influence which will place the freedman in a position to know and demand what has heretofore been denied him, viz., the protection of the same law which governs the white man.

During the year, reports derogatory to the system of contracting, advised at the beginning of the planting season, were made, based upon the fact that abuses had arisen under it.

The fact that there were such abuses does not prove that there would not have been just as great abuses under any other plan securing the necessary labor, and upon careful reflection, as herein before observed, this still appears the most feasible plan for the coming year.

I am, general, very respectfully, your obedient servant,

TH. J. WOOD,

Brevet Maj. Gen. U. S. Army, Ass't Commissioner.

Major General O. O. HOWARD,

Commissioner, &c., Washington, D. C.

NORTH CAROLINA.

BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
HEADQUARTERS ASSISTANT COMMISSIONER,
Raleigh, N. C., November 8, 1866.

GENERAL: I have the honor to submit the following report of the operations of the Bureau of Refugees, Freedmen and Abandoned Lands in the State of North Carolina during the year ending October 31, 1866.

It is a subject of congratulation, on reviewing the past, to see the great good that has been accomplished in the elevation of a race of people to a sphere which their habits and education, and the opposition of their former owners made it extremely difficult for them to understand.

The beneficial results of the workings of the bureau are everywhere apparent, although there have been many difficulties surrounding its operations, owing to the lingering animosity of a portion of the people, and the frequent attempts of the public press of the State to bring it into disrepute and contempt.

At the last census the colored population of this State was 361,178, and one year ago the State was filled with freedmen depending upon government for support, many of whom were not worthy objects of its generosity. By a vigorous effort this latter class were thrown upon their own resources ; energetic measures were inaugurated to better the conditions of those really in need, and the happy results were soon apparent, for as the year advanced the tax upon the government became less severe. The scattering of assemblies in and around

all the supply depots, by opening avenues for industry and the acquirement of homes, was attended with great success, and the gratifying result of a general inclination to obtain work has developed itself.

At this time there are less than four hundred freed people drawing rations from the government. The State is divided into four districts, each of which is under the superintendence of a field officer. These districts are divided into sub-districts in charge of captains and subaltern or of citizen agents. The whole number of officers of the military service connected with the bureau in this State is thirty-six; number of citizen agents, eleven.

On assuming the duties of assistant commissioner I found many persons employed as agents and clerks who had not taken, and in many cases could not take, the oath of office required by the acts of Congress establishing and continuing the bureau. The law upon this point has been rigidly enforced, and at this time none but those duly qualified are holding positions.

I regret to state that the reports I have received from district superintendents do not enable me to report as fully on some points as could be desired. They give as a reason for failing to make as full reports as required that, in consequence of the numerous changes of officers during the year, and the imperfect manner in which some of the records have been kept, they are unable to give all the information for which I have called.

ADMINISTRATION OF JUSTICE.

Having in the month of July received a communication from the executive of this State, informing me that, by the action of the last legislature and the late State convention, there existed under the laws of the State no discrimination in the administration of justice to the prejudice of freed persons of color, I issued the following orders :

[General Orders No. 3.]

BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
HEADQUARTERS ASSISTANT COMMISSIONER, STATE OF N. C.,
Raleigh, North Carolina, July 13, 1866.

His excellency the governor of North Carolina having officially notified the assistant commissioner that "there now exists under the laws of this State no discrimination in the administration of justice to the prejudice of free persons of color," all officers and agents of the bureau will hereafter refer all cases to which freedmen are parties to the proper county or State authorities, according to the nature of the case, with the single exception of claims for wages due under contracts approved or witnessed by officers or agents of the bureau, which, not admitting of delay, will be adjudicated as heretofore.

In case of any failure, neglect, or inability of the civil authorities to arrest and bring to trial persons who have been or may hereafter be charged with the commission of crimes and offences against officers, agents, citizens, and inhabitants of the United States, irrespective of color, officers in charge of districts are hereby directed to arrest and detain such persons in military confinement until such time as a proper judicial tribunal may be ready and willing to try them.

By command of Brevet Major General Robinson, assistant commissioner :

CLINTON A. CILLEY,
Assistant Adjutant General.

[General Orders No. 5.]

BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
 HEADQUARTERS ASSISTANT COMMISSIONER, STATE OF N. C.,
Raleigh, North Carolina, August 3, 1866.

General Orders No. 3, current series, from these headquarters, having been misunderstood, it is ordered, to prevent further misapprehension, that all claims for wages made by freedmen, under contracts not approved or witnessed by officers or agents of the bureau, will be turned over to the civil authorities for adjudication. The nearest officer or agent of the bureau will, when practicable, attend the courts during the trial of such cases, and report upon the action taken, in order that, if it is apparent that the freedmen are unnecessarily delayed in the collection of their claims, jurisdiction over the cases may be resumed by the bureau.

By command of Brevet Major General Robinson :

CLINTON A. CILLEY,
Assistant Adjutant General.

I have had but little cause to regret my action in this matter. In some parts of the State the courts have acted fairly and impartially, and it has put an end to the frivolous and vexatious charges that the freedmen were constantly making to bureau courts against the whites, and against one another.

In other sections complaints have been made that the civil courts and authorities have in many instances paid no attention to cases where Union men or freedmen were complainants, and have been unnecessarily severe when they were defendants. There the freedmen have but little confidence in the justice of the civil courts, but they have been protected in their rights by the officers of the bureau. This want of confidence is principally in the action of inferior courts. The superintendent of the central district says: "In my opinion the freedmen, whether plaintiffs or defendants, will be more likely to receive justice in the superior courts than before any other tribunal."

When otherwise not engaged, officers of the bureau have been employed in giving counsel and advice to the freedmen in the general management of their affairs, looking to the fulfilment of contracts and obligations, presenting their cases to the civil authorities, aiding them in the prosecution of the same in the courts, and in all other things where they seek advice, and in attending courts during the trial of cases in which freedmen were parties.

APPRENTICING.

In some counties the apprenticing of children has been carried on by the courts in such a manner as to demand forcible interference. Children have been taken from their parents, who were able and willing to support them, and bound out to their former masters and owners until they are twenty-one years of age, which can only be regarded as an attempt to re-establish slavery under the mild name of apprenticeship. All cases of this nature coming to my notice have been promptly examined, and the children returned to their parents, or to those to whom they had legally been bound. Superintendents of the districts were directed to cancel the indentures, and to allow no discrimination to be made between the children of whites or blacks. Persons having children bound to them are required to give bonds to the amount of \$500 to insure the faithful fulfilment of the contract, which requires, among other provisions, a certain amount of schooling, which includes reading, writing, and arithmetic.

ISSUE OF RATIONS.

Owing to irregularities in keeping record in some districts during the early

part of the year I am unable to give in all cases the proportions issued to whites and blacks, but the aggregate is correct, as follows :

District.	Whites.	Blacks.	Aggregate.
Central.....	2,000	82,106	84,106
Eastern.....	111,938	223,876	335,814
Southern.....	200	98,656	98,856
Western.....			89,964
Total issue in State.....			608,740

In consequence of the order discontinuing the issue of rations, I have reason to fear there will be much suffering during the coming winter, if I may judge from reports already made, and the indisposition and positive refusal of local and State authorities to provide for the destitute. In some cases want of means and accommodations is the excuse, and in all localities a rule requiring a residence of one year in the county before relief will be given. The parties requiring succor, in most cases, have either left or been driven from their homes by reason of persecution, and are now among strangers. Could they be returned to their original residences, there is no guarantee that they would be better provided for. Associations and landmarks are obliterated, and entire changes in communities render it almost an impossibility to prove a residence, if once returned.

I therefore recommend that assistant commissioners be allowed some discretion in regard to issue of rations in such cases.

It is perhaps worthy of notice that since the issuing of the order to discontinue the issue of rations, there is much less open opposition to the bureau than there was previously ; the local newspapers no longer assail it, and its benefits seem to have suddenly become manifold.

FREE LABOR AND ITS RESULTS.

It has become a fact beyond contravention that the free-labor system has entirely exploded the oft-repeated fallacy that the colored man will not labor except when guarded by the interests of others and urged by the artifices and compulsory means of involuntary servitude.

In all parts of the State evidences of an unmistakable character show what can be accomplished by free labor; the incentive to better their condition in life, by accumulating means for acquiring a permanent home; their improved appearance, and the heartiness of their efforts, show the beneficial results. Much more will be accomplished, as each succeeding year breaks down the barriers now erected by a people unwilling to acknowledge the success of emancipation. Much that would have been accomplished has failed to some degree, owing to the poverty of those to whom they would be able assistants if the material requisite for rapid improvement were more available; and when it is considered, in connection with such drawbacks, how small the harvest has been, by reason of natural causes, it is really a matter of great surprise that the system has proved so prosperous.

CLAIMS OF DISCHARGED SOLDIERS.

There appear to be no records on file of any business in the claim department previous to my assuming charge of this State in June last. Since that time the following business has been transacted :

Claims presented against United States government.....	310
Claims collected from United States government.....	.....
Claims presented for retained State bounty.....	400

Claims collected for State bounty.....	52
Amount collected and paid over.....	\$4, 304 51
Largest amount paid one person.....	108 33
Smallest amount paid one person.....	18 00

Much delay has been occasioned by the numerous rules to be observed, and which, in the cases of colored soldiers, are so extremely difficult to be complied with. The men composing this class are generally ignorant, and have few opportunities of becoming familiar with names, dates, and localities, which must necessarily be embraced in their applications. Destitute of means to pay civil officers for preparing their papers, in many cases, and in others, where possessed of means, they look with suspicion when fees are demanded, and lose confidence when delays occur. I think a discrimination should be made in favor of these people, by allowing papers in claims against the government to be executed entirely by a commissioned officer.

HOMESTEAD ACT:

The provisions of the homestead act have not applied to this State. Circulars upon the subject have been promulgated through the different districts, but there have been no cases where the freed people have availed themselves of its provisions; as a general thing they do not seem inclined to leave their homes in this State. In a few cases there seemed some inclination to do so, but the uncertainty of the movement and a lack of means prevented its consummation. More recently a move has been made by those residing on Roanoke island, with a view to removing to localities where inducements are offered by the act, and it is proposed to send an agent for the purpose of examination.

CONTRACTS.

The average rates of wages, under contracts made or witnessed by officers of the bureau, have been ten dollars per month for men, and six dollars per month for women.

In many cases the system of sharing the crops is in vogue. This system has operated badly, and the freedmen have been advised against it. They appear, however, to prefer it, although much complaint has been made by them in consequence of it, and more is anticipated. Farmers in some cases have, as the crops matured, discharged their hands under frivolous pretexts, in this way depriving the laborers of their share, and rendering it necessary for the bureau to interfere to protect their rights. In other cases they find little or nothing due them, in consequence of exorbitant charges for provisions and clothing furnished by the planter.

I shall recommend that all contracts hereafter made shall be for a stipulated amount in money, settlement to be made every month.

SCHOOLS.

The most gratifying results have attended this important branch of the bureau, and it is arguing against stubborn facts to say that colored people are not susceptible of intellectual improvement. It has neither been an idle nor useless experiment; on the contrary, examinations and comparisons show results that would be commendable in any schools for white children with the same opportunities.

The benefits of education are opened to old and young, and it is no unfrequent occurrence to witness in the same rooms, and pursuing the same studies, the child and parent—youth and gray hairs—all eagerly grasping for that which, obtained, they are intellectually regenerated, and are then prepared to enter the new career of life so long a sealed path to them.

As an evidence of the great interest manifested for acquiring knowledge, an instance, probably never before equalled in the history of education, is to be found in one of the schools of this State, where side by side sat representatives of four generations in a direct line, viz: a child six years old, her mother, grandmother, and great-grandmother, the latter over 75 years of age. All commenced their alphabet together, and now each can read the Bible fluently.

Night schools have met with gratifying success, and are eagerly sought for by those whose labors are of such a character as to prevent their attendance during the day. The importance of these schools can hardly be overestimated, when it is considered how many are thus given the opportunity of intellectual improvement who otherwise would remain in deplorable ignorance.

Sunday schools have been established at many points where teachers reside. As the records of them have not been incorporated in the educational branch of the bureau, no statistics can be given, but it is evident much good has been accomplished by their establishment, and no estimate can be made of the beneficial results of their full development.

On the 1st of November, 1865, there were in the State 61 schools, 97 teachers, and 5,172 scholars; during the ensuing four months (the most favorable months for schools) the number increased very rapidly, and at the close of February there were 115 schools, 151 teachers, and 11,314 pupils. As spring advances the demand for labor withdraws many from their studies, which, in connection with an epidemic prevailing in many parts, materially lessened the number, and the school year ended June 30, 1866, with 119 schools, 135 teachers, and 9,084 pupils. From the 30th of June until October 1 was the vacation season, and many of the schools were entirely closed during that time. The new school year commenced October 1, with 68 schools, 62 teachers, and 3,493 pupils. There have probably been no less than 20,000 colored people receiving instruction during the past year. The means of carrying on these schools are chiefly obtained from benevolent societies at the north, but the freed people have contributed liberally, and in some places entirely sustain their institutions. The bureau has also given valuable aid by furnishing accommodations and protection. Many obstacles present themselves to retard the operations of this department, among which may be enumerated: 1st, want of sufficient accommodations and suitable buildings; 2d, unfriendliness and opposition of the resident citizens in many places; 3d, an inability to supply a sufficient number of teachers, &c. When so many hindrances are surmounted, and the success of the experiment is so great, too much credit and praise cannot be bestowed upon those who have interested themselves in this great work.

DISBURSING BRANCH.

There being no records of disbursing officers on file previous to June last, I can give no report beyond that period, at which time I appointed Brevet Lieutenant Colonel J. D. Stubbs, assistant quartermaster, as financial officer for the State, who reports receiving no data from his predecessor, and can therefore only give receipts and disbursements from June 25, 1866, to October 31, 1866, as follows:

REFUGEES AND FREEDMEN'S FUND.

Received from Colonel M. C. Garber.....	\$1, 927 42
Received on account of fines, &c.....	1, 573 66
Total receipts.....	3, 501 08

Expended	\$2, 179 85
Transferred to Colonel G. W. Balloch.....	1, 068 23
Remaining on hand	253 00
<hr/>	
Total	3, 501 08
<hr/> <hr/>	

APPROPRIATION FUND.

Received from Colonel G. W. Balloch.....	\$21, 992 34
<hr/> <hr/>	
Expended	\$15, 572 58
On hand	6, 719 76
<hr/>	
	21, 992 34
<hr/> <hr/>	

QUARTERMASTER'S DEPARTMENT.

The following property, formerly in possession of the so-called Confederate States, has been siezed and taken up by the quartermaster of the bureau for this State: At Wilson, North Carolina, four frame buildings and eight log houses; at Salisbury, the "prison lot," containing about 15 acres, and the "distillery property," containing about 23 acres, with nine buildings and nine sheds; near Lincolnton, three brick and two frame buildings, 7,000 pounds castings, two sets quartz crushers, one three-horse steam boiler, two wood spur-wheels and frames, one water wheel, and 170,000 fire bricks in kiln; at Charlotte, the "navy yard property."

The Salisbury prison lot has just been sold. The distillery property is now used for hospital purposes. The property at Charlotte, consisting of two lots 100 x 612 feet, and the buildings on the grounds of the Mechlenberg Agricultural Society, will be offered for sale November 22.

The following statement shows the buildings received from the quartermaster's department and their disposition:

Location.	Total number received.	Restored to owners.	Sold for school and church purposes.	Remaining on hand.	
Weldon	7			7	Confed.
Goldsboro'	9	4	4	1	...do...
Greensboro'	20		20		...do...
Salisbury	1			1	...do...
Charlotte	20		5	15	...do...
Newbern	13			13	U. S.
Moorehead City	15		1	14	...do...
Total.....	36	4	30	51	

Statement of clothing received from the quartermaster's department and issued to freed people:

Hats.....	513
Flannel sack coats	641
Great coats	260
Trowsers, pairs.....	1, 252

Jackets	80
Flannel shirts	200
Bootees	200
Wool blankets	818
Infantry private coats	9
Negro brogans	1, 955
Canton flannel drawers	217

Statement of stores pertaining to Bureau of Refugees, Freedmen and Abandoned Lands, received and issued during the year to freed people :

Blankets	100
Bed sacks	302
Pillow ticks	390
Pillow cases	220
Sheets	70
Towels	290
Surgical shirts	653
Hospital shirts	270
Socks, pairs	100
Handkerchiefs	165
Under garments	155
Girls' dresses	30
Girls' skirts	30
Slips	36
Girls' capes	48
Flannel skirts	455
Infantry jackets	51
Vests	17
Pants	32
Coats	19
Shirts	65
Shoes, pairs	10
Women's shirts	126
Women's dresses	126
Sacks	43
Children's aprons	12
Spectacles, pairs	12
Flannel drawers	433
Wrappers	24

MEDICAL DEPARTMENT.

During the year ending October 31, 1866, 24,130 persons received medical aid, as follows :

Sick of all kinds	12, 007
Child birth	598
Vaccination	11, 525
Total	<u>24, 130</u>

In the beginning of the year the freedmen in the several camps and settlements in the State numbered about 14,000, most of whom were wholly unable to provide for themselves proper care in case of sickness. There were also a large number of indigent freedmen scattered through the large towns. For the cure of these physicians were supplied, medical stores provided, and hospitals established, care being taken at all times that none but the needy should receive aid from the government. Hospital outfits have been prepared to ac-

commodate 600 patients, and hospitals have been organized at the following points: Raleigh, Newbern, Beaufort, Roanoke island, Kingston, Wilmington, Salisbury, and Charlotte.

The buildings used for hospitals are, in most cases, captured property, and formerly used by the rebel authorities either as hospitals or barracks. During the winter and spring months small-pox prevailed to a considerable extent in all parts of the State, except the western, and hospitals for the treatment of the disease were opened in Beaufort, Newbern, Raleigh, Greensboro', Kingston, and Wilmington; the civil authorities of these towns (except Wilmington) doing nothing towards the care of the sick. The greatest exertions were used to check the progress of this disease. All unprotected persons who could be found were vaccinated; the old clothing of patients was destroyed and new suits furnished them when discharged from the hospitals. Vaccine virus was distributed among owners of plantations, and thorough vaccinations encouraged everywhere. The small-pox hospitals in Beaufort and Greensboro' were closed in May, and the one at Raleigh in July. The disease has now almost entirely disappeared, there being but twelve cases under treatment during the past month.

Vegetable gardens were established in connection with several of the hospitals, in accordance with instructions from the Commissioner of March 15, 1866, the result of which, though of considerable advantage in two instances, were not in the main as beneficial as desired, owing to the lateness of the season in planting, together with the unproductive nature of the soil where the hospitals are located.

Dispensaries for the treatment of the less severe cases of disease have been in operation during the year at Newbern, Wilmington, and Raleigh.

At the commencement of the year there were seven medical officers on duty, employed under contracts, at a salary each of \$100 per month; since that time the number has been increased to nine, who are at present employed.

Dr. A. A. Chase, who had been on duty at Raleigh since January last, died on the 13th of October, 1866, while in the service of the bureau.

The greatest number of hospital attendants hired at any one time has not exceeded thirty. There are at present twenty-nine attendants on duty under contract; this includes stewards, wardmasters, cooks, &c., at a cost of about \$306 per month, or an average of \$10 51 per month for each person, exclusive of rations.

Great attention has been given to the condition of the homes of freedmen during the year. The various camps and settlements have been frequently inspected, and measures of improvement enforced when necessary. In May last a circular was issued by the assistant commissioner containing instructions in reference to the sanitary condition of camps, &c., and each assistant superintendent, in company with the medical officer on duty in his sub-district, was directed to make an inspection of all camps and houses of freed people under his jurisdiction once every week. This circular also directed officers stationed in cities or towns to co-operate with the civil authorities in all matters pertaining to the public health.

Lime in considerable quantities has been distributed during the last six months to those unable to purchase it, at the expense of the bureau.

The health of the freed people generally has been much better during the summer and fall than in the corresponding seasons of 1865. There has also been a great difference in the small amount of mortality among the sick compared with that for the same months of the year previous.

Except from small-pox, from which this State has not been entirely free for several years, there has been no epidemic of any sort. Of cholera, so much dreaded during the spring and summer, there has not been a single case reported.

Although the restrictions in regard to the admission of the colored insane into the State insane asylum was removed last July by the action of the

supervisors of that institution, only one case out of six properly applied for has been admitted. The difficulty arises from the State law requiring they shall be admitted from some county, which is taxed for their support; but the county is not required to become responsible unless the person has been a resident thereof one year; and it is extremely difficult, and in many cases impossible, to determine where the parties belong. The best disposition in such cases seems to be to have them admitted to the State asylum as paying patients, and the bureau becoming responsible for their expenses for the time being. There are now five insanè colored people under the charge of the bureau, three in hospital at Newbern and two at Salisbury.

The following tables will show in detail the operations of this department of the bureau during the year ending October 31, 1866.

Hospitals.

	Average No of beds during year.		Average No. of attendants.	
	Occupied.	Vacant.	Male.	Female.
1865.				
November.....	155	182	10	22
December.....	200	202	16	28
1866.				
January.....	238	195	21	32
February.....	237	228	23	34
March.....	280	260	20	33
April.....	284	214	20	33
May.....	225	313	16	30
June.....	171	368	18	20
July.....	209	345	16	18
August.....	212	343	16	19
September.....	234	321	15	20
October.....	233	292	14	17

Births and vaccinations.

	Births, males.	Births, females.	Number of persons vaccinated.
1865.			
November.....	5	6	511
December.....	27	39	378
1866.			
January.....	7	11	329
February.....	30	50	1,779
March.....	26	31	3,580
April.....	29	32	1,642
May.....	28	31	560
June.....	31	41	407
July.....	26	28	361
August.....	27	22	597
September.....	18	23	646
October.....	15	15	235
Total.....	269	329	11,525

Contagious and non contagious diseases treated during the year ending October 31, 1866.

	Contagious.			Non-contagious.		
	Total under treatment in the month.	Died.	Percentage of deaths.	Treated during month.	Died during month.	Percentage of deaths.
1865.						
November	94	27	28.7	1,381	125	9.05
December	90	40	44.4	1,339	99	6.64
1866.						
January	101	43	47.7	1,234	57	4.61
February	194	33	17.0	1,251	56	4.47
March	242	63	26.3	1,431	46	3.28
April	146	44	30.1	1,293	37	2.86
May	104	31	29.8	1,213	39	3.21
June	83	23	26.1	1,050	55	5.23
July	133	10	7.51	1,233	34	2.75
August	83	2	2.4	1,927	53	2.75
September	28	1	3.57	2,045	61	2.98
October	12	0	0.0	1,557	47	2.01

Tabular statement of all cases under medical treatment during the year.

	Remaining under treatment.	Gained during month.	Number under treatment dur'g month.	Discharged dur'g month.	Died dur'g month.	Percentage of deaths in month.	Remaining at end of month.
1865.							
November	564	911	1,475	964	152	10.0	359
December	359	1,070	1,429	788	139	9.72	502
1866.							
January	502	833	1,335	699	100	7.49	536
February	536	909	1,445	733	89	6.15	618
March	618	1,062	1,680	903	109	6.40	668
April	668	771	1,439	743	81	5.62	615
May	615	702	1,317	790	70	5.31	457
June	457	681	1,138	583	78	6.85	477
July	477	889	1,366	709	41	3.29	613
August	613	1,397	2,010	1,232	55	2.74	723
September	723	1,350	2,073	1,317	61	2.94	695
October	695	868	1,563	907	47	3.0	609
Total		11,443		10,373	1,025		

By the above tables it will be seen that there were sick on November 1, 1865..... 564
 Taken sick during the year..... 11,443
 Total number of cases treated..... 12,007
 Discharged from treatment..... 10,373
 Died..... 1,025
 Remaining under treatment October 31, 1866..... 609

ORPHANS.

An orphan asylum for freedmen has been established at Middle Sound, eight miles from Wilmington, by the American Missionary Society. Since May 29, 1866, forty-two children have been admitted. Since then three have been apprenticed to good homes. There are now thirty-one inmates, nearly all of whom are under seven years of age. There is also, near Newbern, the "Orphans' Farm," for destitute orphans of color. This farm is cultivated under contract, the bureau furnishing all the laborers, rations, and quarters. The produce of the farm is to be equally divided, and the portion belonging to the bureau being appropriated for the use and benefit of destitute freedmen and orphans. There are at present thirty destitute freedmen and orphans upon the farm.

ABANDONED LANDS.

During the year ending October 31, 1866, the following properties were restored: 29,314½ acres; 126 lots, houses, &c.; 14 plantations. And there now remain in charge of the bureau 3,493½ acres, 13 lots, houses, &c.

REMARKS.

The following remarks and suggestions of the superintendent of education are worthy of consideration, although it may not be deemed advisable for the general government to adopt the plan proposed:

"In conclusion I have but one suggestion to make in regard to the work for the future, and that I make with great hesitation and distrust, lest it may seem too radical and impracticable. It has reference to the removal of the two grand obstacles to much future progress in this work. The obstacles referred to are the pressing need of proper school buildings, and a sufficient supply of well qualified teachers, supported without expense to the freedmen. With the necessary buildings and teachers, it were comparatively easy fully to supply the great mass of the freedmen throughout the State with schools in a single year; but without largely increased facilities for securing these two indispensable means of success, little further progress can be made, and the masses of the people must remain unreached. The freedmen have not the ability to provide them, and will not have them for at least two or three years, and then but partially.

"The benevolent societies are compelled, for want of sufficient funds, to curtail their operations at a time when the cause demands large expansion. In view, therefore, of the discrepancy between the inadequate and declining resources of these societies, (on whom we have thus far depended,) and the growing demands of this work, the only adequate course of help I can see is the national government, and my suggestion is that application be made to Congress to provide, at the expense of the government, a sufficient number of buildings and teachers to establish at once a full supply of schools to meet the educational wants of the ignorant and needy freedmen. As time advances the latter will require, in large numbers, either school-houses or jails, and the more of the former provided for them, with good schools, the less of the latter, and the government can infinitely better afford to educate the race than to support the vices and crimes that must grow from their ignorance."

Every effort has been made to break up the colony of freedmen on Roanoke island, but there are still seventeen hundred colored persons remaining there, living upon lands seized by the government and divided into one acre lots.

The place is barren, and there is every appearance of great destitution during the coming winter. To remedy this the superintendent of the eastern district and the assistant superintendent on the island recommend that the land be restored to the original owners, so as to compel the freedmen to remove to other points, where they can procure employment. I have made arrangements for the

transportation of these people from the island, and have reason to believe that great numbers of them will be induced to leave during this month.

I have no suggestions to make contemplating any changes in the operations of the bureau. More has already been accomplished under the present system than could reasonably have been expected, and our efforts to improve the condition of the freedmen have been crowned with success.

In consequence of delay in receiving the returns of superintendents of districts this report has been hastily prepared, and as I am obliged to leave here this evening to take command of the department of the South, have not time to revise it.

I have the honor to remain, very respectfully, your obedient servant,
JOHN C. ROBINSON,

Brevet Major General U. S. A., Assistant Commissioner.

Major General O. O. HOWARD,
Commissioner, &c., Washington, D. C.

SOUTH CAROLINA.

HEADQUARTERS ASSISTANT COMMISSIONER OF
BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
Charleston, South Carolina, November 1, 1866.

GENERAL: I have the honor to report that I assumed control of the Bureau of Refugees, Freedmen and Abandoned Lands in this State on the 20th day of January, 1866, under Special Orders No. 2, headquarters Commissioner Bureau of Refugees, Freedmen and Abandoned Lands.

On entering upon the duties of my office I found no record of any description, my predecessor having taken them, as he said, to enable him to make up his report. The war having just closed, the people were returning in great numbers to their homes from the north and from the interior, whither they had fled to avoid the approach of our army. Everything was in confusion, all the abandoned property in the State, including houses and plantations seized by the agents of the United States treasury, had recently been turned over to the bureau. Upon the officers of the bureau, therefore, devolved the delicate and arduous duty of determining the validity of claims for the restoration of this property to its original owners. Of the houses situated in the city of Charleston, the greater number were leased at a nominal rent, (say from two to twenty-five dollars per month,) until such time as they should be restored. The returns for rent amounted at first to six thousand dollars per month, but are now reduced to fifty dollars. The total receipts for rent from January 20, 1866, to November 1, amounted to two thousand eight hundred and ninety-three dollars, which sum has been duly accounted for by Brevet Lieutenant Colonel James P. Low, chief receiving and disbursing officer for this State. Of the seven hundred and forty-eight houses and lots which were in possession of the bureau January 20, 1866, I have restored seven hundred and twenty-eight, and of the three hundred and twelve thousand eight hundred and eighty-eight acres of land in plantations, I have restored two hundred and eleven thousand one hundred and ninety-three acres. (Attention invited to report appended and marked A.)

I found the freed people in a most wretched condition from want of clothing and food. They were treated generally in a most cruel and, in many instances, a most barbarous manner by their former masters, who seemed to be doubly bitter because they could no longer hold them as slaves. Outrages, such as whipping, tying up by the thumbs, and shooting, were of daily occurrence, and the force of troops in the State was totally inadequate to meet the demands

made upon it for ferreting out and arresting the perpetrators of these outrages. Gangs of outlaws, styling themselves "Regulators," were formed in some of the State districts, who committed these outrages not only upon the persons of freed people, but upon loyal white citizens, whose houses were often burned, and they themselves driven from their homes. It has been reported at these headquarters by officers of the bureau that these *soi-disant* regulators offered to kill any freedmen who refused to contract with the planters for a fixed sum per head. The civil authorities were powerless to act, had they had the will to do so; the military were sent out, but could accomplish little, there being no cavalry in the State, as the outlaws were mounted. The inhabitants would give no information against them, whether from fear of their vengeance or because of collusion with them I am unable to judge. At present these bands are less numerous, although outrages are still rife throughout the State, especially in Barnwell, Edgefield, Newbury, and Chester districts. (See report marked B.)

The aged and infirm freedmen were turned off by their former owners, in whose service they had spent their strength, to shift for themselves, and had not this bureau extended aid to them, very many would inevitably have perished on the highways. Camps and hospitals were established, and large numbers of these wretched victims of slavery were gathered together and fed and clothed by the bureau. Many white persons, suffering extreme poverty, were also supplied with food and clothing. On issuing days might be seen the white lady of respectability standing side by side with the African, both awaiting their turn to receive their weekly supply of rations.

The next great question which presented itself to me was that of free labor. Although nearly a year of peace had intervened since the first organization of the bureau, but little had been accomplished towards putting into operation the free labor system. It is true, all talked of the necessity, but all agreed that the only way a negro could be induced to work would be under a system of forced labor, and the planters demanded in many cases that the people be forced to leave the plantations and give place to white laborers; others were willing to try them under a system of contracts that would give the land-owner as absolute control over the freedmen as though he were his slave. Thus a conflict arose between the land-owner and the laborer, the former struggling to retain absolute control, and the latter determined to maintain his newly acquired freedom to its full extent. In view of these facts I issued a circular containing a form of contracts for the guidance of all, which, though not in all respects such a contract as my judgment approved, was yet perhaps as fair as the extreme notions of the people would admit of. In the interior of the State many contracts had been approved by officers in command of troops but not connected with the bureau, and, I regret to say, so inconsistent with justice and the principles of free labor that I was compelled to cancel them. It was evident that the contracts were made by the planters with a sole view to their own interests and without reference to those of the freedmen; the only interest the officer approving the contracts had seemed to be to secure the fee of fifty cents for each signer, which fee was paid by the planter. This money was not accounted for to the assistant commissioner, save in a few instances, hence it was a direct bid to unscrupulous officers to persuade as many freedmen to contract as possible. The order allowing the collection of this fee was revoked as soon as it came to my knowledge; these officers were soon mustered out of service, but their speculation was not known until after they had left the State.

That free labor is a success there can be no doubt; in every instance where it has been tested by practical and fair-minded men, who were willing to treat black men as laborers are treated in other parts of the country, the results have exceeded the expectations of the most sanguine, notwithstanding the unfavorable season. In the rice crops the success has been more apparent than in cotton,

as the planter was not entirely dependent upon rain to irrigate his crop. Though not so large an area of ground was planted, yet the average per acre will be equal to any former year; but the corn crop throughout the State is a failure, and will not subsist the people for three months. This failure of the crops is owing mainly to the excessive drought, and not to want of proper care on the part of the freed people.

As near as can be ascertained, eight thousand contracts were approved by officers of the bureau in this State during the past season, and one hundred and thirty thousand freed people labored under these contracts.

On the sea islands, affected by General Sherman's Field Order No. 15, the freed people have become so completely imbued with the idea that they were to have the lands of their former owners as a permanent inheritance, that it was only after carefully explaining to them the consequences of opposition to the policy of the government that they could be made to understand the necessity of conforming to the system adopted by the bureau in locating lands under the military order. This task was the more difficult from their having occupied the islands under such positive assurance from men whose high official position would seem to justify the claimant in resisting any encroachments upon his supposed privileges. But the great misfortune was that but few had located their lands in accordance with the provisions of the order under which they were claimed. It very often occurred that while the people claimed land upon, and cultivated one plantation, they held a certificate for land upon another, or had located themselves upon one island, and held certificates for lands upon an adjacent island. Thus, from their ignorance, very many failed to comply with the conditions of the order under which they were entitled to claim lands. I was at once met with demands from the land owners, who had either received a special pardon or did not come under any one of the classes excepted in the President's amnesty proclamation, for the restoration of their lands, claiming in very many cases that parties living on their plantations held no certificates, or that the parties who did hold certificates did not live upon them, but were cultivating other plantations. I therefore found it necessary to adopt some rule for the guidance of officers charged with the settlement of the very difficult question of what constituted a valid certificate; hence, in view of the great irregularity in locating claim, I instructed the officers to confirm only those certificates where the holders lived on the plantations upon which the certificates were given, and had cultivated a crop during the year 1865 on the same. This rule greatly reduced the number of claims, and yet the land owners held that great injustice was done them, but I am glad to say that the freedmen generally submitted quietly to the rule, although in many cases it seemed to operate injuriously to their interests.

I regret to say that while my officers were carrying out these instructions the military commander of the post of Colleton, which included the sea islands, proceeded to enforce the provisions of General Orders No. 1, headquarters department of South Carolina, requiring all freedmen who refused to contract to remove from the plantations within ten days after such refusal. In executing this order he sent small detachments of troops to different plantations with instructions to offer to the people the alternative of accepting such contracts as he himself should propose, or such offered by the planters as he should approve, or of leaving the plantation. This course produced great confusion among the freedmen and serious embarrassment to the bureau, as the assistant commissioner had sole jurisdiction in all matters pertaining to contracts between freedmen and whites. The officers of these detachments in many instances took from the freedmen their certificates, declared them worthless, and destroyed them in their presence. Upon refusing to accept the contracts offered, the people in several instances were thrust out into the highways, where, being without shelter, many perished from small-pox, which prevailed to an alarming extent among them. These facts being reported by surgeons of the bureau on the

islands, I remonstrated with the officer commanding military district of Charleston, (see letter marked C,) also with the commander of the department, (see letter marked C,) the result of which was a meeting of conference at which the right of the assistant commissioner to determine the validity of land claims was conceded; but the subsequent course of the post commandant at Colleton did not justify the expectations based upon this concession, for an order was subsequently issued by him to his officers on the island to disregard all orders from the bureau. The assistant commissioner, the planters, and the freedmen have been suffering ever since from this unwarrantable action. The freedmen did not feel bound to abide by a contract forced upon them. This was especially true of those who felt that they had a valid claim under General Sherman's order to the land from which they were ejected.

There has been a large amount of transportation furnished to both refugees and freed people to remove them to their former homes, or to points where the government would be relieved of their support; the necessity of this grew out of the fact that as the lines of the army were advanced, people kept moving their slaves to the interior, to prevent their being freed by coming within our lines; therefore, when peace was restored, and with it their plantations, they had no laborers to cultivate their land, or means to bring back the freed people from points to which they had been removed. At an early day I discovered that all officers commanding posts assumed authority to grant transportation at their own discretion to all parties either white or colored who asked for it, and that in many instances it was granted without any justifiable reasons, and I found it necessary to disapprove a large number of orders given to white citizens at Summerville for transportation to various places in the State and return, on private business, which orders were clearly in violation of the provisions of General Orders No. 138, Adjutant General's office, 1865.

The number of persons receiving transportation during the year was fifty-six refugees and 1,859 freed people. (See report appended, marked D.) In addition to this, transportation has been furnished refugees and freed people to go north to rejoin their friends or find employment; but the utmost care has been exercised to bring the transportation within the provisions of General Orders No. 138, Adjutant General's office, 1865.

The schools for freed people in this State are in successful operation, under the supervision of Mr. R. Tomlinson, who by his energy and zeal has done much to establish them on a permanent basis. There is a strong desire on the part of this race of people to obtain the knowledge which was denied to them while in the bonds of slavery; their progress is very creditable to them, and their examinations would not be discreditable to a school of white children under the same circumstances. Much opposition is thrown in the way of establishing schools for their education by the citizens in some of the districts of the State, who seem determined to keep these poor people as ignorant as they were when slaves; but in some of the other districts the people feel the necessity for the education of this class of people. The teachers from the north are denied board in all southern families, yet I am happy to say that, with a few exceptions, they are among the most self-denying, laborious and useful members among the different agencies of the bureau. It is interesting to see the avidity with which the freed children avail themselves of the means of instruction offered them. There are thirty-eight schools established, employing 91 teachers, and they have an attendance of 5,465 scholars. (Attention invited to report appended, marked E.)

I found the medical department of the bureau managed by Surgeon Wm. R. De Witt United States volunteers, in an able and satisfactory manner; hospitals were established at different points in the State where they were most required, and there were treated all who came under the denomination of indigent refugees and freedmen; much suffering has been alleviated, and many lives saved

thereby, which otherwise would have been sacrificed for want of proper attention; there have been 4,888 refugees and 41,391 freed people treated in the hospitals during the year. (Attention invited to report appended, marked F.)

The quartermaster department, under the charge of Brevet Lieutenant Colonel James P. Low, assistant quartermaster, has been administered in a very efficient and economical manner, and a large amount of property has passed through his hands; the promptness of this important branch of the bureau has aided much in the successful administration of affairs. (Attention invited to report marked G.)

In June I assumed command of the military forces in the State of South Carolina, under the provisions of General Orders No. 32, War Department, Adjutant General's office, and General Orders No. 1, department of Carolina, in addition to my duties as assistant commissioner.

It was supposed that this arrangement would enable me to combine the operation of the bureau and the military in such a manner as to establish harmony and induce unity of action, but I soon found that my command of the military was only nominal. The department commander reserved to himself the right of ordering the movements of troops, and the establishment of posts and garrisons; post commanders although my immediate subordinates, received with few exceptions their orders direct from department headquarters, hence I was merely the medium for the transmittal of orders; therefore I cannot be held responsible or receive any credit for anything which has been done in a military line; but still something was gained, even amid these difficulties. I was enabled to protect the freed people and order arrests, which I had not been able to do before I held military command.

Having thus given a cursory view of the general condition of the State previously, I will now report as to the condition of affairs at the present time. This State is divided into bureau districts, which are made to correspond as nearly as possible with the military posts into which the State is divided, (see General Order No. 26, appended;) each district is under the supervision of an officer, who is charged with the duties of acting assistant commissioner, and reports direct to these headquarters; some of the bureau districts are divided into sub-districts, which are as far as practicable in charge of officers, who report direct to the officer in charge of the district. Each State district or parish requires an officer in charge, but I have not been able to carry out my views for lack of officers.

Many of the officers in command of troops manifest an aversion to the bureau, and do not seem disposed to carry out its provisions, and I regret to say that the freed people in many localities fear the troops as much as they do their former masters. From remote districts, where no bureau officer is stationed, they have come on foot from 100 to 150 miles to ask justice at my hands, having no confidence in the officers commanding troops stationed near them.

The season is far advanced, and the freed people are busily engaged harvesting and gathering in the crops which they have so assiduously labored to cultivate during the summer months. They are anxiously looking forward to the division of the crops, when they are to reap the benefits of their industry and perseverance. This is one of the most critical periods in the experiment of free labor. Very much depends upon the fairness with which the crops are divided; and I regret to say that already many complaints are coming in regarding the treatment of the freed people by planters. Now that the crops are made, some of the planters are driving their laborers off the plantations without regard to the obligations of their contracts. They are driven off, in most cases, on such frivolous pretexts that it is evident that their object is to deprive the people of the just rewards of their labor. These instances are becoming more numerous daily, and it requires a strong and vigilant hand to protect their interests.

The planters in many localities have made contracts that appeared fair and

liberal on the face, but the freedmen, having neither provisions to feed their families, implements to cultivate the soil, nor seed to plant, were unable to carry out the contract. Under these circumstances it often occurred that land owners accused the freed people of laziness and neglect of the crops, while the freed people held that the land owners were in duty bound to advance them the necessary provisions to support them and their families until the crops came in. Great dissatisfaction has been the result. Therefore the planters will, in many localities, find it more difficult to procure labor next season than they did this. Already many of the freed people are agitating the question of removing to the west and locating on the homesteads recently provided by law of Congress. Many are going to Florida, where they have the promise of fair wages and kind treatment. Should the planters persist in pursuing this policy, they will drive their best laborers from the State.

Provost courts were established in June, 1865, under the provisions of General Order No. 102, department of the south, and before these courts were adjudicated all difficulties in which the freed people were either plaintiffs or defendants. These courts were composed of one assistant provost judge (an officer of the army) and two associate judges, (citizens.) The extent of their jurisdiction was to impose a fine not exceeding one hundred dollars and imprisonment not to exceed two months. The courts were established in every military district, and their decisions in most cases were satisfactory. Since I have been in command of this State, 1,197 cases have been adjudicated before these courts. Civil law was restored in October under the provisions of General Order No. 15, headquarters department of the south, and the provost courts broken up, save on the sea islands and the military reservation at Hilton Head.

The shortness of the time that has elapsed since the restoration of civil law will not enable me to draw any deductions as to the manner the civil courts will mete out justice.

All prisoners turned over to the civil authorities under General Orders No. 15, department of the south, charged with murder and other high crimes against freedmen, have escaped punishment either by the failure of the grand jury to find "a bill" against them, or, if tried, they were acquitted with but a single exception in Newbury district, where a white man was found guilty of murdering a freedman.

In confirmation of such of the foregoing general remarks as relate to the progress of affairs during the present year, especially those which refer to the difficulties encountered in the attempt to restore law and order in a community verging upon anarchy, the establishment upon the ruins of slavery of a system of free labor amid elements the most adverse, contending upon the one hand with the most helpless ignorance, and upon the other with ignorance combined with prejudice and determined opposition, I respectfully invite attention to the following extracts from the reports of the acting assistant commissioners in charge of bureau districts. I also refer to these extracts as supporting the conclusions at which I have arrived regarding the future of the free-labor system; the necessity, for the present at least, of its protection against the opposition of its enemies by a sufficient military force, and to secure for it a fair and impartial trial. In these extracts will also be found a corroboration of the remarks I have submitted in regard to the necessity of prompt and efficient measures against the outrages and crimes perpetrated with impunity in many portions of the State. The bureau having been held subordinate to the military, many obstacles have been thrown in the way of performing the duties assigned it by the act of Congress establishing it. Under the present military organization it is powerless to accomplish the work intended; even at posts where the commandant of troops and the acting assistant commissioners have each in their respective official capacities endeavored to accomplish the result desired by uniting their efforts and joining all the resources at their command, the combination has not

resulted in an increase of strength; and until the bureau has entire and unquestioned control over the affairs intrusted to its charge, its work will necessarily be, to a certain extent, slow and imperfect. The allusions of certain of the acting assistant commissioners who have had this additional and unanticipated difficulty to contend with are quoted in support of the suggestions I have made respecting this matter.

Brevet Lieutenant Colonel G. A. Williams, major sixth United States infantry, acting assistant commissioner bureau district of Charleston, says :

"The system of working by contract for a share of the crop has, I regret to say, proved a failure in this district except on James island. This is owing to several causes: the ignorance of the freedmen in regard to their obligations as citizens; the extremely unfavorable season; the influence of a large vagabond class, * * * and the disposition manifested by many of the planters to take advantage of the ignorance and improvidence of the freedmen. Very few of the freedmen have the slightest confidence in their former masters, or, in fact, in any rebel. On James island the contract system for a share of the crop has worked well, owing to the crop having been planted at the right time, and the hands having been orderly and industrious. The crop is a fair one for the land planted, and the laborers will realize about three hundred dollars per hand for their year's work. * * * In the majority of cases contracts have been more faithfully observed than was expected; and where difficulties have occurred, it has been rather from a misunderstanding of the terms of the contract than from a wish to avoid its obligations. * * *

"The experience of the past season has shown that free labor can be made a perfect success in this district, the many difficulties to be encountered during the first year of such an experiment having been overcome, provided the government retain sufficient authority here to restrain the disposition on the part of many whites to reduce the blacks to a condition as near that of slavery as possible. In a short time, as civilization and enlightenment extend into this State, the disposition may weaken and finally disappear; but at present, were the government to withdraw its protection from the freed people, their condition would be much worse than under the old system.

"The cotton crop is about three-eighths of a crop for the land planted; the rice crop is a fair one for the land planted, but the corn crop is an utter failure" * * *

"Owing to the failure of the corn crop there is much suffering, and should the government not authorize the issue of rations hundreds must perish from starvation. There is much suffering, too, from want of clothing, particularly for women and children, the bureau having no stores of this clothing. As the winter advances the applications for clothing and blankets increase, and I would recommend that if possible something be done to relieve this distress. Many of those belonging to the upper classes of society in this city are in actual daily want; the want of capital renders their lands worthless, and there is no sale for that description of property at present.

So judicious has been the administration of justice by the officers on duty in this district that applications are frequently made by whites that their differences may be heard and adjudicated by the sub-assistant commissioners, they having more confidence in the military civic courts than in their own local magistrates. * * *

"I have the honor to recommend that all parties be advised to contract in future for wages. The freedmen, in every case where this system has been pursued this year, have labored more faithfully and contentedly than where they have worked for a share of the crop. The system of 'task labor, too, must be gradually eradicated, and labor be controlled by the same laws that regulate it at the north, before any permanent advance can be secured.' * * *

"The increasing lawlessness on the part of the lower order of whites in sec-

tions of this district remote and difficult of access from this city, shows that were the military power withdrawn the 'civil rights act' would be a dead letter."

* * * * *

Lieutenant John C. Chase, sub-assistant commissioner of bureau, district of Georgetown, speaks as follows of contracts and the free-labor system: "In regard to contracts with the freedmen I find a great deal of discontent among the freedmen where they have agreed to work as laborers for a share of the crop. * * I am of the opinion that as money is the basis of free labor, it would be far better to employ the freedmen at a stipulated sum than for a part of the crop. * * The free-labor system is gradually working itself into favor, and some have even gone so far as to say that if the freedman will work they would prefer free to slave labor. In my opinion the negroes have behaved far better than could have been expected of them, having lately been thrust upon the world in a new condition. As far as my experience has gone they deserve great credit for their action so far."

Upon the subject of education Lieutenant Chase remarks that "the colored people are very anxious to educate themselves and their children, but cannot do so without assistance from the charitable institutions of the north or from the government; to these they look with longing eyes and anxious hearts."

Lieutenant J. S. Powers, Veteran Reserve Corps, sub-assistant commissioner of bureau, district of Beaufort, in reporting the condition of affairs in his district, says: "Since I have assumed charge of the district my duties have been chiefly to approve contracts of labor between planters and freed people, and to see that they were complied with by both parties so far as it was possible to do so, and to issue rations to those who were destitute and unable to earn a support, and who had no one to care for them. My greatest difficulty, however, has been to settle disputes, difficulties, &c., arising between the planters, freed people, and others. My duties in this respect have been quite arduous, but, as a general thing, after fully investigating the matter, I have found little difficulty in settling them amicably between the parties. * * * * *

"The condition of the freed people throughout my jurisdiction, with the exception of those who are destitute and unable to earn a support, owing to infirmities arising from old age and disease, and in cases of orphan children who are too young to work, their condition is truly bad since the government has stopped the issue of rations. The civil authorities have no means, I am informed, at present, by which they can provide for their wants."

Brevet Brigadier General George W. Gile, Veteran Reserve Corps, acting assistant commissioner of bureau, districts of Sumter, Darlington, Chesterfield, Marlborough, and Marion, makes the following statements:

"I am not convinced that the interests of the freedmen would be safe in the hands of civil officers were the scrutiny of an officer of the bureau withdrawn. The conclusion has been forced upon me by my own observation, and by the testimony to that effect by many of the most worthy citizens of the district.

"I have experienced much embarrassment in arranging the judicial affairs of my district on account of the independent action of the post commander, Captain Hawkins, in these matters, and his persistent denial of official information concerning such action, and I deem it proper to state that notwithstanding he was furnished with a copy of my instructions to turn over cases, when colored people were defendants, to the civil authority, he has continued to arrest and bring freedmen to trial and punishment up to the present time. To prevent this trouble in future, and that there may be an intelligent and united action on the part of the post commander and acting assistant commissioner at the post, whether of the bureau or in command of troops, they will be held responsible for the proper discharge of the duties devolving upon the two positions.

"The contracts for the season had all been concluded previous to my arrival,

and although upon terms calculated in most cases to discourage the freedmen, who usually are to receive one-third of the crop after the value of their year's subsistence has been deducted therefrom, they have generally been regarded by both contracting parties, and their conditions impartially enforced by the bureau.

"Notwithstanding the fact that many planters have failed entirely to make a crop, I think free labor must be pronounced a success in the district under my charge; the cases of failure being easily traceable to mismanagement on the part of the employer, lack of provisions, &c.

"The freedmen are much exercised about the homestead act, and are holding meetings in each district to devise ways and means of emigration; but without material aid from the government sufficient to carry them through the first year, at their proposed new homes, much suffering will be the result of their move, as the great majority of them will find themselves as destitute of means on the first of January, 1867, as they were at the commencement of 1866. Every effort has been made to explain to them the difficulties which they must meet and overcome in taking this step, and the necessity of saving as much as possible out of this year's crop, which at best will be very little, to assist them through the first year of their emigration.

"A very determined opposition to the establishment of schools has to be overcome at every new step in that direction, but by the persistent efforts of the superintendent of education and the freedmen themselves, much has been accomplished; the whites affect to fear the teachings of the northern people, and every gathering of freedmen, for whatever purpose, presided over, held under the advice of, or even attended by officers of the bureau, is regarded with the greatest jealousy and distrust—so much so that upon two occasions I have thought it necessary to call upon the post commander for a guard to protect such meetings from threatened violence. * * * * *

"From my observations among these people, white and black, I deduce the following conclusions: That the judicial interests of the freed people will require the presence of an officer of the bureau in each district for some time to come.

"That free labor, when properly managed and paid, is more productive than slave labor.

"That the freedmen will emigrate this fall in large numbers.

"That they are very anxious that their children should be educated.

"That schools established for that purpose will require, for some time to come, the protection and patronage of the government."

From the report of Colonel J. Duwell Greene, sixth United States infantry, acting assistant commissioner, District of Columbia, I extract the following:

"To the present time the system of free labor has worked as harmoniously as could be expected under existing circumstances; both employers and employes seem disposed to adhere as closely as possible to the terms of their contracts. Upon examination of contracts on file in this office it is observed in many instances that freed people bound themselves to furnish themselves with subsistence during the year—a thing utterly impossible for them to do. This led to much annoyance, especially in the months of May, June, and July, when the little corn which had been saved from the preceding year by these people gave out. To obtain the necessaries of life they were forced to leave their growing crops and seek employment elsewhere, where ready money could be had for labor, thus giving evil-disposed employers an opportunity to take advantage of the clause in the contracts which dismisses laborers for absence without leave, forfeiting all claim to their share in the crop which they had been laboring to perfect for the last six months. The settlement of such cases is very perplexing. * * * * *

"It is believed that cases may and will arise where freed people will fail to obtain redress (in civil courts) for wrongs inflicted upon them. * * *

In parts of the district where officers of the bureau are stationed, advice can be

given them, but where there are no representatives of the bureau, freed people must necessarily suffer for want of an earnest friend to advise them and properly set forth their grievances. * * * Much destitution prevailed throughout the district during the year among both whites and blacks; in consequence of which the increase of the issue of government rations was actually necessary to prevent starvation. * * * *

"Public sentiment in regard to schools differs in different localities. It is possible that the whites in some localities would aid them as much as they could in their present limited circumstances; in others schools might be tolerated, while in some places they could not exist without immediate military protection. Freed people of this district generally are anxious to have schools established among them, and will do all in their power to sustain them, which will be very little in their present impoverished condition. There are no government buildings, lands, or other property available for school purposes in this district."

Brevet Brigadier General Benjamin P. Runkle, Veteran Reserve Corps, acting assistant commissioner, bureau of district of Anderson, remarks that, "The system of assigning the military command to one officer and the duties of the bureau to another has created a double-headed system, and complicated business so much, that however harmonious the action of said officers might be, they could not succeed in securing the end aimed at, *i. e.*, prompt action and justice between man and man."

Of the condition of affairs in his district he states as follows: "The condition of the district is daily growing worse. Instead of receiving the order of the general commanding restoring civil law in a proper spirit, and uniting to restore law and order, and to secure justice, the people of Edgefield have seized the opportunity offered by the (supposed) entire removal of military restraint to exhibit a spirit of utter lawlessness, to show their hatred for the institutions established among them by the government, and to wreak their vengeance upon the freedmen, for no other reason than that the fate of war has made them free. Armed men roam through the country, shooting and assaulting the blacks, and no effort is made by the civil authorities to arrest them.

"Immediately upon the receipt of General Order No. 15, headquarters department of the Carolinas, I ordered my sub-assistant commissioners to turn over all cases to the civil authorities; to carefully instruct the freedmen how to lay complaints before the magistrates; to communicate with each of the magistrates in their respective districts, and co-operate actively with them to secure justice and restore order. All efforts so far have been in vain. Nothing has been done. I am informed that, in certain parts of Edgefield, it is impossible to serve a process for debt, to say nothing of arresting criminals. I have also been informed (verbally) by a civil magistrate that the less a constable or sheriff does, the more popular he is, and consequently *few do anything*. And further, that the magistrates are ignorant and incompetent men. From my personal intercourse with these people I am led to believe that an idea has taken possession of their minds that the country is on the verge of a revolution, and that no attempt will ever be made to enforce law and order. Without a doubt there is at this time an extensive organization throughout the country, yet I acknowledge it would be very difficult to prove such to be the case. * * * *

"I beg leave to renew my recommendation that these districts be taken in hand, and the evil-doers and their aiders and abettors taught that the United States is prompt to enforce the law, and powerful to protect the people whom they have declared free."

Brevet Major L. Walker, captain fifth United States cavalry, who a short time ago relieved Brevet Brigadier General Runkle as acting assistant commissioner for the district of Anderson, has also furnished a report of the affairs of that district, from which I extract the following relative to Edgefield: "During the year there have been six hundred and forty-six contracts approved in Edge-

field, and Major Stone, sub-assistant commissioner, thinks that at least thirty per cent. of the employers have violated them, for which the major accounts in the following words: Antipathy to the colored race; a desire that the free-labor system, and its accompaniments of intelligence, thrift, and self-respect, shall prove a failure; a feeling that the stronger race has a natural right to oppress the weaker, to take advantage of their ignorance and keep them in moral, if not in physical, subjection; and a determination on the part of many of the whites to revenge themselves on the blacks for what loss they may have sustained by the war, and for the oppression they deem themselves to have suffered from the authorities of the United States." He also gives the following as the reason for the breach of agreement by the freedmen: "I attribute any breach of contract by the freedmen to their ignorance of the obligation of a written document, or the knowledge that he has been deceived in some particular points by his employer." I also give herewith the words of Major Stone in regard to the prospects of the civil authorities doing justice towards the freed people. He says: "Magistrates may, and undoubtedly will, be willing to issue warrants against freed people, and perhaps against whites on the application of blacks, but I believe they will be powerless to have them executed, especially if the accused are notorious rogues and bushwhackers. The law cannot be impartially executed in districts where the universal sentiment is against the freed people, and in favor of the criminal, no matter how stringent its measures may be. Until the majority of the people are ready to do justice themselves, it will be vain to expect that they will exact justice from their neighbors, either in their public or private relations. Again, so long as employers will allow such crimes to be committed with impunity on their own plantations as have been repeatedly committed in this district, so long will the freed people fail to get justice from the civil authorities." In all of which I fully agree with him.

Major Walker, speaking generally of the district of which he has charge, says: "As a general thing, where the freedmen have been left to work in peace, they have done very well, and have been promised a just recompense for their labor; but the fact of such a bad season will prevent both employer and employed from having their anticipations fulfilled, and no doubt some of them will suffer during the coming winter. From all I can learn, and from what I have seen of this district, I should say that instead of improving in morality, it is fast digressing from the way of all good. This district is literally swarming with men gifted with every evil passion, and every crime in the calendar is committed with impunity. Although I have made every exertion which lay in my power, as military commander, to have these men arrested and brought to justice, I am sorry to say that I have not met with the success my exertions warranted, for which failure I can only account by the following reasons: No matter how secretly troops are sent, or how much caution or attention is used to make arrests, somehow the criminals escape and elude detection, from information which they must receive from the white citizens of the district; and the freed people are so frightened that they dare not tell, even if they knew, the haunts of these men; for if they did, the moment the troops were withdrawn they would be beaten, or, probably, killed. The very fact that these men are supported, protected, and sheltered from the arm of justice by the residents of the district shows plainly that public sentiment is radically at fault. During this state of things the general government, through its military power, is alone looked to by the freed people for relief. They cannot have confidence in the citizens when they know that they protect and sympathize with murderers and robbers. To remove at present the military force would deprive them of every protection, and expose them to every outrage the miscreants of this district could in their hatred and malice devise."

From the report of Brevet Major J. W. De Forrest, Veteran Reserve Corps, acting assistant commissioner of bureau, district of Greenville, I extract the follow-

ing : " I have recommended the colored people to make their contracts hereafter on the basis of rations and fixed wages per month, and, if such terms cannot be procured here, to emigrate to Florida, Mississippi, and other cotton regions. A slight emigration has already been established from this district to those localities. The emigrants go on contracts securing to them good rations, twelve dollars per month to first-class men, and six to women."

The report of Major J. E. Cornelius, Veteran Reserve Corps, acting assistant commissioner of bureau, district of Edisto, (which includes most of the "sea islands,") contains the following : " Contracts were made on nearly all the plantations by the first of May ; on six or eight plantations only were no contracts made. There are ten plantations in the district worked by labor hired for the year, at the rate of twelve dollars per month ; three more are worked by day labor, paying fifty cents per tuck. The 'tuck' is a measure of land containing one-fourth of an acre ; in these cases the regular laborers are allowed land to plant for themselves free of expense. On four or five plantations the laborers get one-third of all the crops raised for performing the labor and finding their own provisions ; the planter furnishes everything else required, and advances the provisions to the laborers at cost. One of these plantations will not produce enough to pay the cost of working it, owing, I suppose, to bad management ; on the other the freedmen will receive at the end of the year excellent wages. * * * In all the above contracts the planter had the sole control of the labor and management of the crops, and, in all but one instance, the experiment has proved a complete success. The greater number of the plantations are under the control of the freedmen, each family working independent of the others, furnishing everything required to raise the crops, and giving the planter a share of the crop for the use of the land. This class of contracts has not on the whole been successful * * * The free-labor system has only been fairly tested in the district on those plantations where the owner had entire management of the crop and the control of the labor, and it has in all these cases been an entire success.

" If the civil laws of this State should be rigorously enforced against the freed people from the outset, it will amount to a persecution, for the reason that bigamy, adultery, fornication, and theft have been entailed upon them by a long course of degrading servitude, and have become almost a second nature to them ; they are rising rapidly above this condition, but cannot be raised at once. It is to be hoped that in dealing with them 'justice may be tempered with mercy,' and their faults patiently and kindly corrected."

From a letter recently received from a magistrate residing in Darlington district, a gentleman of high respectability and social standing, I make the following extract :

" I beg leave, respectfully, to call your attention to the fact that since the removal of the military from this post there is no court in this county to which freedmen can apply for redress of grievances, and consequently wrong can be inflicted upon them with absolute impunity. Very many of them have applied to me, but I am powerless in many cases, either as attorney or magistrate. I could furnish you with a list of cases now absolutely demanding intervention, but who is to act ? In one case seventeen able-bodied hands have been discharged from a farm without pay, and the employer being only a lessee of the land, and having no real estate here, and being on the eve of closing up and removing his effects, these discharged laborers will probably lose all their wages. An attachment could be issued, but the law requires a bond from the plaintiffs for double the amount sued for, before such process can issue. The joint claim of these freedmen is over \$600 ; who is to go on their bond for double that amount ? For lack of this they must lose all. Is this the fate to which freedom invites and leads ? Can the bureau do nothing ? Assault and battery, and summary dismissals from plantations without pay or share of the crop, are

brought to my notice daily. If civil law could or would remedy these evils, as a native citizen, of course, I would prefer it; but it is glaringly evident that, at present, some other power must interfere. The usual process of the courts, even if available, is entirely too slow to meet many of the cases brought to my notice, and few of the negroes have the means to meet the costs usually attending litigation. * * * * *

"I claim to be, and am recognized in this country, as a friend of the freedmen, but I am only such in a sense of which I am not ashamed, to wit, as an advocate of equal justice and ample protection against wrong. This, I have reason to know, is all they ask, and this the government should see that they have. It is a stupendous wrong to emancipate and then desert them. The master's interest was once their protection, but that is now gone. Even the provost courts have often wretchedly failed to do them justice, and there are prisoners now in Columbia whose only reward for making and laying by a crop has been banishment under bonds. * * * * *

"My interest in their (the freedmen's) behalf has not added to my business or popularity. * * * * *

"I believe that, aside from humanity, the best interests of even the white population of my native State demand that the negroes should be treated kindly and justly, educated and trained for good citizenship."

Lieutenant Colonel A. G. Caraher, Veteran Reserve Corps, acting assistant commissioner of bureau, district of Laurens, makes the following statements in his report of the affairs of his district :

"There is no 'commissioner of the poor' in this district, and as yet nothing has been done by the State officials to relieve the indigent refugees and freedmen. The mass of the able-bodied freedmen have been industrious and anxious to perform their part of the contracts. I have had some trouble arising on account of the disposition of many employers to drive from their plantations the freedmen having large families, as soon as the wheat crop was gathered. In most cases I found the cause trifling, and gotten up for the occasion. * * *

Most of the freedmen contracted for a share of the crop, and owing to the almost total failure of the same in this district they have realized but little; many of them having scarcely anything with which to commence the new year. * * *

Several applications have been made by responsible parties for the transportation of freedmen to the west. The transportation was not granted, but several families have found their way to the States of Louisiana and Arkansas, thus affording better opportunity for those who remain to find work. * * *

Freedmen complaining of wrongs committed against them are carefully instructed as to the necessary course to pursue in order to obtain redress. As the district courts do not meet until January, I cannot report any action in cases lately complained of. I doubt very much whether the rights of freedmen will be as well looked after by them as by the provost courts. Nothing has been accomplished in this district under the homestead act, few applications having been made by whites or freedmen. * * *

The present manner of contracting and working has resulted in much good to the freedmen notwithstanding the unfairness of some of the contracts. * * *

The form of contract used in this district is that recommended in Circular No. 3, headquarters assistant commissioner South Carolina. * * * The affairs of freedmen in this bureau district, taken as a whole, are in good condition."

The above extracts from reports will, with few exceptions, apply to all the districts of this State.

Owing to the evils of slavery, the marriage relations of the freed people have been of a painfully complicated character; some men having two or three wives, and women as often having several husbands. Much difficulty and trouble has been the result, which required time and delicate management to overcome. The Rev. M. French, chaplain United States volunteers, who had long labored

among these people and possessed their confidence in an eminent degree, was charged with the arranging and harmonizing of these relations in accordance with General Orders No. 8, from these headquarters.

In this, as well as in his successful efforts for the moral elevation of this people, and in the widespread and varied field of his earnest labors, he has rendered much valuable assistance in carrying out the objects of the bureau, for which I tender him my thanks. (Attention invited to report, marked H.)

There are serious embarrassments attending the payment of back pay and bounties to the widows and heirs of deceased colored soldiers, which are set forth in a communication from Chaplain French, (marked H.) A large number of claims have been presented for collection and have been duly forwarded, but as yet no returns have been made; the officer in charge of the collection of these claims being absent, I am unable to give full statistics. The freedmen's savings banks are in successful operation, and are very beneficial in inducing the freed people to save their money. Nearly one hundred thousand dollars have been deposited therein during the past year.

No immediate move has as yet been made to locate on homesteads in the western States, provided for in the act of Congress approved June 21, 1866, on account of contracts of the season not yet having closed, though large numbers have expressed a desire to avail themselves of the benefits of this act. The great difficulty is the want of means to support themselves and their families during the first year. In some of the districts the freedmen have selected one of their number to go and locate the lands for them, and are now awaiting the results of his investigation. In view of the shortness of the time granted them to make their selection, and their ignorance of the necessary forms to go through with, I would respectfully recommend that good, reliable agents, in whose integrity and judgment the Commissioner has confidence, be appointed to superintend this transfer and look after the interests of the freed people; and I would also respectfully recommend that government transportation be furnished to the points where they may locate.

The lands set apart by act of Congress for those freedmen who hold land certificates under General Sherman's Special Field Order No. 15 are now being surveyed under the directions of the United States direct tax commissioners; but no transfer of the people can be made much before the 1st day of January, 1867, as the harvest season for cotton does not close in this latitude until about that time.

In conclusion I must say that the free labor of the past year in this State, notwithstanding the ignorance of the freedmen, the want of capital, and the impracticable views of land owners, has demonstrated the fact that the same incentive which prompts the white man of the north and other countries to labor will apply to the freedmen of the south. All that is required is practical and honest men, capital and confidence on the part of the land owners, to rapidly develop the resources of a country more varied in its agricultural productions than any State in the Union, with her gold mines as rich as any on the slopes of the Sierra Nevada or Rocky mountains, together with her valuable forests and abundant water-power and harbors equal to any on the coast of the Atlantic. To develop and make valuable all these material advantages, the white property-holders have only to forget that they were once masters, invite foreign capital, cultivate the good will and encourage the education and moral elevation of that class of their people who alone can bring to them a condition of prosperity, wealth, and happiness heretofore unknown in the south.

In closing, I deem it my duty to express my thanks to the officers of my personal staff; to Brevet Lieutenant Colonel H. W. Smith, assistant adjutant general, for the ability, faithfulness, and discretion with which he has discharged the delicate and important duties of his position; to Brevet Brigadier General B. F. Faust, acting inspector general; Brevet Lieutenant Colonel James G.

Low, chief receiving and disbursing officer; Brevet Majors E. L. Deane and E. W. Everson, aide-de-camp, and assistant surgeon; J. C. G. Happersett, surgeon-in-chief, for the faithfulness and ability with which they have discharged the duties devolving upon them; and to all the officers on duty in the State, as acting assistant and sub-assistant commissioners, for their cordial co-operation in carrying out the objects of the bureau.

I have the honor to be, general, very respectfully, your obedient servant,

R. K. SCOTT,

Brevet Major General and Assistant Com'r.

Maj. Gen. O. O. HOWARD,
Commissioner, &c., Washington, D. C.

TABULAR STATEMENT.

Property restored :		
Number of houses and lots.....		728
Number of acres of land.....		211, 193
Rations issued and their value :		
	No.	Value.
To refugees.....	169, 419	\$25, 239 59
To freedmen.....	792, 924	122, 954 41
Total.....	<u>962, 343</u>	<u>148, 194 00</u>
Transportation :		
Number of orders for transportation approved at headquarters assistant commissioner.....		<u>1, 927</u>
Hospitals :		
Number of refugees treated.....		4, 888
Number of freed people treated.....		41, 391
Total.....		<u>46, 279</u>
Education :		
Number of schools.....		38
Number of teachers.....		91
Number of scholars.....		5, 465

T E N N E S S E E .

BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
STATE OF TENNESSEE, OFFICE ASSISTANT COMMISSIONER,
Nashville, Tennessee, November 1, 1866.

GENERAL: I have the honor to submit the following report of the business of this office for the year ending October 31, 1866 :

The colored population of the State of Tennessee, as reported in census returns of 1860, was as follows: Free colored, black, 3,008; mulatto, 4,292; total, 7,300. Slaves, black, 238,133; mulatto, 37,586; total, 275,719. Total colored population, 283,019, being a little more than one-fourth of the whole population of Tennessee. It is believed that the colored population has not in-

creased in equal proportion to the whites since that time, but that the unusual ravages of disease, losses in battle, and emigration have so nearly balanced the natural increase and emigration, that the total colored population at this time is not far from three hundred thousand, (300,000.) The care of these people, with some aid to white refugees, and the management of abandoned property, was the duty devolving upon the bureau officers at the beginning of the year.

The district and its business was organized as follows: At the headquarters of the assistant commissary general, C. B. Fisk, in Nashville, Tennessee, were on duty, one assistant adjutant general, one quartermaster, a chief medical officer, and one aide-de-camp, and the necessary number of clerks, &c.

The State of Tennessee was organized into three sub-districts: Middle Tennessee, the agents in which reported direct to the office of the assistant commissioner; West Tennessee, comprising all west of the Tennessee river, under the charge of a chief superintendent, a field officer, with headquarters at Memphis; and east Tennessee, comprising the counties east of the Cumberland mountains, under the charge of a chief superintendent, a field officer, with headquarters at Chattanooga.

At the sub-district headquarters, and in five or six other localities, officers of the army were in charge of bureau affairs. In nearly all the counties of middle and west Tennessee citizen agents, designated as superintendents and appointed by the assistant commissioner, were in charge of bureau affairs.

The bureau authority was introduced into Kentucky in January, 1866, and citizen agents appointed as county superintendents in a majority of the counties, who made reports directly to the office of the assistant commissioner, but the State was not organized fully until March, 1866, when it was also organized into three sub-districts, under the charge of field officers, with headquarters at Louisville, Lexington, and Paducah, the whole under charge of a chief superintendent, Brevet Brigadier General John Ely, with headquarters at Louisville.

All citizen agents were appointed without fixing a definite salary, but were authorized by Circular No. 7, office assistant commissioner Kentucky and Tennessee, of September 18, 1865, to collect a fee of fifty cents for each contract made and registered by them, and also such costs as the civil law allows in cases adjudicated by them. They were also authorized by Circular No. 1, current series, to expend so much of fines and forfeitures as might be required to procure the books and stationery for office use. Circular No. 2, current series, authorized them to retain all costs of cases adjudicated by them, and to deduct from fines collected all expenses of their office for stationery and absolute necessities, the balance to be remitted to this office. By Circular No. 6, current series, county superintendents were authorized to charge on each single contract made and registered one dollar, and twenty-five cents for each additional laborer included in a contract. It will be seen that the county superintendents have not in general been an expense to the bureau. In Kentucky, where the agents had very much trouble, and had their time much employed, but without doing a business which remunerated them, they were paid a salary of from \$50 to \$100 per month.

In the State of Tennessee the superintendents of this county have been paid a salary since May, 1866, and in August seven superintendents were paid salaries amounting to \$575. In September eight were paid salaries amounting to \$550, and in October eight were paid \$550.

To punish crimes and secure justice to the freedmen, county superintendents, both civilians and officers, held courts, in which were tried all cases arising between freedmen and between freedmen and whites. The warrants, writs, executions, &c., of these courts were served by the civil officers, except in some counties where they would not act, and in these by officers appointed by the superintendents. From these courts either party had the right of appeal to the assistant commissioner; appeals were not very frequent, nor was there very much difficulty experienced in carrying out the judgments of these courts.

The legislature of the State of Tennessee having enacted a law on the 25th of May, 1866, declaring persons of color competent witnesses in all the courts of the State, giving them full and equal benefit of all laws for the security of persons and estate, and relieving them from all punishment and penalty for the commission of offences other than such as are prescribed for white persons committing like offences, the assistant commissioner issued Circular No. 11, current series, abolishing the freedmen's courts, since which time the agents of the bureau have simply advised and instructed the freedmen in their rights and the methods of maintaining them in the civil tribunals.

ADMINISTRATION OF JUSTICE.

I am obliged to report that the expectations of the bureau officers and freedmen, in regard to the benefits they were to receive from the operations of the law, have not been realized. The old prejudices and opinions of the civil officers so warp their judgments that the testimony of colored persons is almost universally found wanting when weighed in the balance against that of white persons. The freedmen have little to encourage them in the prosecution of civil suits. Their ignorance, and want of aid and interest on the part of the civil officers, too often leave them victims of the grossest kind of lawyers' trickery, which, however, cuts them off from all hope of redress. They are only free from prosecution in civil suits by lack of property and destitution. He would be a shrewd and successful one indeed who could succeed in keeping the white man from seizing his own without recourse to the civil law.

In criminal cases the freedmen are often convicted on the slightest testimony and for want of proper defence, and whenever convicted may, in many districts, surely expect the heaviest penalty, while the white persons convicted of outrages on freedmen may, with much confidence, expect the lightest punishment.

Negro testimony, wherever introduced, is taken, as they say, "for what it is worth," and in some districts it is *not offered*. (Another name for excluded.)

In civil prosecutions by freedmen the delay of the officers, and the stay laws of the State, nullify the judgment, even when in their favor, for any good to them in their present necessities. And in criminal cases the punishment often follows too closely on conviction to admit of appeal or remedy, though the punishment be ever so unjust. I may cite a few of the many instances establishing the truth of the above statements :

June 22, 1866.—Mike Dougherty, in Giles county, assaulted a freedman, named King Pedon, with an axe, with intent to kill, and inflicting a severe injury. A warrant was issued by a loyal magistrate, but no further action was had until in August, when, to forestall the action of the county superintendent, said Dougherty was brought before a magistrate for the offence and fined five dollars and costs.

About the same time and place five colored boys were accused of combining together to do bodily injury to a white man, but they were held to bail in sums beyond their ability and thrown into jail to await trial.

July 7.—John Sullivan, Jack Keith, Powhatan Hardeman, James Russell, and one Walls, at night, and on the public highway, and without any provocation, shot a colored man named Dudley Kimble so that he died. A warrant was issued by a magistrate and placed in the hands of the sheriff, P. H. Perden, who made no effort to arrest the accused, nor was any further action had by the civil authorities. On my application, four of the parties accused were arrested September 1 by the military, under General Order No. 44. The civil authorities made immediate requisition for them, and they were turned over to the sheriff of Giles county, and were released on mere nominal bail.

In this county (Davidson) six white men are now under indictment for the killing of colored persons in the county within the last six months. They are

at large on bail from two to five thousand dollars each, but their trial has been postponed from time to time, and will be, I fear, indefinitely.

About three weeks since the police of this city arrested some forty or fifty young men and boys (colored) on various pretexts, mostly for vagrancy, and they were thrown into the work-house to work out fines of from \$10 to \$60 each. By an arrangement with the city recorder, Messrs. Beach and Cheatham, residents of this city, went to the work-house, and, by paying their fines, induced the prisoners, as is claimed, to consent to go to Arkansas to work on a plantation. The freedmen were taken from the work-house and carried off under guard. Many of them are minors, and were taken away without the knowledge or consent of their parents. Indeed the whole transaction was accomplished so quietly that myself or my agents had no knowledge of it until they were gone. The matter is being thoroughly investigated, but I have little hope of proper redress from the civil authorities. I have consulted with General Thomas in the matter, and, with his approval, have sent an agent to Arkansas with voluminous testimony, and an application to General Ord for a thorough investigation of the case on the plantation in Chicot county, and the immediate return of the minors and all adults unjustly abducted to this city.

The aid to be expected from the civil authorities, in some districts, may be indicated by the following extracts from report of Captain Tracy, Veteran Reserve Corps, of an inspection of affairs in Sumner county, dated November 1, 1866. He says he has "made as thorough an inspection as could, under the circumstances, have been made, and found a perfect reign of terror existing; so much so that any report that I can make would utterly fail to do the subject justice, and would have to be seen and experienced to be appreciated. I saw and experienced myself a small portion, but am still unable to describe to you the real and actual state of affairs that exist in that county, together with Robertson county and Simpson county, Kentucky, all joining, which are governed by Ellis Harper, the notorious guerilla chief, who has a band of armed men so strong that any opposition to him by Union men or freedmen would be perfectly futile. Their strength in numbers is unknown, but it is known to be a powerful band, who perpetrate outrages so numerous and revolting as to strike terror to all unorganized and unprotected citizens, whether black or white, who entertain Union sentiments. This class is so much in the minority that they dare not offer any resistance, or report them to the authorities; and the civil authorities, whether leagued with them or not, dare not attempt to bring the parties to justice, so that the civil law is virtually a farce; and the only cases that are tried by county magistrates, of a criminal nature, are those brought by those outlaws against Union men and freedmen; but this is seldom done, for they take the laws into their own hands, 'Harper's law,' and, on the most trivial pretexts, inflict the most brutal and summary punishment, which the following cases will serve to illustrate.'

Here follows a recital of seven cases, including five murders, highway robbery, rape, and assault.

Detachments of troops have frequently been sent into this region, but, owing to the protection and warning given the authors, they have not been arrested. From a majority of the counties in Middle and West Tennessee the superintendents report that there will be great difficulty in the settlement of contracts for the past year, and great injustice done the freedmen.

From, perhaps, one-third of the counties, the superintendents report that the freedmen and their employers are getting along passably well together.

The chief superintendent of East Tennessee reports that "the rights of the colored people are *generally* respected better in this section than almost any other part of the south. The contracts of the colored people are all made by themselves, and are generally verbal. Very few complaints are made of bad faith on the part of either whites or blacks."

LABOR AND SUPPORT.

The contract labor system, as applied in Tennessee, would undoubtedly have been a complete success if carried out in good faith. Contracts have generally been made for one year, and, when carried out in good faith by the employers, the result has demonstrated the propriety of long contracts. They serve to fix the freedmen in permanent homes, keep the families together, enable them to calculate and make plans for the future, and increase the amount saved at the end of the year. For the employers they give stability to all business operations, and it is believed would, in the end, increase their profits. Unquestionably the yearly contract system, if it gives property to the freedmen more slowly, does it more surely, and by it the number of paupers and destitute is greatly reduced.

The form of contracts issued from the commissioner's office is that in general use in Tennessee, but, unfortunately, county superintendents have frequently varied from it, adding to or subtracting from.

The employers required more specific contracts, generally confining the freedmen more closely, requiring them to labor, whether for wages or an interest in the crops, under the supreme direction of the employer, confining them to the plantation at the pleasure of the employer, &c., &c., and stipulating for the forfeiture of wages on failure to comply with any of these provisions.

While the bureau courts were in operation, there were few complaints of breach of contract, and these were generally settled in equity. Since the courts were abolished and all control over contracts was turned over to the civil courts, these complaints have multiplied, and as the crops mature and are laid by, the employers take advantage of these special provisions to find all sorts of pretexts for turning away their hands without wages or share in the crops. Unfortunately for the freedmen, these bad men have ample facilities, by their knowledge of law and the prejudices of the courts, to make the worse appear the better part.

The freedmen are, as a general thing, laboring well and faithfully for themselves and the interests of their employers. It is believed that about one-half of them in the agricultural districts are at work for an interest in the crops. More than one-half of all of them are laboring under contracts of some kind. The agents of the bureau have made and registered for the last season about 20,000 contracts, including about 50,000 persons, adults and children.

About 500 orphan children have been found homes and apprenticed under the form provided by the State law, with an education clause added. The freedmen have established beyond doubt the fact that they can support themselves if granted their rights.

It is believed that with justice there will be very little suffering among them the coming winter, except among the old, the sick, the widows and orphans, especially about the crowded towns. The crops will furnish subsistence for the entire population, except perhaps in meat. Much more cotton has been planted this season than ever before; it will, however, produce not much more than half a crop. The corn crop in East and Northern Tennessee is at least an average crop, and will perhaps make up in those localities for the failure in the rest of the State. The wheat has produced about half a crop. Tobacco will be fully an average crop, and more planted than usual. Hogs have suffered from hog cholera, and there will probably be less than one-half the usual amount of pork. The total amount of land under cultivation will not fall much short of that of 1860.

SCHOOLS.

The education of the freedmen is second in importance only to their civil rights and the labor question, and the result of the educational movements will be the controlling element in the final settlement of those questions.

The following exhibit shows the progress of schools during the year :

Reported--	Schools.	Teachers.	Scholars.
March 31	23	96	6,501
June 30	42	125	9,114
September 30	78	143	8,262
October 31	82	123	7,323

The increase of schools and teachers without a corresponding increase of pupils is owing to the losses from the large schools by the necessary removal of the freedmen from towns to the country, where they are only partially regained to the small schools. The number of night schools reported in September was only four, and in October nine. This is believed to be much less than the number actually in operation, and that many more will be added during the winter months.

Sabbath schools have been reported as follows : For September, 37 schools, 1,642 scholars ; October, 35 schools, 3,619 scholars.

These schools reported are principally those carried on by the teachers of day schools. There are many more in operation, and the number will be largely increased. The indications are very encouraging, and much interest has been manifested on this subject at the annual church conferences of the different denominations.

RENT AND REPAIRS OF SCHOOL BUILDINGS.

Large sums have been expended in buildings needed for the large schools in Nashville, Memphis, and Chattanooga, but the general policy has been adopted to invest the sums appropriated for this purpose in property, the title of which rests in, or at last surely will revert to, the colored people, believing that in no other way can the bureau so properly expend the government funds, nor leave a better legacy to the colored people of Tennessee.

The following sums have been expended in the repair of school buildings and the restoration of those destroyed :

U. P. mission school, at Nashville.....	\$200 00
M. E. Church central college, Nashville.....	2,030 60
A. M. A. school, Memphis.....	5,000 00
W. F. A. C. school, Memphis.....	1,222 40
W. F. A. C. school, Chattanooga.....	1,838 00
O. S. Presbyterian mission, Clarksville.....	227 65
W. F. A. C., Clarksville.....	75 00
House owned by colored people at Tullahoma.....	48 00
House owned by colored people at Gallatin.....	60 20
House owned by colored people at Springfield.....	45 43
House owned by colored people at Spring Hill.....	340 53
House owned by colored people at Shelbyville.....	95 00
House owned by colored people at Shelbyville.....	134 00
House owned by colored people at Smyrna.....	238 90
Total.....	11,555 71

Repairs are also in progress at Lebanon, Murfreesboro', Wartrace, Farmington, Brentwood, Pulaski, and other points, and negotiations in progress for the establishment of new schools in East and West Tennessee, and it is hoped we may soon have schools in nearly every county of the State where there are pupils enough conveniently situated.

Transportation has been paid for teachers, as follows :

U. P. mission school, Nashville.....	\$168 00
Central College M. E. church, Nashville.....	70 37
Pa. F. Relief Association school, Nashville.....	109 93
Fisk school, Nashville.....	271 28
O. S. Pres. M. S. school, Clarksville.....	51 80
A. M. A. school, Smyrna.....	13 65
A. M. A. school, Springfield.....	29 95
	<hr/>
	714 98
	<hr/> <hr/>

The bills for actual cost of transportation of teachers for the other schools have not yet been presented.

There are many private and wayside schools to which such countenance and support have been given as was possible.

The improvements in the system and order in the schools, and the advancement of the pupils, are encouraging beyond expectation, and are partially exhibited as follows :

First quarter, number in writing.....	1, 890
Last quarter, number in writing.....	2, 799
First quarter, number in arithmetic.....	2, 008
Last quarter, number in arithmetic.....	2, 725
First quarter, number in grammar.....	212
Last quarter, number in grammar.....	497

The interest evinced by the pupils is something wonderful. The number preparing themselves to teach is quite large, and the normal classes are increasing every day. We shall soon have important aid in the work from this source.

While the charitable societies of the north are doing nobly in this work, I can but regret that they have in some measure abandoned the Union societies, and are turning their efforts into denominational channels.

This in some ways embarrassed the bureau agents, inasmuch as the effort is more often made to enter a field that promises denominational success, even if already fully occupied, than to enter upon new ground. Some of the money that formerly went for schools is now also devoted to other church purposes.

Perhaps, however, the new movement may add new vigor to their efforts and thus supply the ever-increasing demand.

The assistant commissioner has also advised and given countenance to efforts made to induce the freedmen themselves to increase their support to the schools. To prepare them for the time when it is hoped free schools may be supported by a general tax, and when this whole field must be left to self-support, efforts are being made to induce them, by voluntary taxation of those able to pay, to contribute toward the present support of free schools established among them. For the moral effect it will have upon them this plan is urged, as well as to supply the poor and destitute.

FEELING OF THE WHITES TOWARDS COLORED SCHOOLS.

The evidences of ill feeling in the past are the school-houses burned, schools broken up, and teachers driven away.

In the riot at Memphis the destruction of school property was as follows :

Government buildings—	
Five valued at \$2,500 each.....	\$12, 500

Buildings owned by others—

One owned by African M. C. church school, Memphis.....	\$300
One owned by Rev. E. O. Tate, U street, Memphis.....	1,500
One owned by Baptist church, Main street, Memphis.....	4,000
One owned by M. E. church school, Washington street, Memphis...	7,000

Total loss of buildings used for schools.....	25,300
---	--------

This estimate does not include books, apparatus, or private property of teachers. Number of schools broken up, 12; number of teachers thrown out of work, 25. School-houses have also been burned at Tullahoma, Shelbyville, Athens, Knoxville, Decherd, Brentwood, and several near Columbia. In nearly all of those places schools have been re-established, larger and better than before.

It is believed these outrages have been committed by a few violent men and are condemned by the large majority of the people, and that a change for the better has taken place in the popular feeling toward colored schools.

Politicians and Christians are discussing their duty towards the freedmen in this respect. Sabbath schools for them are beginning to be opened in the white churches, and a home missionary work carried on by a few. Some business men have provided school facilities for their employes, and more are canvassing the propriety of following their example.

As for the freedmen, they are wide awake, and evince the greatest eagerness for an education, considering their long night of ignorance from which they are awakened.

MEDICAL DEPARTMENT.

The following dispensaries and hospitals were in operation or organized during the year :

Dispensary at Chattanooga, organized December 18, 1865; discontinued June 30, 1866. Dispensary at Murfreesboro', organized December 4, 1865; discontinued May 31, 1866. Dispensary and hospital at Nashville, organized December 25, 1865; discontinued June 30, 1866. Dispensary and hospital at Memphis, organized January 10, 1866; discontinued June 10, 1866.

In Kentucky.—Hospital at Columbus, in operation March 1, 1866. Hospital at Camp Nelson, in operation May 31, 1866. Dispensary at Louisville, January 2, 1866; discontinued May 31, 1866.

Under the charge of Surgeon Swartzwelder, chief medical officer, the following acting assistant surgeons were employed by the bureau :

In the month of November, 1865, 3; December, 1865, 7; January, 1866, 8; February, 1866, 8; March, 1866, 7; April, 1866, 8; May, 1866, 8; June, 1866, 6; from the 27th of September, 3; in the month of October, 3.

The number of cases treated in the above hospitals and by the surgeons employed were as follows :

Adult males.....	1,936
Adult females.....	5,274
Children, males.....	2,024
Children, females.....	2,110

Total cases treated.....	11,344
--------------------------	--------

The number of deaths reported were—

Adult males.....	94
Adult females.....	134

Children, male	70
Children, female.....	68
	<hr/>
Total deaths reported.....	366
	<hr/> <hr/>
Rate of deaths per thousand, 32.26.	
Number of births—	
In hospital, males.....	27
In hospital, females	18
Elsewhere, males	83
Elsewhere, females	57
	<hr/>
Total births.....	185
	<hr/> <hr/>
Number of vaccinations :	
Vaccinated successfully	416
Vaccinated unsuccessfully.....	832
	<hr/>
Total vaccinated.....	1, 248
Revaccinated successfully	171
Revaccinated unsuccessfully	450
	<hr/>
Total number vaccinated and revaccinated	1, 869
	<hr/> <hr/>

No hospitals have been maintained for refugees, but such aid as they required has been furnished by the medical officers.

Medical attendance, medicines, and supplies have been furnished hospitals maintained at various times by benevolent associations at Chattanooga, Murfreesboro', and at Columbus and Louisville, Kentucky. Similar assistance has also been furnished the freedmen's orphan asylums at Nashville and Memphis.

The civil authorities, except at Memphis, have done very little for the support of the sick and destitute freedmen. In June the assistant commissioner donated one thousand dollars to the city of Memphis, in aid of the sick and paupers, and since that time the city and county authorities have nobly done their duty toward that unfortunate class. In July a similar donation was made the county of Davidson, namely, one thousand dollars. The county has, it is true, admitted colored paupers into the poor-house, but it is a miserable institution, and they cannot provide for more than a dozen at best. This county has done little else for the sick and poor, except provide medicines during the cholera epidemic. It is believed, however, that we are in a fair way to have a hospital established under the auspices of the medical college, into which freedmen will be admitted. Although we may thus avoid the necessity of establishing a hospital, it will be necessary to open a dispensary, where medical prescriptions may be filled and medical attendance furnished. A donation of \$500 was also made to the city of Clarksville and county of Montgomery. The authorities were heavily burdened by the expenses incurred during the ravages of small-pox, and have exhibited a more liberal spirit than elsewhere. Although some counties have complied with the State law admitting colored paupers to the poor-houses, yet, in most counties of the State, the accommodations provided even for whites are very meagre and inadequate.

In all sections of the State, and especially about the towns, there will undoubtedly be many cases of suffering and disease uncared for during the winter, but I do not think there will be such general necessity as will require the bureau to establish any hospitals or homes for the entire and permanent care of freedmen.

The State asylum for the insane now provides for colored as for whites, and all, it is believed, can be provided for. The deaf and dumb and blind are still dependent on the county authorities and general charity, the State institution not having been revived.

SUBSISTENCE.

Rations have been issued during the year ending October 31 to destitute refugees and freedmen as follows :

	No. of persons.	No. of rations.	Value of rations.
To refugees in Tennessee.....	8, 136	23, 335	\$4, 660 46
To freedmen in Tennessee.....	3, 479	46, 712	8, 637 46
To freedmen in Kentucky.....	4, 389	79, 023	10, 981 94
Total.....	16, 004	149, 070	24, 279 86

In addition to this there were issued by Major Tracy from the commissary department at Chattanooga, Tennessee, without consultation with the assistant commissioner, and specific returns of which have not been received at this office, the following :

To destitute whites.....	77, 538 rations.
To destitute freedmen.....	7, 048 rations.
Total	<u>84, 586 rations.</u>

Of the issue to refugees by the bureau, 23,000 rations were issued in May last under special orders from the War Department. All the issues in Kentucky were to freedmen; and in the months of November and December, 1865, and January, February, and March, 1866, most of them to freedmen in camps then existing in that State.

The issues in this State for the last month (October) have been to 85 children and attendants in the orphan asylums (colored) in Nashville and Memphis, 1,472 rations, at a cost of \$269 55; and to 106 adults and 56 children, (*en route* to Liberia,) under instructions from the office of the Commissioner, 4,020 rations, at a cost of \$804.

I have nothing to add to my September report in regard to the further issue of rations. The harvests are sufficient, and ought to support the whole people, but in many isolated cases, and especially about the towns, there are and will be cases of destitution and suffering that can be relieved only by the issue of rations by the bureau.

ISSUE OF CLOTHING, ETC.

A considerable quantity of clothing, shoes, &c., was issued by General Fisk in the months of December, January, and February last, but there are no reports nor record of such issues on file in this office. It is believed that if we can furnish transportation for such contributions as may be obtained from the charitable associations in the north, nearly a sufficient supply may be thus obtained for the coming winter without further distribution from the government.

Transportation has been furnished to destitute refugees and freedmen under General Orders No. 138, series of 1865, Adjutant General's office, as follows :

	To refugees.	To freedmen.
1865. November.....	258	99
December.....	346	382
1866. January.....	24	5
March.....	7	...
April.....	3	2
May.....	11	1
June.....	3	2
July.....	27	1
August.....	18	9
September.....	2	1
October.....	17	*171
Total.....	<u>716</u>	<u>673</u>

CLAIM DEPARTMENT.

I have the honor to submit the following extract from report of John Lawrence, superintendent Davidson county and chief of claim division :

Number of pension claims forwarded to Washington—

On account of wife.....	46
On account of mother.....	13
On account of children.....	1
On account of father.....	1
On account of soldiers.....	4
Total.....	<u>65</u>

Number of these claims collected.....	5
Number of back pay and bounty claims forwarded to Washington.....	340
Number of the above claims collected.....	3
Number of commuted ration claims forwarded to Washington.....	128

All the above have been allowed, and seventeen of them have been cashed.

Number of claims collected for labor on fortifications, Nashville, (cashed in the city,) average of 40 per month.

Independent of the foregoing, numerous private claims have been collected, legal advice has been daily given, and suits of freedmen continually prosecuted in the civil courts.

The claim department of this office, until within a few months past, since the abolishment of the freedmen's courts, was in the hands of inexperienced officers, while the blanks furnished both to the sanitary and bureau agencies were very defective. We consequently found things in a very bad condition, but at length have succeeded in setting matters to rights; and although but few returns have yet been made, the business will compare favorably with any private agency. We are now endeavoring to get widows, orphans, and all others entitled to bounties, &c., to come forward at once and make application, while several hundred discharged soldiers are awaiting our instructions to file claims for additional bounty. Full instructions having been received for the collection of this last class, a large number will be made up and forwarded as soon as practicable. Special attention will be given to the collection of these claims, as otherwise the freedmen are sure to be fleeced by attorneys and claim agents.

ABANDONED PROPERTY.

On assuming charge of affairs I found this department considerably mixed. The former owners of property still on our books are quietly in possession, either themselves or by their agents, and the bureau is exercising no authority over it. Much of the property is rented to irresponsible occupants, and rents cannot be collected. The revenues had dwindled to a very small sum. No reports had been made, and it was work of weeks to straighten the business up.

I have had prepared complete reports as follows :

- I. Report of all property on our books as in our possession September 30, 1865.
- II. Report of all property seized or taken up during the year ending September 30, 1866.
- III. Report of all property restored during the year ending September 30, 1866.
- IV. Report of all property on hand September 30, 1866.

A consolidated report of the above in figures shows the amount of each kind of property, as accounted for in said report, as follows :

Consolidated report of abandoned property in the State of Tennessee.

Classes of property.	No. of acres given.	No. of farms included in the above.	No. of farms—acres not given.	Total number of farms.	No. of store-houses.	No. of bank buildings.	No. of hotels.	No. of shops.	No. of houses and lots.	No. of town lots.	No. of stables.	No. of powder magazines.	No. of islands.	No. of mills.	No. of distilleries.	No. of boilers.	No. of ferries.	No. of gas works.
On hand, September 30, 1865	65, 102	150	230	380	130	2	2	3	5	320	92	5	1	1	12	4	1	1
Seized during the year ending Sept. 30, 1866	2, 500	1	58	59	4	...	...	2	...	11	2	3	...	2	...	...	...	...
Total	67, 602	151	288	439	134	2	2	5	5	331	94	8	1	1	14	4	1	1
Restored during the year ending Sept. 30, 1866	21, 159	59	56	115	101	...	1	3	2	163	41	4	...	7	...	...	...	1
On hand, September 30, 1866	46, 443	92	232	324	33	2	1	2	3	168	53	4	1	...	7	4	1	1
Total	67, 602	151	288	439	134	2	2	5	5	321	94	8	1	1	14	4	1	1
Restored during October, 1866	1, 248	4	9	13	2	...	...	...	...	2	1	...	...	...	...	...	...	...
On hand, October 31, 1866	45, 195	88	223	311	31	2	1	2	3	166	52	4	1	...	7	4	1	1

Now that we know how this property stands on our books we hope to soon ascertain its exact condition, and make such disposition as will make it more profitable.

Much of this property is in such anomalous condition as to require further instructions from the commissioner—namely : There is much of it that has been long on our books, and over which the bureau has never exercised any jurisdiction. On inspection by Lieutenant Groesbeck, the owners are found in possession ; they have the President's pardon, or have taken the amnesty oath. In many instances General Fisk directed that an entry be made in the books as follows : "Not under the control of the bureau." But no order has ever been issued restoring it, nor any papers filed on which such order can be issued.

When Major Fowler visited this office in September, a list of written questions was placed in his hands for solution, and I was assured special instructions regarding this property would be sent me immediately. They have never come to hand. I have the honor to forward a duplicate, herewith enclosed, with request for instructions.

RECEIPTS AND DISBURSEMENTS.

I have the honor to forward herewith, marked exhibit K, a complete report of all receipts and expenditures for the year ending October 31, 1866. This does not include reports of rents, &c., received in October, complete returns for which have not come to hand. The amount for the year ending November 1, 1866, is as follows :

REFUGEES AND FREEDMEN'S FUND.

On hand November 1, 1865.....	\$91, 125 02
Rents from abandoned lands.....	47, 380 74
Fines, contracts, &c.....	718 79
	<hr/>
'Total refugees' and freedmen's fund.....	139, 224 55
	<hr/> <hr/>

APPROPRIATION FUND.

Salaries of assistant commissioner, superintendents, agents, &c...	\$5, 000 00
Salaries of clerks and laborers.....	6, 380 00
Stationery and printing.....	750 00
Quarters, offices, and fuel.....	750 00
Clothing for distribution.....	.....
Commissary stores.....	1, 000 00
Medical department.....	2, 500 00
Transportation.....	1, 657 58
School superintendent.....	840 00
Repairs and rents of school-houses.....	11, 500 00
Miscellaneous—postage, rents restored, &c.....	600 00
	<hr/>
Total received from appropriation fund.....	30, 977 58
	<hr/>
Total receipts from all sources.....	170, 202 13
	<hr/> <hr/>

Total expenditures for the year ending November 1, 1866, have been as follows, among which I would call attention to the sum of \$60,102 47 transferred to officers, transferred to chief accounting and disbursing officer at Washington, and to miscellaneous, postage, rents restored, telegrams, &c., about \$20,000 of which was in rents restored :

EXPENDITURES FREEDMEN AND REFUGEES' FUND.

	Appropriation fund.	Total.
Salaries of assistant commissioner, superintendents, agents, &c.....	\$4, 305 54	
	1, 770 00	
	<hr/>	\$6, 075 54
Salaries of clerks and laborers.....	21, 581 88	
	4, 371 07	
	<hr/>	25, 952 95
Stationery and printing.....	3, 778 98	
	315 40	
	<hr/>	4, 094 38
Quarters, offices, and fuel.....	2, 012 71	
	511 37	
	<hr/>	2, 524 08

Medical department	\$6, 781 06	
	238 00	
	<hr/>	\$7, 019 06
Transportation.....	3, 007 72	
	427 42	
	<hr/>	3, 435 14
School superintendent.....	290 00	
	183 67	
	<hr/>	473 67
Repairs and rents of school-houses.....	5, 200 00	
	5, 655 77	
	<hr/>	10, 855 77
Miscellaneous, postage, rents restored, telegrams,	27, 684 30	
	504 76	
	<hr/>	28, 189 06
Internal revenue tax.....	755 48	
	41 75	
	<hr/>	797 23
Destitute refugees and freedmen.....	2, 769 07	
	<hr/>	2, 769 07
Transferred to officers.....	60, 102 47	
	<hr/>	60, 102 47
	138, 269 21	
	14, 019 21	
	<hr/>	152, 288 42
	<hr/>	
Leaving a balance on hand of.....		\$17, 913 71

The above expenditures include the expenses in the State of Kentucky, up to the 15th day of June, 1866, and certain expenses which accrued in the State previous to that date, but which have been paid since. No part, however, of the receipts accrued in the State of Kentucky.

There are now on duty in the Bureau of Refugees, Freedmen and Abandoned Lands, State of Tennessee, twelve commissioned officers, viz: one colonel and brevet brigadier general, one lieutenant colonel, one major, (surgeon,) one captain and brevet major, (quartermaster,) five captains, one first lieutenant, one second lieutenant and brevet captain, and one second lieutenant.

A complete roster of the above is forwarded herewith, marked exhibit L.

The whole number of civilian agents and employés in the service of the bureau is fifty-five, viz:

One school superintendent, at a salary of.....	\$150 00 per month.
One county superintendent, at a salary of.....	100 00 "
Three county superintendents, at a salary of.....	75 00 "
Four county superintendents, at a salary of.....	50 00 "
Thirty county superintendents.....	the fees of the office.
Twelve clerks, at a salary of.....	100 00 per month.
One ambulance driver, at a salary of.....	30 00 "
Two watchmen, at a salary of.....	30 00 "
One watchman, at a salary of.....	30 00 "
One watchman, at a salary of.....	25 00 "

A complete roster of the above is herewith forwarded, marked exhibit M.

The necessary orderlies are detailed from the troops serving at the various posts.

To conclude this report, I may say that the "bureau" in Tennessee has become simply the almoner of the government bounty. The last clause of the

14th section of the last "bureau" bill has shorn it of all its authority in this State.

"The courts of the State and the United States are not disturbed in the peaceable course of justice." (nor the peaceable course of injustice,) and the State is "fully restored in its constitutional relations to the government" and "duly represented in the Congress of the United States."

Without we have an agent in every judicial district, and each agent a first-class lawyer, we can do comparatively little in stemming the general tide of petty injustice toward the freedmen.

Our agents have been generally honest and faithful in the discharge of their duties, and, I believe, entirely free from corruption. They have generally had the confidence of the colored people, and been above reproach by the whites. They have done what they could for the interests of the freedmen. They stand as next friend to them, advise and assist them in the course to be pursued to obtain their rights, and, undoubtedly, simply as a corps of observation, prevent very much oppression and injustice.

They hold still the eye of the law and of justice over the evil-doer, although in part shorn of the hand of power. The bureau agents stand nearly as private individuals, but dispensing the bounty of the government. The greatest good yet remaining for them to do is to aid and foster the educational movement. The schools established and school-houses built and freedmen educated are the seed sown in this land of oppression that shall spring up in soldiers strong and mighty to resist the oppressor and strive for their rights. I believe it is not true that the bureau increases the load of injustice the freedmen have to bear by the opposition it keeps alive in their enemies. It is no abstract thing that the enemies of the bureau are fighting for in urging its removal. It is a stone in their path, and a thorn in their side, which prevents their moving on to and settling quietly into nearly the same despotic control of the freedmen they enjoyed in times of slavery.

Unless the State shall be placed in a condition so that the loyal minority may be allowed to govern, I do not see how the difficulties of the freedmen are to be remedied. Political changes and time may bring them relief.

In the present state of affairs I can only recommend that the authority of the assistant commissioner be extended to the utmost in regard to building and repairing school-houses and furnishing them; furnishing transportation for supplies, both for school purposes and to supply the destitute; and power to employ legal aid for the bureau agents and freedmen in serious and important cases.

I am, very respectfully, your obedient servant,

J. R. LEWIS,

Brevet Brigadier General, Assistant Commissioner Tennessee.

Major General O. O. HOWARD,

Commissioner, &c., War Department, Washington, D. C.

TEXAS.

HEADQUARTERS BUREAU OF REFUGEES, FREEDMEN
AND ABANDONED LANDS, STATE OF TEXAS,
Galveston, October, 1866.

GENERAL: In accordance with orders contained in circular letter from War Department, Bureau of Refugees, Freedmen and Abandoned Lands, Washington, D. C., October 2, 1866, requiring me to make a report, to be embodied in your annual report to the President, I have the honor to submit the following:

In obedience to Special Orders No. 78, paragraph 1, War Department, Bureau Refugees, Freedmen and Abandoned Lands, Washington, D. C., April 2, 1866, I relieved Brevet Major General E. M. Gregory as assistant commissioner of this State. The bureau was organized by my predecessor, General Gregory, and prior to my relieving him I have only the official records of the office from which to gather its history. For the plan of the organization and its practical workings, from the time of its organization to the time of my taking charge, I will be obliged to refer you to his official reports covering that period. I have good reason to believe that General Gregory labored under great difficulties, and worked very hard in the original organization of the bureau. He found an almost universal disposition on the part of the freedmen not to enter into contracts. He rode through a large portion of the State, and by addressing them in large crowds secured their confidence, and induced them to enter into contracts to cultivate the large and fertile plantations of this State. I feel it my duty to state, in this connection, that to him more than any other man is due the gratifying results of this year's labor.

On entering on duty as assistant commissioner of the State, I conceived that the highest interest of the former slave, financially, intellectually, and morally, lay in the direct channel of industry.

With this conviction, I made it my first duty to inquire into the extent to which freedmen were under contract for labor for fair wages, the manner in which they were observing their contracts, and the general good faith towards them by their employers. Such inquiries resulted in my issuing the following (my first) order :

[Circular No 14.]

HEADQUARTERS BUREAU OF REFUGEES, FREEDMEN
AND ABANDONED LANDS, STATE OF TEXAS,
Galveston, May 15, 1866.

It having come to the knowledge of the assistant commissioner that it has become quite prevalent throughout the State to entice laborers from one employer to another, after a contract has been entered into in good faith between employers and freedmen, and such a course being deemed not only dishonorable and a flagrant violation of the law of contracts, but also destructive to the energetic system of labor the bureau desires to establish, and detrimental to the agricultural interests of the State, it is, therefore,

Ordered, That any employer, planter, or other person who shall tamper with or entice laborers to leave their employers, with whom they have contracted in good faith, before the expiration of the time specified in the contract, by offering larger wages or other inducements, or by representing to the freedmen (as has frequently occurred) that the contract under which they are bound, it having been previously approved by an agent of the bureau, is illegal or unjust, shall be fined a sum not to exceed \$500, nor less than \$100, at the discretion of the sub-assistant commissioner, said fine to be collected, if necessary, by a lien upon the crops or other property of said persons ; that any freedman who allows himself to be thus enticed away from his employer, with whom he has contracted for a specified time, before the expiration of such time, shall be fined a sum not to exceed \$25, nor less than \$5, at the discretion of the sub-assistant commissioner, said fine to be collected, if necessary, by a lien upon the future wages of the freedman, garnished in the hands of any future employer ; or any freedman who shall voluntarily leave his employer, with whom he has contracted for a specified time, before the expiration of such time, unless for such a violation of the provisions of the contract on the part of the employer as will annul said contract, shall also be fined by the sub-assistant commissioner in a sum not exceeding \$50, to be collected as above specified.

The assistant commissioner deems such a course not only simple justice to both parties, but he also considers it his duty to throw such moral influence about the freedmen, in their transition state, as will induce them to maintain inviolable the provisions of so solemn a legal document as a written contract. If the employer fulfils his portion of the contract as to wages, rations, and treatment, the laborer must fulfil his portion as to time and labor.

J. B. KIDDOO,
Brevet Major General, Assistant Commissioner.

Although I was in some doubt, at the time, as to the propriety of such an order, I am happy to state to you that it resulted in great practical good to both freedmen and planters. Its most beneficial effects consisted in the restraint it placed upon unscrupulous planters, who practiced enticing freedmen under contract from each other.

The almost constant rains during the months of June and July rendered it necessary that some exertion be made to stimulate the freedmen to extra exertion to save the crops from the rapid growth of weeds and grass. With the same motive in view, viz., to benefit the negro through his own industry, I, at that time, issued the following order, and about the same time made a tour through some of the more important counties myself:

[Circular No. 17.]

HEADQUARTERS BUREAU OF REFUGEES, FREEDMEN
AND ABANDONED LANDS, STATE OF TEXAS,
Galveston, June 19, 1866.

In consideration of the present precarious condition of the cotton crop, by the rapid growth of grass in consequence of the almost constant rains, it is hereby required of all sub-assistant commissioners of the bureau to make an immediate tour through their respective districts, visiting, as far as possible, each plantation, and, when this is not practicable, calling the freedmen together at available points, and lecture them on their duties to their employers who act in good faith towards them, and advise them as to the importance of saving the crop. They should be taught that they have a common interest with the planter in procuring a large crop; that at this important juncture they should work early and late, with cheerfulness; that the highest enjoyment of their freedom is through the means of labor, diligence, industry, frugality, and virtue. On these tours agents will read circular No. 14 to the freedmen, and explain to them the justice of the order, the nature of a contract, and the importance of fulfilling it in good faith.

The providential interference with the crops in what is called the "Trinity region," has been a source of deep regret to the assistant commissioner, but he is pleased to hear that the crops are being replanted; and he calls upon all agents in that region to aid the planters to the full extent of their power, by inciting industry and emulation among the freedmen in the laudable undertaking. The assistant commissioner deems it for the highest interest of the freedmen, planters, and State that a large and profitable crop be the result of this year's labor.

At points where there are United States troops, agents will apply to post commanders for a horse, and small escort, if necessary; and when horses cannot be obtained in that way, expense, at a reasonable rate, and for a reasonable time, will be allowed. Agents will make a report of their tour immediately upon their return.

J. B. KIDDOO,
Brevet Major General, Assistant Commissioner.

This order, I am pleased to state, was carried out with industry and in good faith by my sub-assistants, and had the effect of persuading the planters that the bureau was working in their interest as well as that of the freedmen, and with the freedmen, of knowing and seeing that their rights were cared for by the United States government, in which they have the most implicit confidence, and for which every indication shows they have a deep-seated, patriotic love. It also had the effect of, in a great measure, saving the crops, they having become discouraged by the constant and rapidly increasing toil before them. During the cultivation of the crop, I heard very little complaint from the freedmen with regard to not receiving their monthly pay. Wages were, as a general thing, paid promptly. This was the surest and most prudent course on the part of the planter by which to secure their industry. The negro wants his money in hand. It is bad policy, to say nothing else, to break promises with him or lack promptness. On this subject, however, some ill-meaning persons were disposed to take advantage of him, by paying monthly wages in currency instead of specie, when the latter was specified in the contract, on the flimsy pretext that government money was a legal tender. I was obliged to interrupt this injustice by issuing the following circular, the first part of which will apply more particularly to final settlements, at the expiration of contracts :

[Circular No. 19.]

HEADQUARTERS BUREAU OF REFUGEES, FREEDMEN
AND ABANDONED LANDS, STATE OF TEXAS,
Galveston, August 20, 1866.

The following instructions are issued for the guidance of sub-assistant commissioners, in the adjustment of accounts of freedmen who are employed for monthly wages :

1st. In all cases, unpaid wages will be regarded as an equitable lien on the crop or the products of the labor of the freedmen, and will be the first claim paid. In such cases the whole crop will be regarded as liable for wages unpaid at the end of the year, or expiration of the contract, and may be attached and held for the same, in whomsoever's hands it may have fallen, regardless of sales, consignments, rents for lands, or any claim whatsoever.

2d. In cases where contracts have been entered into between freedmen and employers, in which it is agreed that monthly wages are to be paid in specie, sub-assistant commissioners will require payment in specie, or its equivalent in lawful currency at the time when the contract was made. When it is specified in the body of the contract that the payment is to be made in "specie," specie becomes a commodity of merchandise, and it cannot be claimed that, in such cases, United States currency, to the amount, is a lawful tender.

J. B. KIDDOO,
Brevet Major General, Assistant Commissioner.

The crops which gave such bright promise through the summer months were very seriously damaged by almost constant rains during the latter part of August, and all of September, the effect of which greatly engendered the worm. These two causes produced such devastation that I became fearful the freedmen, particularly those working for a portion of the crop, would become discouraged. Want and starvation might ensue during the winter. The planters would also be disheartened, and free labor in the south would not get a fair trial in the first year of its history. The importance of gathering what might be left of the crop induced me to issue the following order :

[Circular No. 21.]

HEADQUARTERS BUREAU OF REFUGEES, FREEDMEN
AND ABANDONED LANDS, STATE OF TEXAS,
Galveston, October 1, 1866.

The important season having arrived for gathering the cotton crop of this State, the assistant commissioner deems it proper to instruct sub-assistant commissioners to give special attention to picking and otherwise securing it. They are instructed to make similar tours as directed in Circular No. 17, during which they will read and explain to the freedmen Circular No. 14, and exhort those who are working for wages to a faithful and just fulfilment of their contracts, and those who are working for a portion of the crop, to diligence in securing the results of their summer's labor. The effect of the late rains, and the ravages of the worm, render it necessary that extra exertions be made to secure what is left of the crop.

Sub-assistant commissioners will, at as early a date as possible, make themselves familiar with the contracts between freedmen and planters in their respective districts, determine the just portion of the crop due the freedmen, see that an equitable division is made of the same, and will make it a special part of their duties to procure a convenient market, and in all cases the market price of their cotton. Sub-assistant commissioners will, when absolutely necessary, arbitrate and settle any just claims that may be against the freedmen's portion of the crop, or wages, for necessaries furnished them during the summer, but it is not advisable to interfere in private agreements, or book accounts, except in extreme cases. Their legitimate duties are confined to the arbitration of such matters as may arise out of the written contracts entered into between planters and freedmen, and approved by an agent of the bureau for labor.

The assistant commissioner takes this opportunity of advising employers of freedmen to deal with them in the settlement of their accounts for this year's labor in a fair and equitable manner. They are, to a great extent, ignorant of the rights accorded them by their new relation, and the laws that should govern it. They were placed in this relation by the arbitrament of arms, and not by their own voluntary act, and hence should be exempt from any resentment that might accrue from the loss of property in labor. Waiving higher considerations, it will not redound to the financial benefit of those who have plantations to cultivate, to deal unjustly with the freedmen, who have such a large monopoly of the labor. Those who deal fairly and generously with them can command their labor next year, while an opposite course may have an opposite result.

J. B. KIDDOO,
Brevet Major General, Assistant Commissioner.

Aside from the requirements of the above order, that the sub-assistant commissioners should go among the plantations and freedmen and assist in gathering the crop, the necessity for exercising some supervision over the freedman's portion of the crop became imperative. The better class of planters, who were former slaveholders, are, as a general thing, disposed to deal fairly with them in the division of the crop, but there is a class of men, commonly known in the State as "adventurers," small planters, travelling speculators, country storekeepers, (not merchants,) with whom I have had, and anticipate more, trouble.

They are swarming the planting regions like as many buzzards seeking for prey. They endeavor to sell to the freedmen worthless jewelry, cheap clothing, and unsound horses. The country storekeepers sell them rope and bagging, often at enormous prices, and, in collusion with the small planters, take a lien on their portion of the crop, the freedmen having no money, this being their first year's labor for wages. Money is in some instances advanced for

them to pay the tax on their cotton, which is required before it can go into market, and before it gets out of the hands of these men it is far spent. In many instances bills are presented against their portion of the crop for trifles, of such a size as to almost absorb it; this, also, by collusion between the planters and small stores, and the natural presumption is that they divide the profits.

I deal thus at length upon the relation of the freedmen to the labor of the State, because I consider their future weal or woe to be indissolubly connected with its agriculture. For the good of the freedmen, for the good of the planter, for the agricultural and financial prosperity of the State, for the defence of the bureau against its maligners, for the vindication of my government in liberating the slaves of the south, and to demonstrate the superiority of free over slave labor, I have deemed it of the highest importance that a large and profitable crop should be the result of this year's labor. The United States government remotely, but Freedmen's Bureau immediately, will be held largely responsible, by the political world, at least, for this the grandest experiment of the age. There are, as near as I can ascertain, from the most reliable data, about *two hundred thousand* freed people, of all ages and both sexes, in this State. How many of these are engaged in agricultural pursuits I am not able to say, but I feel confident that I am correct in the assertion, that there is about one-third enough of labor in the State to develop its vast agricultural and mineral resources, to build its railroads, fence in its vast and fertile prairies, and herd its cattle.

With this conviction, and to the end that the bureau might be of future and practical good to the State, and to the freedmen who immigrate thereto, I recommended to you a system of immigration into the State, under the immediate auspices of the bureau, and having received your approval of the same, I have been doing all in my power to further that end.

I learn, to my regret, that the corn and, in some instances, the wheat crop has failed in many of the southern States, which will cause great want, and, I fear, much suffering, during the coming winter. These people will, in that event, be thrown upon the government for support, from necessity. The government having liberated them, is bound to take care of them in their transition state. In Texas there is bread enough, and to spare. The corn and wheat crop is a success.

There is provision enough to feed all classes for at least two years. Besides, I will require all parties who bring freedmen from other States to this one to contract with them at the point from which they procure them, which will bind them to subsist them during the entire year. Many applications have been made to me by responsible planters to go to other States for labor, and I have in all cases given encouragement. I will neither authorize nor encourage any but reliable men in this enterprise, and when such engage in it, I respectfully recommend that government transportation be freely, but prudently, used. It will also be my special care not to allow anything like trafficking or speculation in negroes to grow out of or be carried on under the pretence of immigration. If government transportation is asked for, I will, in all cases, require that they get my authority that they be persons actually engaged in planting in this State, and that they contract with the freedmen in their own name, at the point from which they procure them, which contract cannot be transferred or enforced in any other person's hands.

The judicial functions of the bureau had been conducted in a very irregular, though not necessarily illegal, manner, until uniform instructions were sent from this office. Sub-assistant commissioners, having no uniform instructions, variously interpreted their powers and prerogatives, and often acted at variance with each other. I made an early endeavor to establish the following system!

First. That the bureau would take no cognizance of any matters between whites and whites, except where negroes were also concerned; as where a contract for labor, wages, or other interests of the negro were involved.

Second. That it should take cognizance of matters between blacks and blacks, where the civil courts could not be trusted, or were not in full operation.

Third. That it should take entire cognizance of matters of a civil character between blacks and whites, where there was good reason to believe the negro could not get justice, or where his testimony would not be admitted as legal evidence.

Fourth. Where a negro committed a crime against the civil law, such as theft, assault and battery, or the capital crime of murder, the bureau allowed the civil courts to take cognizance of such, and exercise such supervision over it as to take the case out of the hands of the civil authorities in the event the negro did not get justice.

Fifth. In cases of outrages upon negroes, such as whipping, beating, and otherwise maltreating their person, the bureau generally took summary jurisdiction, and punished, if found guilty, by fine or imprisonment, or both.

Sixth. In cases of murder of freedmen, the bureau brought the party charged before a military commission, convened by the department commander, until the provisions of General Order No. 26, War Department, Adjutant General's office, current series, were extended to Texas. Since that time it has allowed all such cases to be given to the civil courts, and it has not yet transpired to what extent these courts will do justice in such cases. The bureau courts of this State have been the sub assistant commissioner himself, until the receipt of the new regulations from your office. It is my desire and purpose to give the freedmen's affairs into the hands of the civil courts just as fast as I can be assured that they will get impartial justice done them. At the lawful expiration of the bureau, all their legal interests and concerns will be in the hands of the civil courts, from necessity, and I consider it eminently proper that the bureau should co-operate with the State authorities, so that the transition should not be too sudden. To this end I am watching with care all the legislation pertaining to freedmen that is pending before the legislature now in session at Austin, and have had some very interesting and satisfactory correspondence with Governor Throckmorton, and chairmen of committees, on matters of legislation pertaining to freedmen, in all of which I have strongly urged that they make no distinction of color in any laws they may pass pertaining to contracts for labor, guardianship, apprenticeship, vagrancy, testimony, the holding of property, &c., &c.

There are, at present, no laws in this State pertaining to the negroes, in their state of freedom, that the bureau can take any cognizance of, and hence I am watching with interest the character of legislation pertaining to them.

In answer to your inquiry as to the form of contract, I have to say that they are almost as varied as the number in the State. There had been no uniformity of contracts adopted when I entered upon my duties, and those then existing were for the year. A large majority of the freedmen, at least three-fourths, are working for a part of the crop, varying from one-half to one-fourth. Those working for one-fourth usually have everything found them; those working for a larger share, say one-third, have some articles furnished them, such as rations and some clothing. Those working for one-half usually find themselves in everything necessary for the cultivation of the crop, the employers only providing land and farming utensils. I can give you a crude, though not entirely reliable, idea of the amount of cotton that will fall to the lot of the freedmen. It is my belief that the State will produce 200,000 bales of cotton, if there can be labor enough procured to pick it. About three-fourths of the ground under cultivation is worked on the shares by freedmen, who get, on an average, three-eighths of the crop, which will make a full fourth of the whole, or 50,000 bales. The three presumptions, viz: the size of the crop, the proportion of it worked on shares, and the average portion falling to the freedmen, may all so vary this calculation as to make it fall short of that amount, but the only one capable of any variation is the estimate of the crop.

The general observance of contracts during the labor season has been very good. There has been, thus far, none tried or called in question, except those for monthly pay; but, as I stated to you in my report of August 8, I fear great trouble in the final adjustment of those for a portion of the crop, and I will make it the paramount part of my duties the remainder of the year to secure to the freedmen their just portion of their hard year's labor. Daily reports come to me of a purpose on the part of the freedmen not to enter into contracts for next year. I have not yet learned what is the cause of this manifestation, if it does exist; but during the tour upon which I am about to enter through the planting region of the State, I will do all in my power to conciliate any bad temper that may have manifested itself, and will give the freedmen such assurances as I consistently can that they will be protected in all their rights.

All orders and circulars pertaining to the homestead act were duly promulgated to the freedmen of this State, but I did not give the subject special favor, for the reason that it has been my special desire to encourage colored immigration into the State, rather than emigration from it. On examination and inquiry, I found, much to my satisfaction, that the vast and fertile prairies in this State could be bought from the State for less than the cost of moving to and preempting the government lands designated in the homestead act. It is my firm belief that the prospect of freedmen becoming land-owners is more promising and immediate in this than any other southern State.

As to the collection of bounties for discharged colored soldiers, I have to state that few applications have been made to the agents of the bureau in this State. Though there have been many colored soldiers in the State, yet existing orders require them all to return to the rendezvous where they were organized for muster out, unless some other one should be designated by special order. Only twelve applications have been made; none are yet settled.

The education of the freedmen has engaged my most earnest attention, and I propose to speak plainly upon this subject, and present for your consideration the practical difficulties under which I labor in carrying out a practical system of education. As I stated to you in a former report, General Gregory, with the valuable assistance of Mr. Wheelock, superintendent of schools, was obliged to adopt a system of self-sustaining or pay schools. This was a necessity at the time, as Texas was far remote, and the benevolent agencies of the north had not yet reached it. But such a system does not meet the necessities, in my opinion, of this or any other southern State. My belief is, that by a system of pay schools about one-fourth (not more) of the freed children of this State, who would attend under a free-school system, are gathered into these schools. The reason is apparent. This is the freedmen's first year (except a portion of last) for paid labor. They have no money except what they earn by monthly wages, and only about one-fourth of them are working for monthly wages, the rest for a portion of the products of the soil, the remuneration for which will come at the end of the year. Many of them have large families. Fifteen dollars per month is a large average for heads of families. One dollar and a half per scholar per month is the least upon which teachers can support themselves. The head of a family with three or four children cannot afford to pay the tuition of more than one, while the whole of them might be at school if the school were free.

Again, this is the first claim of freedom upon them. Their labor and its products must make them really free. This great agency should not be cramped by imposing upon them expenses (even for their own good) that will interfere with their seeing and feeling the immediate material results of their great experiment. Again, charging the negro children for their schooling renders the bureau, through it the government, liable to unnecessary insinuations of speculation, extortion, and insincerity by those who feel aggrieved at the freedom of the negro and oppose any effort to elevate them. These I conceive to be the most serious objections to the system of pay schools. The bureau is presumed to be t

civil and moral guardian during its existence, by act of Congress, and during that time, in addition to protecting their civil rights and teaching them the true purport of their freedom, it, together with such benevolent agencies as it can command, should at least start them in education, and give it such an impetus as will enable them to make it self-sustaining when the bureau ceases by lawful limitation. After that, as I have previously reported to you, I will consider it for their practical good that they be required to pay for their own education.

I, therefore, respectfully recommend that the Commissioner allow the assistant commissioner of each State to expend such an amount of the refugees' and freedmen's fund as will, with the assistance of what benevolent societies can furnish, be a competent support for teachers. They can then with better grace act the part of missionaries among the freedmen, and gather them into schools. I am also desirous, during the existence of the bureau, to get a number of colored people of both sexes prepared for teachers, so that they may assist in the education and elevation of their own race, and to this end am desirous of, and have taken the initiatory step towards, the establishment of a normal school in Galveston, for the preparation of the most advanced scholars in the other schools for teaching. On these subjects, however, I will send you a special report.

I respectfully submit the following report from Mr. E. M. Wheelock, superintendent of schools, for the past twelve months, from October 31, 1865, to November 1, 1866.

OFFICE SUPERINTENDENT EDUCATION OF REFUGEES AND FREEDMEN,
State of Texas, Galveston, October 30, 1866.

GENERAL: In compliance with your order requiring a statement of the history and condition of the educational work in charge of your bureau, I have the honor to state that prior to the surrender of this State in June, 1865, a colored school was an unknown thing in the wide domain of Texas.

As soon as the occupation by the national forces took place, and emancipation became a realized fact, the colored people began to buy slates and primers and importune for schools.

Popular opinion was, however, so strongly opposed that nothing beyond private instruction was attempted for some months. The State Bureau of Freedmen was not organized until autumn.

In the month of September, 1865, the first colored school known to the people of Texas was established in Galveston. The success was signal, and it was rapidly followed by others. The bureau had no funds and but little income, but the freedmen were willing, and even ambitious, to bear the expenses; so a common school system upon a self-supporting plan was organized, teachers, books, and buildings obtained, and the work entered upon with such large success, that by the end of June last I was enabled to report one hundred freedmen's schools in operation, a corps of sixty-five teachers, and an attendance of four thousand four hundred and forty-seven pupils.

A large number of teachers conducted night schools for adults, in addition to their day labors, and schools for elementary and religious instruction on Sunday. These latter reach a large laboring class, who cannot attend the week-day schools.

Through the three following months of July, August, and September, though there was no general vacation, the majority of the schools were closed by sickness or absence of the teachers, and the attendance of those remaining in session was affected by the heat and sickness of the summer, and by the panic caused by the cholera, which visited the larger towns of Texas, from Galveston to Brownsville, and even to San Antonio, in the far west, and in August there continued in activity forty-three day, night, and Sunday schools, conducted by twenty-five teachers, with a total attendance of two thousand seven hundred and fifty-two pupils; September, thirty-eight schools, twenty-three teachers, one thousand six hundred and seventy-nine pupils.

Early in October the vacant schools were reopened, many of the old teachers returned, and others are being procured from Louisiana, where there appears to be a permanent surplus of unemployed instructors. Within a few weeks, with a largely increased corps of efficient teachers, all the positions occupied previously to the vacation will be resumed, and the field enlarged by the opening of new schools wherever the presence of military or the moderated tone of the people will permit.

From the first these schools have been wholly supported by the freedmen; a monthly tuition fee of one dollar and a half sufficing to maintain the teacher. Our needs have been laid before the northern aid societies; but absorbed, as these benevolent organizations have been, in nearer fields of labor, we have received no pecuniary aid beyond their good will and the donation of a box of Sunday school hymn books and tracts. Our gratitude is also due the American Bible Society for a donation of bibles and testaments, in amount sufficient to enable us to place a copy in the hands of each pupil as he learns to read. No gift could have been more timely.

The bureau assumes the responsibility of general supervision and superintendence of the examination and appointment of teachers, their transportation, the payment of rents, fuel, the repairs of school buildings, and the armed protection of the schools. The freedmen pay for tuition and books; but, to perfect the system, the income of the teachers should be supplemented by a small monthly sum, sufficient to defray the tuition of those who are too poor to pay the stipulated fee. This class, though smaller in Texas than any other southern State, still exists, and should not feel debarred, either through poverty or improvidence, from school privileges. Thus amended, our school system would embrace all interests and reach all the freed people.

Everywhere in Texas, those who are striving to impart the elements of knowledge and religion to the recently liberated slave are made to drink unsparingly of the cup of social reproach; the most blameless conduct insures no immunity from scurrilous and scandalous attack.

The schools follow the flag. Wherever there is a military post and a bureau agent, a teacher is sent and a school begun.

The greatest hindrance to growth has been the lack of school buildings. The colored churches are few in number, and are unprovided with desks for writing. We do not possess, in the entire State, a school-house with two rooms, or with any facilities for grading pupils, while in many promising localities it is impossible to rent even a cabin.

An indefinite number of private schools are scattered through the State, on plantations, for the most part making no reports to the bureau, and taught by such of the colored people as have obtained a small degree of elementary knowledge. These obscure schools are being as rapidly as possible included in our system of supervision and monthly returns, and unfit instructors replaced by those of a higher grade.

All of our labors are facilitated by the desire of the negro to learn. The school-house, though often far from comfortable, has, of all places, the most attraction. Discipline is easily maintained, misdemeanors are not common, and the threat of expulsion from school will suffice to curb the most untamed will. Among the pupils most advanced, no flagging of zeal and no abatement of progress is seen. They give no sign of having reached the limit of their capacity. The higher classes will rise still higher, if opportunity serves, and are ready to push on to new lessons and harder tasks. Normal classes are about to be formed from the most advanced of our pupils, and we hope within a twelve-month to supply districts with zealous and efficient teachers from the ranks of the freedmen. Such native teachers will arouse less opposition than any other, will penetrate where a white instructor dare not, and will live where he would starve.

At least ten thousand colored persons, old and young, have learned to spell and read within our schools during the past year. As many more have possessed themselves of the spelling-book and the primer, and are seeking, through self-help, that intelligence which they so immediately need. This is a great feature of our educational system, and reveals the universality of that providential impulse towards instruction which works in this race like the instinct of self-preservation.

These schools are felt among the freedmen as a moral power. With increased intelligence self-respect is quickened, conscience awakened, and the restraints of decorum and morality observed. Already the knavish and immoral element of this race is feeling the novel and augmenting force of a public opinion, which serves to shame and to check the vice which it cannot yet abolish.

Earnest efforts have been made to cause the schools of the freedmen to conform, in discipline and instruction, to the approved district school system of older States. The best text-books have been selected, corporal punishment discouraged, and the most competent teachers that could be obtained employed. It is believed that the efficiency of the schools has kept pace with their increasing numbers, and that each succeeding school term will show them, more and more, to be a genuine part of the new order of things. When the State of Texas decides to inaugurate and sustain a system of public instruction for all, these schools can be transferred to civil rule without suspension and without scarcely a shock.

Annexed please find a summary of the number of schools, teachers, and scholars in the freedmen's schools of Texas, from September, 1865, to November 1, 1866.

Very respectfully, your obedient servant,

E. M. WHEELOCK,

Superintendent of Freedmen's Schools, State of Texas.

Brevet Major General J. B. KIDDOO,

Assistant Commissioner Bureau of Refugees,

Freedmen and Abandoned Lands.

Months.	No. of schools.	No. of teachers.	No. of pupils.
1865.			
September	1	1	80
October	5	4	264
November	7	6	326
December	12	9	615
1866.			
January	26	14	1,691
February	45	28	2,445
March	90	43	4,590
April	90	45	4,710
May	99	53	4,796
June	100	65	4,447
July	72	43	4,365
August	43	25	2,752
September	38	23	1,679
October	45	34	2,462

The issuing of rations to refugees and freedmen in this State has been merely nominal, in comparison with other States, as you will see by the following

tabular report. It is now reduced to supplies needed for the freedmen's hospital, at Houston, in which there are, at present, fifteen patients.

It is my opinion that there will be no general suffering among the freedmen of the State, during the winter, for want of food. There is an abundance of all kinds, and if the products of the labor of this year are properly husbanded, the winter will be passed without want. In addition to this, the year's contracts for labor will no sooner have been closed than there will be opportunities for making others for the coming year, under which contracts food and clothing can be furnished by the employers.

I submit herewith a report of rations issued to refugees and freedmen from October 31, 1865, to November 1, 1866 :

Months.	REFUGEES.					FREEDMEN.					Aggregate.	Total number of rations issued.
	Adults.		Children		Total.	Adults.		Children		Total.		
	Male.	Female.	Male.	Female.		Male.	Female.	Male.	Female.			
1865.												
November.....					16	13		3	32	32		396
December.....	9	2		4	15	19		3	32	47		583
1866.												
January.....	2	2			4	35	22	4	6	67	71	915
February.....	1	2	2	2	7	37	39	9	6	92	99	1,201
March.....						13	17	7	6	45	45	996
April.....						9	17	5	5	37	37	763
May.....						24	27	9	3	94	94	3,143
June.....						35	36	11	7	73	73	1,836
July.....						32	33	5	11	71	71	1,907
August.....	2	3	2	2	9	10	16	6	6	37	47	1,125
September.....						53	17	6	6	73	73	1,295
October.....						10	6	5	3	24	24	790
Grand total.....	14	9	4	8	35	324	251	68	65	708	743	14,950

I further submit the report of Lieutenant S. C. Plummer, 17th United States infantry, acting assistant quartermaster and disbursing officer Bureau of Refugees, Freedmen and Abandoned Lands, with the single remark that the necessity of employing citizen agents on account of the scarcity of officers in the districts of Texas largely increases the expenses. The State is very large, and the necessity of agents at all the points occupied is imperative.

More posts should be established in northeastern Texas, but I do not propose to do so unless I can procure army officers for them. The Commissioner will immediately observe that great economy would accrue to the government by having the operations of the bureau conducted by army officers rather than by paid citizen agents.

The following is a synopsis of the financial accounts of the Bureau of Refugees, Freedmen and Abandoned Lands, State of Texas, for the year ending October 31, 1866, exhibiting the sources from which revenue was derived, and the amounts received from each source in each month, with a similar statement of the expenditures, and of the balance due the United States :

Disbursements for purchases and expenditures, transfers to internal revenue, and to officers outside the State.

Month ending—	Purchases.	Expenditures.	Transfers to internal revenue.	Transfers to officers.	Balance due United States November 1, 1865, \$875.
1865.					
November 30					\$1,345 00
December 31					1,626 00
1866.					
January 31		\$579 13	\$17 92		1,368 95
February 28		1,135 56	15 42		3,577 07
March 31	\$621 50	1,942 29	53 62		2,196 85
April 30	181 50	872 06	25 42		1,650 52
May 31	31 00	819 69	21 55		1,729 28
June 30	229 33	355 80			2,256 15
July 31	92 50	2,085 73	33 14		1,957 43
August 31 *	135 19	58 00		\$700 66	2,504 33
September 30	12 50	351 87			3,273 46
October 31	44 60	156 00			43,072 86
Total	1,339 12	8,356 13	167 08	700 66	.....
August 31*	30 80	1,375 79	19 17		4,074 24
September 30		6,457 54	129 02		7,268 37
October 31	28 50	4,469 97	170 65		10,782 58
Total	59 30	12,303 30	218 84		.....

* The accounts of moneys derived from the freedmen's and refugees' fund, and from the appropriation of Congress, commenced to be kept separate in the month of August.

† Approximate balance, the accounts of sub-assistant commissioners not having been as yet rendered for October.

‡ Retained, (in stead of being transferred,) in obedience to circular from War Department, dated Washington, August 22, 1866.

Receipts arising from fines, rents of abandoned property, and from the appropriation made by Congress.

Month ending—	Fines.	Rents.	Appropriat'n by Congress.
1865.			
November 30	\$170 00		
December 31	281 00		
1866.			
January 31	340 00		
February 28	227 70	\$3,131 40	
March 31	203 20	1,025 00	
April 30	532 65		
May 31	451 60	500 60	
June 30	600 00	512 00	
July 31	683 15	1,229 50	
August 31	928 75	512 00	
September 30	163 50	970 00	
October 31 *			
Total	5,750 95	7,879 90	.....
August 18			\$5,500 00
September 11			9,651 67
October 9			8,083 33
Total			23,235 00

* No returns as yet for October.

I herewith append the report of Surgeon Mintzer. I have thought it proper to retain a bureau hospital at Houston, though by existing orders from your headquarters, and authority from the late provisional governor of the State, I could compel the civil authorities in all the counties to take care of their own sick and indigent. The chief justices of the respective counties display great reluctance in taking charge of homeless, houseless negroes who need care, and in such cases their only resort is the bureau. For this reason, though I could get the Houston hospital off my hands, I deem it advisable to keep it, both as an asylum and hospital.

The physicians of the State manifest a commendable willingness to give medical attendance to the freedmen, and in all contracts that I have seen there is some promise made for medical attention for the negroes. The medical department of the bureau has given me but little trouble.

HEADQUARTERS BUREAU OF REFUGEES, FREEDMEN AND
ABANDONED LANDS, STATE OF TEXAS, OFFICE SURGEON IN CHIEF,
Galveston, Texas, October 31, 1866.

GENERAL: I have the honor to submit the following report of the medical department under my charge since the organization of the bureau in this State, October, 1865.

On arrival at Galveston I found the freedmen employed at good wages, and a disposition to assist one another. The efforts of self-reliance were encouraged by attending the sick of dependent families at their houses. As the civil authorities had made no hospital provision for sick freedmen, arrangements were effected, by the approval of the assistant commissioner, General Gregory, with Dr. G. Dowell, surgeon in charge of the city hospital, to admit sick freedmen on our order—the government to furnish rations and medicines. This contract continued until the 28th of February last, when arrangements were effected with the city and county authorities to carry out the vagrant laws of this State, without distinction of color, this being in obedience to circular letter, dated Washington, October 4, 1865.

Prior to the first of the year the disposition of a great many of the planters was to turn over to the bureau all their aged, crippled, and worn-out late slaves, as most of the young and vigorous hands, desiring change, had left, or were leaving. This they felt to be sufficient provocation to rid themselves of all non-producers. If this disposition had been encouraged it would have dotted the State with freedmen's hospitals, and five hundred beds at Houston would to-day be no more than sufficient to accommodate the demand. The result of this would have been a systematized pauperism imposed on the government, which, sooner or later, would have had to be met with taxation on the respective counties of the State. General Gregory realized the importance of positive action, and met the issue personally and, through the agents of the bureau, promptly with the planters.

Sanitary and other inspections were instituted to overcome this temporary unfavorable disposition. The general travelled through the most densely populated portions of the State, addressing the freedmen and planters at all convenient points, presenting conclusive arguments of their duties, rights, and mutual interests. I accompanied him, and, besides, made an inspection of over two hundred plantations in one month. In the mean time I drew sufficient medical supplies to equip one hundred beds to hold in reserve to meet contingencies. I was compelled to establish a hospital of thirty beds at Houston, which was regarded more as a temporary home.

Our object has been to prevent the necessity of establishing hospitals, and, at the same time, prevent suffering, by encouraging the planter to care for the sick and worn-out material, many of whom have rendered a lifetime service, and are entitled to consideration. The freedmen have shown a favorable disposition,

and, in most cases, have agreed to pay the planter for the rations consumed by their aged and sick relatives and friends.

In March last, by the direction of the assistant commissioner, I conferred with and officially addressed J. S. Roberts, chief justice of Harris county, in relation to the civil authorities providing for the sick freedmen at Houston. I regret to say that our efforts were not met with the same consideration as they were presented. From the misrepresentation and prejudice evinced, General Gregory was forced to conclude that the then present incumbents of office were unfit to be custodians of sick freedmen. Therefore the subject was not revived until the letter of J. S. Roberts, chief justice of Harris county, was referred by you to the provisional governor, A. J. Hamilton, and which is embodied in Circular No. 16 of these headquarters, and which reads as follows:

[Circular No. 16.]

HEADQUARTERS BUREAU OF REFUGEES, FREEDMEN
AND ABANDONED LANDS, STATE OF TEXAS,
Galveston, June 18, 1866.

The following extract from circular order, dated War Department, Bureau of Refugees, Freedmen and Abandoned Lands, Washington, D. C., October 4, 1865, and letter received from his excellency Provisional Governor A. J. Hamilton, are published for the future guidance of sub-assistant commissioners:

* * * * *

The principle to be adhered to with regard to paupers is, that each county, parish, township, or city, shall care for and provide for its own poor.

* * * * *

GALVESTON, TEXAS, *June 4, 1866.*

GENERAL: The letter of J. S. Roberts, chief justice of Harris county, with the indorsement thereon, upon the subject of the counties taking care of the paupers within their respective limits, and which you say was forwarded to me before I left Austin, * * I avail myself of this opportunity to state my views briefly upon the subject of inquiry. The subject, I suppose, relates only to indigent freed men, women, and children.

By the laws of the United States these people are citizens, and by the action of the late convention of this State they are vested with all civil and personal rights, except a limitation upon the right to testify in the courts of the country. The convention also taxed them as all other citizens. That they are as fully entitled as others to the benefits of the law of the State for the relief of the poor and suffering is too clear to require argument.

The proposition that a black man is to be taxed to create a county fund for the relief of unfortunate whites, and which he is not to share when under similar misfortune, is as false in law as it is reprehensible in morals. The fact that a county court has failed to levy a sufficient tax to meet the emergency is no reason for refusing to discharge the duty imposed by law. The county can levy the maximum allowed by law, and if this should not be sufficient, the fault will not rest with them.

I am, general, very respectfully, your obedient servant,

A. J. HAMILTON,
Provisional Governor of Texas.

Major General J. B. KIDDOO.

In accordance with the above extract of order from the War Department and letter from Provisional Governor Hamilton, sub-assistant commissioners will immediately transfer the care of all paupers and indigent freedmen to the chief justices of the respective counties.

* * * * *

J. B. KIDDOO,
Brevet Major General, Ass't Com'r.

By your direction, last month I had an interview with the present chief justice of Harris county, Mr. Brasher, and the mayor of Houston, in relation to turning over the freedmen patients in hospital. Both these gentlemen have met the subject fairly, and are holding the question in consideration and before the courts; we are now awaiting the result of their action. I have every reason to believe that satisfactory arrangements will be effected, and by the 1st of December there will be no patients at the expense of the government in the State.

The importance of proper sanitary inspections cannot well be over-estimated, in conferring practical benefit to the freedmen and to the planters; suggestions on food, quality, and preparation; the importance of cistern water in this climate; cleanliness of person and quarters; the best mode of constructing quarters, and choice of location to secure health, and see if the provisions of the contract securing medical attendance is properly carried out. The day of over-crowding negroes in cabins without windows, and frequently without floors, and offering but little protection against the weather, will rapidly pass away.

Free labor will seek, all things being equal, the best offers for home comforts, and such surroundings as will secure health and contentment.

The planter can see dollars and cents in reducing his sick-list from fifteen and twenty per cent. down to three and five per cent., by carrying out the practical instructions of the sanitary inspector. The greatest sanitary evils that exist, and have to be combatted, are from false notions of economy. The medical department of the bureau here cannot be better employed, in thus removing the causes, rather than treating the effects of disease; while, especially while self-interest is so active, and labor in demand, much reform can be suggested that will secure to the freedmen physical and social blessings, the basic principles to build upon.

The climate of Texas is mild, the soil fertile, requiring but little labor to supply bodily wants. Under proper recognition of good laws, there will be little excuse for suffering or pauperism.

I respectfully submit and append the consolidated report of sick and wounded freedmen treated and died in hospitals since the organization of the bureau in this State.

No refugees have received medical treatment in the hospitals. There was a large number of freedmen vaccinated in the towns, and some on the plantations. As the result could not be well ascertained, they are not officially reported. The reason for the large percentage of deaths may be attributed to the fact that none but homeless and severe cases were sent to the hospital, while the light cases were attended to at their houses.

I am, very respectfully, your obedient servant,

S. J. W. MINTZER,

*Surgeon United States Volunteers, Chief Surgeon
Bureau of Refugees, Freedmen and Abandoned Lands.*

Brevet Major General J. B. KIDDOO,

Assistant Commissioner, State of Texas.

Consolidated report of sick and wounded freedmen treated, and died in hospitals, since the organization of the bureau in this State, October 1, 1865, to October 31, 1866. (No refugees treated.)

Date.	Admitted during the month.	Total treated during the month.	Died.	Percentage of deaths.	Remarks.
1865.—October	8	8			
November	7	15			1 case measles.
December	7	15	1	6.666	1 case measles.
1866.—January	42	52	8	15.344	19 cases measles, 2 deaths.
February	26	50	6	12.000	5 cases measles, 1 death.
March	2	32			
April	3	22	1	4.545	
May	5	24			
June	3	27	1	2.700	
July	10	28			
August		25	2	8.000	
September	2	19	2	10.526	
October	6	22	2		
Total	121	339	23	6.787	

In conclusion, I will beg leave to make a few remarks of a general character. Good feeling toward the freedmen is on the increase in this State, most decidedly, and outrages are largely on the decrease. Since my report of the 8th of August, which was at the time substantially correct, I consider it just to the better people of Texas to state that the outrages spoken of therein are usually committed by a class of individuals who never were slave owners, but were the negro's competitor in labor, and hence his enemy, and now particularly so, since the negro is free and approximates towards equality with them. It is the lower class of people that have the most bitter and vulgar hatred of the negro. The more intelligent and liberal people consider the negro set free by the arbitrament of arms, and hence have no personal animosity towards him; while the other class hold him personally responsible, and treat him accordingly. I have also to report, in this connection, that there is a manifest disposition on the part of the freedmen to protect themselves, either by personal combat or immediate resort to an agent of the bureau.

Those planters who feel kindly towards the negro, and accept his freedom as one of the results of the war, over which he had no immediate control, report to me that they work as well, and better than could have been expected; that they work cheerfully; that they observe the new and anomalous relation under which they have been placed towards their former masters with a commendable propriety; that their good behavior is beyond all expectations; that they have not been carried away by exaggerated and impracticable ideas of their freedom, and that they would not re-enslave them if it were in their power. This latter I believe to be the unanimous sentiment of the State. No one wishes the negro re-enslaved, and all rejoice at his freedom, but take some exceptions at the manner in which it was brought about.

There is a sublime moral connected with this acknowledgment, and an argument so patent as to forever seal the justice of that series of providential events that brought about his freedom.

There is another class who appear to have become dyspeptic over the loss of

slaves, and insist that they do not work; that they are indolent and insolent; that they are "constitutional thieves and liars;" that such propensities can be restrained in a state of slavery, but not in freedom; and that the whole race will become extinct in a state of freedom, and their blood will be on the hands of their liberators. It is my firm belief that free labor, among the former slaves of the southern States, will eventually be a success. It cannot be otherwise, else the wheels of civilization have been reversed. One or two years are by no means a proper test. Although much has been accomplished this year in this State, yet it has taken much extra exertion on the part of the planters and bureau to induce the freedmen to work. They are, as a class, perfect children, intellectually. They have hitherto had an owner and overseer to do their thinking for them, and now, when allowed to think and act for themselves, are ill fit to exercise the distinguished prerogative. In their abject ignorance, they have been led to believe that their freedom means unrestraint—license to work as they please and do as they please, regardless of contracts or other legal obligations. In order that free labor may prove a success, the freedmen need to be taught the simplest lessons of practical life. They should be taught to depend upon their own personal exertions, and that the highest enjoyment of their freedom is through the means of labor, industry, diligence, frugality, and virtue. One of the greatest difficulties I have to contend with in the experiment of free labor is the want of patience on the part of the southern people. They are too ready, and almost eager, to pronounce it a failure. In their sudden liberation from slavery, the freed people are, I will admit, too often restless, shiftless, and suspicious of all restraint, but these characteristics (which I am making every endeavor to restrain) are the result of their former, rather than their present, relation, and only need kindness, patience, education, and good faith to overcome.

Free labor will succeed, and will be the social, financial, and political redemption of the south. The free negro, unlike the North American Indian, is agricultural in his propensities. He is a tiller of the soil, and hence cannot become extinct. His status as an industrial being is a decree of God, and hence irrevocable.

I have the honor to be, very respectfully, your obedient servant,

J. B. KIDDOO,

Brevet Major General and Assistant Commissioner.

Major General O. O. HOWARD,

Commissioner, Washington, D. C.

VIRGINIA.

HEADQUARTERS DEPARTMENT OF THE POTOMAC,
BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
Richmond, Va., October 27, 1866.

GENERAL: In compliance with your instructions of October 2, 1866, I have the honor to submit, in the absence of the assistant commissioner, the following report for the portion of the year since November 30, 1865, the date of the last annual report from the State of Virginia.

During this time three officers have successively acted as assistant commissioner, viz: Brevet Brigadier General O. Brown, United States volunteers, until May 22, 1866; Major General A. H. Terry, United States volunteers, from that time until August 15, 1866; and Brevet Major General J. M. Schofield, United States army, from that date until the present.

By the order relieving Brevet Brigadier General O. Brown, he was retained on duty at these headquarters to aid the assistant commissioner until his services could

be dispensed with, and he was by General Order No. 1, from these headquarters, dated June 27, 1866, appointed acting assistant adjutant general.

The territory under the charge of the assistant commissioner now embraces the States of Virginia and West Virginia, excepting the counties of Fairfax and Alexandria, in the first mentioned State.

Owing to the recent date at which the State of West Virginia was assigned to this department, and the small number of freedmen within its limits, it has required but little attention from these headquarters. As the report of bureau affairs in this State will undoubtedly be made by the assistant commissioner recently in charge, the following report will apply only to the State of Virginia.

The result of a census complete in some districts, and of a careful estimate in others, shows the colored population to number about 500,000; not varying materially from that before the late rebellion.

ORGANIZATION.

The division of the department into districts and sub-districts has been continued. Owing to the muster-out of officers it was not possible to keep assistant quartermasters as superintendents of districts, and the charge of nearly all bureau property has been transferred to the chief quartermaster and financial agent.

In order to give additional influence in a legitimate form, application was made for "officers in the military service, acting as superintendents or assistant superintendents, to be invested with all the power and authority usually exercised by provost marshals," which was ordered by special order, headquarters department of Virginia, dated January 24, 1866.

In May last, when the jurisdiction of bureau courts had been resigned to the State tribunals, it was found possible to reduce the number of officers on duty. The roster at that time showed on the staff and in charge of districts and sub-districts, ninety-one (91) officers in the military service, and nine civilians. At the present time there are sixty-three (63) military officers exclusively on bureau duty, as follows, viz: one colonel, two lieutenant colonels, one major, one surgeon of volunteers, twenty-one captains, thirteen first lieutenants, and twenty-four second lieutenants. Three civilians are employed as superintendents and assistants, one as superintendent of schools, and thirteen civilians as physicians.

Subsequent to the last report a system of inspection was adopted, by which the department was divided into two inspection divisions; Lieutenant Colonel Garrick Mallery, Veteran Reserve Corps, brevet colonel United States volunteers, being assigned to the northern, and Lieutenant Colonel H. Reide, Veteran Reserve Corps, brevet brigadier general United States volunteers, to the southern division. Careful and frequent inspection tours and reports have been made by these officers. In addition to this, the several superintendents of districts have been required to inspect and report upon all the sub-districts within their jurisdiction.

All assistant superintendents are required to report at the end of each month, specifically in relation to the following subjects within their sub-districts, viz: the number of freedmen able to work for whom employment cannot be found, whether there is a surplus demand for labor; the manner in which the State laws are executed; whether the freedmen have been treated with impartiality, and the law in respect to their testimony carried out in good faith, or otherwise; the condition of bureau affairs, including contracts made and violated; labor and its reward; the support of aged and infirm, and the domestic relations of the freedmen, with all else bearing upon their welfare.

THE ISSUE OF RATIONS.

In affording this relief there has been an earnest attempt to discourage pauperism while preventing suffering, and to have the issue confined to the helpless and destitute, but not extended to those persons able to work for whom employment could be furnished, either at the place of their residence or elsewhere.

At the beginning of the present year, cases of support of aged and infirm freedmen by former owners were too few and insignificant for calculation, nor did the civil authorities in any instance recognize the claims of this class, which, owing to the former system of sale and exportation of large numbers of the young and able-bodied, was, and is, disproportionately large.

There were also multitudes carried by the tide of war far from their old homes to localities that could not afford sufficient employment for support, yet unwilling to return; also, in the unsettled relations of labor to supply and demand there were thousands, untaught to seek a livelihood, who were for a time unable to find it.

Many attempts were made by land-owners to employ foreign immigrants instead of colored labor, which, however, have proved unsuccessful, although an act was passed in March last by the legislature for its encouragement, with a preamble reciting that "the recent radical change in the labor system of the South has rendered the introduction of a new class of laborers necessary."

In nearly all the counties taxes have been imposed upon the former slave population, to the collection of which no obstacle has been interposed. As this taxation implies the correlative right of support for the aged and infirm poor of that class, as well as general protection, all possible exertions have been made to secure proper action by the several counties and towns.

In December last the overseers of the poor of the various counties and corporations were notified of the paupers belonging to each, who were supported by the bureau, and were requested to relieve the government of their care and maintenance. This elicited no favorable action. By circular of March 21 the following questions were addressed to each board of overseers of the poor, viz: "Will you undertake to provide for the maintenance or assistance of destitute colored persons having a settlement in your town, or county, in the same manner as is provided for destitute white persons?" "What will be the character of such maintenance or assistance; and if it cannot be provided for all destitute colored persons, for what proportion will you undertake to provide? What rule do you propose for your own action on the whole subject of colored paupers?" Also to ascertain the exact facts upon the kindred subject of taxation. All the clerks of the counties and corporations were by circular of April 6 called upon to answer as to the following particulars:

1. The amount of county levy required to be paid by each tithable person?
2. The amount of poor levy?
3. What class of colored males were exempt from county and poor rates?
4. What amount is laid on real estate, per \$100 valuation, to defray county levy and poor tax?
5. What is the comparative number of the colored with white tithables?

The answers to these interrogatories have shown that in nearly the whole State the freedmen are taxed for county and poor purposes precisely as the whites, all males above sixteen years being taxed, except such as may be relieved by special order of the county court on account of age or infirmity. It was by law optional with the county authorities to levy this tax upon property or per capita, or to adopt both methods; but, as a rule throughout the State, nearly the whole tax has been levied per capita for these purposes, so that in certain counties, where colored persons preponderate, the tax is largely assessed upon them.

In the majority of cases the county authorities recognize the right of the colored paupers to a support, but a great proportion of these assert their present inability to perform that admitted duty.

There is also a question raised between various counties and corporations which diminishes the prospect of relief. The code of Virginia fixes twelve months' residence in the county or corporation as the period necessary to gain a settlement. The greater number of destitute freedmen in the State have been for a longer period than one year residents of localities other than their old homes. The counties where they now reside refuse to acknowledge them because they were not residents there before the war, and demand their return to their original counties, while the latter insist that their absence for the last one, two, or three years has forfeited their legal settlement and claim for support. Thus, between the two, but little relief for this large class is obtained.

The largest body of destitutes has been upon the peninsula of Virginia, and chiefly in the neighborhoods of Hampton and Yorktown, to which points, being within the lines of the army, great multitudes flocked during the war, and, though somewhat reduced, remain in numbers much exceeding the normal population.

The land at first occupied by these people has been generally restored to its former owners, and there is not demand for labor proportionate to the population; indeed, from the failure of crops, there has not been enough raised on the peninsula to feed the colored inhabitants.

A considerable number of those drawing rations in this region were the wives and families of colored soldiers, to whom the government had pledged its support.

The persistency with which the surplus population of the peninsula has adhered to this locality, without hope of a permanent or sufficient livelihood, and against the advice and exertions of the bureau officers, has been and still remains a serious evil.

The present issue of rations is under Circular No. 10 from headquarters of the bureau, dated 22d of August last, discontinuing the issue to all "except to the sick in regularly organized hospitals, and orphan asylums already existing."

The above circular was modified in respect to this department by instructions from the Commissioner of September 27, as follows: "If, after due notification of the requirements of Circular No. 10, current series, the State officials refuse to take charge of the poor, then, in extreme cases only, and to prevent actual starvation, you may make special requisition for the rations needed, stating the particulars of each case, and the requisition will be approved."

By indorsement of the Commissioner, of October 4, these instructions were also extended to destitute refugees as well as freedmen.

The proper authorities of all the counties and corporations were promptly notified of the above circular by a copy being furnished, the receipt of which was acknowledged. From the manifest resolve of the civil authorities in many parts of Virginia not to take care of their aged and infirm poor, and the fact that many even of the able-bodied will, during the winter, be out of work, without having been able to save sufficient for their support, it is believed that under the above modified instructions it will be necessary to continue relief to a considerable extent.

The following tables will show the amount and value of rations issued during each month since the last annual report.

The increase since September 1 is due to the addition of the State of West Virginia to this department.

TO FREEDMEN.

Months.	Men.	Women.	Children.	Total.	Rations.	Value.
November, 1865.....	1,498	3,495	6,135	11,128	202,978	\$35,602 74
December, 1865.....	1,020	2,789	5,191	9,000	190,108	32,441 86
January, 1866.....	1,215	3,084	6,961	10,260	205,510½	30,865 44
February, 1866.....	1,324	3,147	5,467	9,938	193,626	33,217 07
March, 1866.....	1,307	2,778	4,420	8,505	181,247	28,967 00
April, 1866.....	1,183	2,482	3,546	7,211	148,886	24,338 24
May, 1866.....	1,025	2,200	2,866	6,091	141,177	20,267 33
June, 1866.....	984	2,117	2,544	5,645	117,678	15,904 21
July, 1866.....	993	1,876	1,596	4,465	111,939	16,543 19
August, 1866.....	988	1,767	1,616	4,371	107,837	16,202 04
September, 1866.....	1,012	1,888	1,779	4,679	111,933½	18,094 57
Total.....	.....	.....	.....	.....	1,712,920	272,443 69

TO REFUGEES.

Months—1866.	Men.	Women.	Children.	Total.	Rations.	Value.
January.....	2	6	7	15	234	\$39 78
February.....	9	33	80	122	1,545	255 72
March.....	15	64	134	213	2,618	418 88
April.....	4	19	40	63	1,118	178 88
May.....	6	37	72	115	2,018	310 47
June.....	5	28	47	80	1,490	223 50
July.....	5	17	26	48	1,085	185 53
August.....	11	49	52	112	2,419	472 74
September.....	42	134	154	330	7,196	1,434 56
Total.....	.....	.....	.....	.....	19,723	3,520 06

LABOR.

There is no doubt that throughout the department the freedmen, considering the circumstances, are working well. From the changes produced by the war there is an irregular distribution of labor with reference to supply and demand. In a few districts the demand exceeds the supply, but the reverse is true of the larger portion of the State. The wages given are low, averaging, for an able-bodied man, about nine dollars per month, with rations, and without clothing. The officers of the bureau have drawn many of the labor contracts, and have advised and assisted the freedmen in others.

There have been frequent attempts to impose upon the freedmen by unjust and one-sided contracts, and when the person who hired labor no longer needs it, it is not rare to find the laborer turned away and payment evaded on trivial pretexts.

The freedmen are rapidly learning to appreciate the obligations they assume under contracts, and it is believed that they observe such as are plain and just as well as white laborers in the north.

In some districts the system of working on shares has been adopted, but has occasioned much trouble from the interference of the land-owners with the hours and independence of the party contracting with him. The supervision formerly existing under slave rule is, to a great extent, claimed by the owner, and, in default of entire compliance, penalties are exacted which, taken out of the share of crops raised, would leave the year's labor with little remunera-

tion. As long as local magistrates are to decide disputes of this character, as they do at present, the system of work upon shares is to the disadvantage of the freedmen.

HOMESTEAD LAW.

Circular No. 6, from headquarters of the bureau, dated July 2, 1866, giving instructions on the subject of the "homestead actual settlement" of public lands in the States of Mississippi, Louisiana, Arkansas, and Florida, under the act of Congress approved June 21, 1866, was duly promulgated with additional instructions from these headquarters of July 23. On the 5th of July applications was made to headquarters of the bureau for as complete maps and descriptions as could be obtained from the land office, or any other source, and the inquiry made whether transportation could be furnished to freedmen, together with such temporary subsistence as they might require.

On August 16, by indorsement from the headquarters of the bureau, information was given that "transportation and subsistence would be furnished the freedmen to the localities to which they desired to go."

No information regarding the particular location of the lands has been received.

The presentation to the freedmen of the advantages offered by the homestead act was made at a season of the year when, and was limited to the time for which, many of them had made contracts, or had crops growing which they were unwilling to leave.

It is also to be considered that apart from the timidity of the race, disinclining them to emigrate to regions to them unknown, no further offer could, as above shown, be made to them beyond their transportation and subsistence during travel.

Of the class that were disposed to emigrate none had means enough to procure the necessary teams, seeds, and farming implements, or to purchase subsistence after their arrival, when government aid would have been withdrawn.

The only mode in which these people could be expected to settle in the distant and wild localities offered to them would be by affording additional aid from government or organized charities, which could not be with safety promised.

The result has therefore been that no good has been accomplished in this direction.

DOMESTIC RELATIONS OF THE FREEDMEN.

On the 27th of February the legislature of the State of Virginia passed an important act in relation to the future marriages of colored persons, and further declaring as follows: "When colored persons, before the passage of this act, shall have undertaken and agreed to occupy the relation to each other of husband and wife, and shall be cohabiting together at the time of its passage, whether the rites of marriage shall have been celebrated between them or not, they shall be deemed husband and wife, and be entitled to the rights and privileges and subject to the duties and obligations of that relation in like manner as if they had been duly married by law, and all their children shall be deemed legitimate, whether born before or after the passage of this act; and when the parties have ceased to cohabit before the passage of this act, in consequence of the death of the woman, or from any other cause, all the children of the woman, recognized by the man to be his, shall be deemed legitimate."

The importance of this legislation has been very great; the freed people have joyfully availed themselves of its provisions to sanction their union, and the pride and security felt by them in this privilege have tended to their moral elevation.

With the right to acquire and hold property, questions of importance arise which render the provisions with reference to the legitimization of children highly useful.

While, however, the act of the assembly is thus beneficial, it makes no provision whatever for the registration or certification of these legislative marriages or legitimized children, which, under instructions from these headquarters, has been done through many counties of Virginia by the officers of the bureau, and is still in progress.

The freedmen have manifested a praiseworthy desire to live in the family relation, and members of families long separated have taken great pains to become reunited.

LANDS.

The number of acres of land held by the bureau at the time of last year's report was fifty-six thousand and one, (56,001.) The number held at the present time is ten thousand one hundred and eighty-six and one-half, (10,186½,) of which by far the larger part is wood-land, or land unfit for cultivation.

All lands for which application has been made under the provisions of Circular 15, series 1863, War Department, Bureau of Refugees, Freedmen and Abandoned Lands, have been restored, except about two hundred (200) acres, reserved from necessity for hospital purposes in various districts.

Some of the above lands when applied for had been leased to freedmen for this present year, and were restored to the owners, subject to such leases; the rent after restoration to be paid to the owners.

BOUNTIES AND PENSIONS.

The number of claims presented since the last annual report is two hundred and sixty-five, (265,) and the number collected one hundred and thirty-six (136.)

FINANCIAL AND QUARTERMASTER'S DEPARTMENT.

The total amount of funds expended during the year is one hundred and forty thousand three hundred and forty-seven dollars and fifty-four cents (\$140,347 54.) Of this amount ninety-one thousand and thirty-two dollars and forty-three cents (\$91,032 43) has been received from the cultivation and rent of lands, and from other sources within the department; the balance has been drawn from the chief financial agent of the bureau at Washington.

It is impossible to ascertain the value of quartermaster's property expended, it being mostly unserviceable, and not having been appraised when turned over to the bureau.

The amount has, however, been small, as shown by the accompanying report of Brevet Major George Q. White, captain and assistant quartermaster of volunteers, chief quartermaster and financial agent of the bureau for the department, to which, as well as to his financial report, your attention is respectfully invited.

MEDICAL DEPARTMENT.

This department has continued under the able and energetic charge of Surgeon J. J. De Lamater, assisted by thirteen paid and two unpaid contract physicians.

At the date of the last annual report there were eleven hospitals, of which three have been discontinued. Two have been established at new points. Ten (10) are now in operation, containing six hundred and fifty-nine (659) patients, and with a capacity for accommodating ten hundred and ten (1,010.) One physician is in charge of each of these hospitals. In addition five (5) are on duty at other stations among freedmen in quarters.

The amount paid during the year for physicians and hospital attendants is twenty-three thousand three hundred and eighty dollars (\$23,380.)

Two dispensaries have been established, at which over eighteen thousand (18,000) prescriptions have been made up.

A ward for insane colored persons has been fitted up at the Howard Grove hospital near Richmond, and now contains thirty-one (31) patients.

A home for the aged and infirm is also established at the last named hospital, where eighty-nine persons are receiving care.

The orphan asylum near Richmond has during the year received two hundred and five (205) orphans; of these one hundred and thirty-eight (138) have been provided homes in and sent to the northern States.

The hospitals are in good condition, comparing favorably with government hospitals in general.

The mortality has been considerably less among freedmen, both in hospital, and in quarters, than during the last year, notwithstanding the prevalence of small-pox and cholera.

The number of sick freedmen treated by regular medical officers of the bureau in hospitals and quarters throughout the department during the year has been as follows:

Adult males.....	4, 911
Adult females.....	6, 182
Children, males.....	2, 725
Children, females.....	2, 741
Total.....	16, 559

The deaths among these patients have been as follows:

Adult males.....	320
Adult females.....	273
Children, males.....	146
Children, females.....	148
Total.....	887

The mortality being about five and one-third per cent. A large number of freedmen living near the bureau hospitals and stations of medical officers have been furnished with temporary medical aid and medicines without being placed on the sick list.

Including all, it is probable that not less than thirty thousand freedmen have received aid during the present year from the bureau in this department.

Much praise is due the local physicians throughout the State for the gratuitous service rendered freedmen when sick. In many instances, besides giving their professional services, they have furnished medicines to the freedmen at their own cost.

For a more detailed statement, I respectfully refer to the accompanying report of Surgeon J. J. De Lamater.

SCHOOLS.

Reverend R. M. Manly has been continued in the office of superintendent of schools for the department.

The year opened with one hundred and thirty-six (136) teachers and eighty-five hundred (8,500) scholars. Six months later there were two hundred and twenty-five teachers and nearly eighteen thousand scholars.

The average number of teachers during the school season was one hundred and ninety-six, (196;) the average "whole attendance" of pupils fourteen thousand, (14,000;) and the average "daily attendance" ten thousand three hundred and thirty, (10,330.)

The largest number of schools open at any one time was one hundred and forty-five (145.)

The location of these schools, it is believed, has been judicious. Their success has been most satisfactory, and has established the fact beyond question that the freedmen are as capable of acquiring at least the rudiments of an education as whites.

The public sentiment against the education of the colored race is being gradually overcome.

The freedmen themselves are unanimous and enthusiastic on the subject, demanding tuition, and being ready to give out of their poverty for educational purposes. The late appropriation made by Congress for this object has enabled the schools to organize at the commencement of the present season under better conditions than heretofore.

The superintendence of Mr. Manly deserves high praise, and his report herewith submitted is recommended for special examination.

ADMINISTRATION OF JUSTICE.

The bureau courts, constituted as described in the last general report, were continued during the first month of the present year.

The legislature of Virginia, however, amended the laws in respect to criminal matters in the manner set forth in the following circular from these headquarters, issued March 12, 1864:

[Circular No. 10.]

BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
HEADQUARTERS ASSISTANT COMMISSIONER, STATE OF VA.,
Richmond, Virginia, March 12, 1866.

I. The following portion of an act entitled "An act relative to the testimony of colored persons," passed February 28, 1866, by the legislature of Virginia, is published for the information of the officers and agents of this bureau:

"Be it enacted by the general assembly, That colored persons and Indians shall, if otherwise competent, and subject to the rules applicable to other persons, be admitted witnesses in the following cases:

* * * * *

"2. In all criminal cases and proceedings at law or in equity, in which a colored person or Indian is a party, or which arise out of injury done, attempted, or threatened to the person, property, or rights of a colored person or Indian, or in which it is alleged in the presentment, information, or indictment, or in which the court is of opinion from the other evidence, that there is probable cause to believe that the offence was committed by a white person in conjunction or co-operation with a colored person or Indian."

Also the following portion of "An act to amend and re-enact the ninth section of chapter 103 of the Code of Virginia of 1860," &c.:

"Be it enacted by the general assembly, That any person having one-fourth or more of negro blood shall be deemed a colored person, and every person not a colored person having one-fourth or more of Indian blood shall be deemed an Indian.

"All laws in respect to crimes and punishment, and in respect to criminal proceedings, applicable to white persons, shall apply in like manner to colored persons and to Indians, unless when it is otherwise specially provided."

II. From and after the reception of this order, until further orders, no criminal cases will be tried by any officer or agent of the bureau in this State, except such as may at that time have been commenced.

III. It will henceforth be the duty of the assistant superintendents to attend

in person the trials of all criminal cases within their jurisdiction, including criminal trials or preliminary hearings before justices of the peace or other magistrates, to which a colored person may be a party, or in which, according to the law above quoted, the testimony of a colored person may be taken.

IV. When present at such trials or hearings, the assistant superintendents will not interfere at the time with the action of the court or magistrate, but will confine themselves to such friendly suggestions, made to a colored party concerned, or the counsel for the same, as may be necessary. They will not act as attorneys in such cases, or argue with the court or magistrate. They will, however, make immediate report of any instance of oppression or injustice against a colored party, whether prosecutor or defendant, and also in case the evidence of colored persons should be improperly rejected or neglected. In such cases all details possible will be forwarded.

V. They will also carefully examine and report if in any instance a justice of the peace, attorney for the commonwealth, grand jury, or other authority vested with the power of allowing or regulating the institution of criminal proceedings, has refused justice to a colored person by improperly neglecting a complaint, or declining to receive on oath or sworn information tendered by such person, whereby a trial or prosecution might be prevented through partiality or prejudice.

VI. All superintendents and assistant superintendents will, on the last day of each month, make a detailed report of the manner in which this order, by restoring to the State authorities jurisdiction in criminal cases over colored persons, has resulted, with reference to the interests of the latter, within their respective districts and sub-districts; whether they have been treated with impartiality and fairness, and the law respecting their testimony carried out in good faith or otherwise.

O. BROWN,

Colonel and Assistant Commissioner.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Richmond, Va., March 12, 1866.

The foregoing order is approved, but no person of color will be examined or brought to trial on a criminal charge until he shall have had sufficient time and opportunity to notify the assistant superintendent of the Freedmen's Bureau for the sub-district of the time when, and place where, such examination or trial is to take place.

By command of Major General A. H. Ferry :

ED. W SMITH,

Assistant Adjutant General.

Upon examination of the whole code as amended it was considered that the letter of the criminal law was not unfavorable to colored persons, and the above order was issued to determine whether its execution would be equally fair.

The amended provisions for colored testimony in civil cases is applicable only when "a colored person is a party, or may be directly benefited or injured by the result," and is bound by the following restriction :

"The testimony of colored persons shall, in all cases and proceedings, both at law and in equity, be given *ore tenus*, and not by deposition, and in suits in equity, and in all other cases in which the deposition of the witness would be regularly a part of the record, the court shall, if desired by any party, or if deemed proper by itself, certify the facts proved by such witness, or the evidence given by him, as far as credited by the court, as the one or the other may be proper under the rules of law applicable to the case; and such certificate shall be made part of the record."

In order that the operations of the State tribunals, in civil as well as criminal

justice, should become tested while there was an opportunity for the observations and report of local officers, all the bureau courts in the State of Virginia were, on the 10th of May, closed, and the whole jurisdiction resigned to the civil authorities.

The latter therefore have, through the department in general, had charge over criminal matters for eight, and over civil cases for six, months, during which time a large number of stated and special reports have been furnished to these headquarters, and, in turn, forwarded to the headquarters of the bureau. In various instances these have been accompanied with transcripts from the records, or authenticated by signatures of magistrates and other civil officials. The result, as shown by these reports, is that, in civil cases, the higher courts and the juries in the more populous centres have generally given justice to the freedmen.

In rural districts, where the justices of the peace have jurisdiction in disputes about wages, there has been, in some cases, an undue partiality toward the whites. Many freedmen, unjustly turned away, whose contracts have been broken by the white party hiring them, are thus left without remedy, and in numerous instances are unable to collect wages due which are not disputed.

In regard to criminal jurisdiction the result is, that while, in probably the majority of instances, the freedmen have not suffered injustice in consequence of the above transfer to the State authorities, it is unfortunately true that in many cases injustice has been done them. Justices of the peace have frequently refused to entertain complaints made by the freedmen, and also have in some cases given decisions manifestly partial.

In general, for an outrage upon a freedman by a white person, if there is conviction, the maximum of evidence is required and the minimum of punishment awarded, and it is believed that many verdicts and sentences have been given which would have been different if the status of the complainant and defendant with regard to color had been reversed. This is more obvious outside of the large cities and towns, where there is less publicity and less military influence. It is exhibited in trials and sentences for all grades of crimes, from murder to petty larceny. One mode of punishing the latter offence is by whipping, which can, by the letter of the law, be inflicted upon white persons as well as colored; but from the unfrequency of its infliction upon white criminals, as well as the unequal style of application, it is evident that the show of impartiality in the law is evaded, and that practically the negroes are the only sufferers from this barbarous and demoralizing mode of punishment.

The magistrates of the counties of Elizabeth City, York, and Nansemond refused to administer justice, and those districts being left wholly without law or order, it was necessary to re-establish bureau courts within these localities. This was done in last July, upon the following plan: that the assistant superintendents should invite the senior magistrate of the county to sit upon the court, (in case of his refusal, the invitation to be extended to each magistrate of order of seniority,) who, with the assistant superintendent, should choose a third party, the three constituting the court.

The courts thus established have been successful in their working, and command the respect of the communities.

DIFFICULTIES AND RECOMMENDATIONS.

By your circular calling for this report, it is required that "difficulties in the way of success" and "recommendations for the future" should be submitted in addition to the statement of facts.

The bureau organization, including the division of the State into districts and sub-districts, with the plan of inspections and system of reports, has worked well, and no change can be suggested. It is, however, strongly recommended

that officers of the bureau should, to the full proportion existing at the present time, be in the military service and clothed with military rank. Not only does the influence of such rank greatly increase their efficiency with all parties affected by their duties, but the higher degree of responsibility as well as proper pride and ambition tend to insure good conduct and energy. The spirit of the bureau is so wholly military, that to have any large proportion of its officers in civil life would seriously disturb its usefulness.

As regards rations, the present system of the modified Circular No. 10 from headquarters of the bureau, by which each case is reported as individual and exceptional, is considered to be now precisely what is required.

The refusal of some counties to attend to their colored paupers, and the attempt of others to evade that responsibility, as above set forth, call for the renewed recommendations of what has before been made to the headquarters of the bureau; that is, that the freedmen in such localities be protected from the payment of taxes assessed for objects, the benefits of which are not extended to them.

While it is not believed that the supply of labor exceeds such demand as would exist under proper cultivation of the soil or due attention to other industrial interests, yet it is now in excess and is insufficiently remunerated.

A natural cure arising within the department itself would be effected by several successive years of agricultural and general prosperity, together with the introduction of foreign capital. The latter, however, is not likely to come during the present condition of public sentiment, and to wait for the former were hazardous as well as dilatory.

Emigration was resorted to in the State of Virginia before the late war, (about 20,000 slaves being annually sold to the more southern States,) and, from the reasons above set forth, is now still more necessary.

It is a question whether any modification of the proposition now made to freedmen under the homestead act, and the instructions from headquarters of the bureau, will accomplish the end.

It is, however, submitted whether the following plan would not obviate some of the difficulties heretofore mentioned:

1. That an officer be appointed by the commissioner to take charge of emigration, to have the necessary supervision and control of the emigrants under the commissioner, and to assist and instruct the freedmen in the location of lands.

2. That, in addition to transportation and subsistence during travel, the necessary farm stock, farming utensils, seed, medical supplies, rations, &c., should be provided by the government or by organized charity.

3. That an officer be appointed to superintend, say each ten thousand (10,000) of the emigrants, who shall be accountable to the government for all property furnished them, and hold control over the same.

4. That the government hold a lien on all crops raised by the freedmen, allowing them such share as may be necessary for their support until payment, at cost price, is made for all stock, farming utensils, rations, &c., furnished as above proposed.

In order to carry out the above or any other plan, the extension of the time for free location of lands would, of course, be necessary, as the offer has hitherto not been accompanied with such additional aid as would alone allow it to be taken advantage of by the freedmen. The legislation on the subject is wholly inadequate to meet the exigency.

In regard to the domestic relations of the freedmen, it is suggested that application be made to the general assembly to take such action upon the official register of legislative marriages and legitimized children, provided by officers of the bureau, as will allow of their being filed as perpetual records in the clerks' offices of the several county courts, so that the relations thus certified shall re-

main of public record and admitted force after the bureau shall have ceased its operations.

On the subject of lands held by the bureau, it is desirable that the small amount now held from necessity, as before explained, be still retained.

The officers of the bureau were not instructed to attend to "the collection of bounty and pensions free of charge" until large numbers of the colored soldiers had been mustered out. In consequence of this, claim agents obtained possession of many of the discharge papers and claims; in many instances, it is feared, to the loss of the soldier or his family, and certainly at an unnecessary expenditure for fees. These agents have also offered inducements of advances which could not be made by the agents of the bureau.

In closing this report, I am happy to state that the condition of the freedmen has materially improved during the present year. This is exhibited by the greatly diminished number of those requiring aid from the government or charity; by the more satisfactory state of their domestic relations; by their progress in education, and by the increased spirit of self-reliance that has been gradually overcoming their former habits of dependence.

I am, general, very respectfully, your obedient servant,

O. BROWN,

Brevet Brig. Gen. Vol., Act. Ass't Commissioner.

Major General O. O. HOWARD, *Commissioner.*

LAW IN RELATION TO FREEDMEN.

COMPILED BY COMMAND OF

MAJOR GENERAL O. O. HOWARD, COMMISSIONER BUREAU OF REFUGEES,
FREEDMEN AND ABANDONED LANDS.

ALABAMA.

AN ACT to protect freedmen in their rights of person and property in this State.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Alabama in general assembly convened,* That all freedmen, free negroes, and mulattoes shall have the right to sue and be sued, plead and be impleaded, in all the different and various courts of this State, to the same extent that white persons now have by law. And they shall be competent to testify only in open court, and only in cases in which freedmen, free negroes, and mulattoes are parties, either plaintiff or defendant; and in civil and criminal cases, for injuries in the persons and property of freedmen, free negroes, and mulattoes, and in all cases civil or criminal in which a freedman, free negro, or mulatto is a witness against a white person, or a white person against a freedman, free negro, or mulatto, the parties shall be competent witnesses, and neither interest in the question or suit, nor marriage, shall disqualify any witness from testifying in open court.

Approved December 9, 1865.

AN ACT concerning vagrants and vagrancy.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Alabama in general assembly convened,* That the commissioner's court of any county in this State may purchase, rent, or provide such lands, buildings, and other property as may be necessary for a poor-house, or house of correction, for any such county, and may appoint suitable officers for the management thereof, and make all necessary by-laws, rules, and regulations for the government of the inmates thereof, and cause the same to be enforced; but in no case shall the punishment inflicted exceed hard labor, either in or out said house; the use of chain-gangs, putting in stocks, if necessary to prevent escapes; such reasonable correction as a parent may inflict on a stubborn, refractory child; and solitary confinement for not longer than one week on bread and water; and may cause to be hired out such as are vagrants, to work in chain-gangs, or otherwise, for the length of time for which they are sentenced, and the proceeds of such hiring must be paid into the county treasury for the benefit of the helpless in said poor-house, or house of correction.

SEC. 2. *Be it further enacted,* That the following persons are vagrants, in addition to those already declared to be vagrants by law, or that may hereafter be so declared by law: A stubborn or refractory servant; a laborer or servant who loiters away his time, or refuses to comply with any contract for any term of service without just cause; and any such person may be sent to the house of correction in the county in which such offence is committed; and for want of

such house of correction the common jail of the county may be used for that purpose.

SEC. 3. *Be it further enacted*, That when a vagrant is found any justice of the peace must, upon complaint made upon oath or upon his own knowledge, issue his warrant to the sheriff, or to any constable of the county, to bring such person before him; and if, upon examination and hearing of testimony, it appears to the justice that such person is a vagrant, he shall assess a fine of fifty dollars and costs against such vagrant, and in default of payment he must commit such vagrant to the house of correction, or, if no such house, to the common jail of the county, for a term not exceeding six months, or until such costs, fine, and charges are paid, or such party is otherwise discharged by law: *Provided*, That when committed to jail under this section, the commissioner's court may cause him to be hired out in like manner as in section one of this act.

SEC. 4. *Be it further enacted*, That when any person shall be convicted of vagrancy as provided for in this act, the justice of the peace before whom such conviction is had may, at his discretion, either commit such person to jail, to the house of correction, or hire such person to any person who will hire the same for a period not longer than six months for cash, giving three days' notice of the time and place of hiring; and the proceeds of such hiring, after paying all costs and charges, shall be paid into the county treasury for the benefit of the helpless in the poor-house.

SEC. 5. *Be it further enacted*, That all fines received by any justice of the peace under the provisions of this act shall be paid into the county treasury for the purposes as set forth in section one of this act.

SEC. 6. *Be it further enacted*, That it shall be the duty of the justice of the peace to settle with the county treasurer at least once a month for all fines received by him under this act, and for a wilful default so to do he shall be guilty of a misdemeanor, and, upon conviction in any court having jurisdiction, shall be fined in double the amount so received or collected by him, and all costs of suit.

SEC. 7. *Be it further enacted*, That the court of county commissioners of each county shall have full and complete control of the public works and public highways therein, and shall make all contracts in relation thereto; and shall have power to appoint a superintendent of said public works and highways, under such rules and regulations as said court shall determine; and any justice of the peace trying any cause under this act, on conviction, shall have power to sentence such vagrant to work on said public works, and highways, under the supervision of such superintendent, for not more than forty days.

Approved December 15, 1865.

AN ACT to prevent persons from interfering to induce laborers or servants to abandon their contracts, or to employ such without the consent of their original employer, before the expiration of the contract, &c.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Alabama in general assembly convened*, That it shall not be lawful for any person to interfere with, hire, employ, or entice away, or induce to leave the service of another, any laborer or servant, who shall have stipulated or contracted in writing to serve for any given number of days, weeks or months, or for one year, so long as the said contract shall be in force and binding on the parties thereto, without the consent of the parties employing, or to whom said service is due and owing, in writing, or in the presence of some veritable white person; and any person who shall knowingly interfere with, hire, employ, or entice away, or induce to leave the service aforesaid, without justifiable excuse therefor, before the expiration of said term of service, so contracted and stipu-

lated, as aforesaid, shall be guilty of a misdemeanor, and on conviction thereof must be fined in such sum not less than fifty nor more than five hundred dollars, as the jury trying the same may assess, and in no case less than double the amount of the injury sustained by the party whom such laborer or servant was induced to leave; one half to go to the party injured, and the other to the county as fines and forfeitures.

SEC. 2. *Be it further enacted*, That the party injured shall be a competent witness in all prosecutions under this act, notwithstanding his interest in the fine to be assessed.

SEC. 3. *Be it further enacted*, That when any laborer or servant, having contracted as provided in the first section of this act, shall afterwards be found, before the termination of said contract, in the service or employment of another, that fact shall be *prima facie* evidence that such person is guilty of a violation of this act, if he fail and refuse to forthwith discharge the said laborer or servant, after being notified and informed of such former contract and employment.

Approved February 16, 1866.

AN ACT to define the relative duties of master and apprentice.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Alabama in general assembly convened*, That it shall be the duty of the sheriffs, justices of the peace, and other civil officers of the several counties in this State to report to the probate courts of their respective counties, at any time, all minors under the age of eighteen years, within their respective counties, beats or districts, who are orphans, without visible means of support, or whose parent or parents have not the means, or who refuse to provide for and support said minors, and thereupon it shall be the duty of said probate court to apprentice said minor to some suitable and competent person, on such terms as the court may direct, having a particular care to the interest of said minor: *Provided*, If said minor be a child of a freedman, the former owner of said minor shall have the preference, when proof shall be made that he or she shall be a suitable person for that purpose; and provided, that the judge of probate shall make a record of all the proceedings in such case, for which he shall be entitled to a compensation of one dollar, to be paid by the master or servant.

SEC. 2. *Be it further enacted*, That when proof shall be fully made before such court that the person or persons to whom said minor shall be apprenticed shall be a suitable person to have the charge and care of said minor, and fully to protect the interest of said minor, the said court shall require the said master or mistress to execute bond, with security, to the State of Alabama, conditioned that he or she shall furnish said minor with sufficient food and clothing, to treat said minor humanely, furnish medical attention in case of sickness, teach, or cause to be taught, him or her to read and write, if under fifteen years old, and will conform to any law that may be hereafter passed for the regulation of the duties and relation of the master and apprentice.

SEC. 3. *Be it further enacted*, That in the management and control of said apprentices, said master or mistress shall have power to inflict such moderate corporal chastisement as a father or guardian is allowed to inflict on his or her child or ward at common law: *Provided*, That in no case shall cruel or inhuman punishment be inflicted.

SEC. 4. *Be it further enacted*, That if any apprentice shall leave the employment of his or her master or mistress without his or her consent, said master or mistress may pursue and capture said apprentice, and bring him or her before any justice of the peace of the county, whose duty it shall be to remand said apprentice to the service of his or her master or mistress; and in the event of

a refusal on the part of said apprentice so to return, then said justice shall commit said apprentice to the jail of said county, on failure to give bond, until the next term of the probate court; and it shall be the duty of said court at the next term thereafter to investigate said case, and if the court shall be of opinion that said apprentice left the employment of his or her master or mistress without good cause, to order him or her to receive such punishment as may be provided by the vagrant laws which may then be in force in this State, until he or she shall agree to return to his or her master or mistress: *Provided*, That the court may grant continuances, as in other cases: *And provided*, That if the court shall believe that said apprentice had good cause to quit the employment of his or her master or mistress, the court shall discharge such apprentice from said indenture, and may also enter a judgment against the master or mistress for not more than one hundred dollars, for the use and benefit of said apprentice, to be collected on execution, as in other cases.

SEC. 5. *Be it further enacted*, That if any person entice away any apprentice from his or her master or mistress, or shall knowingly employ an apprentice, or furnish him or her food or clothing, without the written consent of his or her master or mistress, or shall give or sell said apprentice ardent spirits, without such consent, such person, so offending, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in a sum not exceeding five hundred dollars.

SEC. 6. *Be it further enacted*, That it shall be the duty of all civil officers, of their respective counties, to report any minors within their respective counties to said probate court, who are subject to be apprenticed under the provisions of this act, from time to time, as the facts shall come to their knowledge; and it shall be the duty of said court, from time to time, as said minors shall be so reported or otherwise come to its knowledge, to apprentice said minors, in case of males until twenty-one years old, and in case of females until eighteen years old, as hereinbefore provided.

SEC. 7. *Be it further enacted*, That in case any master or mistress of any apprentice may desire, he or she shall have the privilege to summon his or her apprentice to the probate court, and he or she, on good and satisfactory cause shown to said court, and on proof that said apprentice will not be injured thereby, shall be released from all liability as master or mistress of said apprentice, and his or her bond shall be cancelled, and it shall be the duty of the court forthwith to reapprentice said minor; and in the event that any master or mistress of any apprentice shall die before the close of the term of service of said apprentice, it shall be the duty of the court to give the preference in reapprenticing said minor to the widow or other member of said master's or mistress's family: *Provided*, That said widow or other member of said family be a suitable person for that purpose.

SEC. 8. *Be it further enacted*, That in case the master or mistress of any apprentice, bound to him or her under this act, shall be about to remove or shall have removed to any other State of the United States, by the laws of which such apprentice may be an inhabitant thereof, the probate court of the proper county may authorize the removal of such apprentice to such State upon the said master or mistress entering into bond with security, in a penalty to be fixed by the judge, conditioned that said master or mistress will, upon such removal, comply with the laws of such State in such cases: *Provided*, That said master or mistress shall be cited to attend the court at which such order is proposed to be made, and said apprentice shall have the right to resist the same by next friend or otherwise.

SEC. 9. *Be it further enacted*, That it shall be lawful for any parent having a minor child or children to apprentice the said minor child or children as provided for by this act.

SEC. 10. *Be it further enacted*, That in all cases where the age of the minor

cannot be ascertained by record testimony the judge of probate shall fix the same.

SEC. 11. *Be it further enacted*, That this act shall take effect and be in force from and after its approval: *Provided*, That before any one shall be apprenticed under this law, if said minor shall have a father or mother living in said county, the probate judge shall notify said parent of the time of such apprenticing, who may, by proof, show his ability to support his or her child, or that the proposed master is an improper person to act as master of said apprentice.

Approved February 23, 1866.

F L O R I D A .

AN ACT prescribing additional penalties for the commission of offences against the State, and for other purposes.

* * * * *

SEC. 6. *Be it further enacted*, That if any person or persons shall assault a white female, with intent to commit a rape, or be accessory thereto, he or they shall, upon conviction thereof, suffer death.

* * * * *

SEC. 12. *Be it further enacted*, That it shall not be lawful for any negro, mulatto, or other person of color to own, use, or keep in his possession, or under his control, any bowie-knife, dirk, sword, fire-arms, or ammunition of any kind, unless he first obtain a license to do so from the judge of probate of the county in which he may be a resident for the time being; and the said judge of probate is hereby authorized to issue such license upon the recommendation of two respectable citizens of the county, certifying to the peaceful and orderly character of the applicant; and any negro, mulatto, or other person of color so offending, shall be deemed to be guilty of a misdemeanor, and upon conviction shall forfeit to the use of the informer all such fire-arms and ammunition, and, in addition thereto, shall be sentenced to stand in the pillory for one hour, or be whipped, not exceeding thirty-nine stripes, or both, at the discretion of the jury.

SEC. 13. *Be it further enacted*, That it shall be the duty of the judge of probate to keep an accurate register of all licenses so issued as aforesaid, and at each regular meeting of the board of county commissioners to lay the same before them, for their supervision, who shall have power to revoke any licenses which, in their opinion, may have been granted to improper persons.

SEC. 14. *Be it further enacted*, That if any negro, mulatto, or other person of color shall intrude himself into any religious or other public assembly of white persons, or into any railroad car or other public vehicle set apart for the exclusive accommodation of white people, he shall be deemed to be guilty of a misdemeanor, and upon conviction shall be sentenced to stand in the pillory for one hour, or be whipped, not exceeding thirty-nine stripes, or both, at the discretion of the jury; nor shall it be lawful for any white person to intrude himself into any religious or other public assembly of colored persons, or into any railroad car or other public vehicle set apart for the exclusive accommodation of persons of color, under the same penalties.

Approved January 15, 1866.

AN ACT in addition to an act entitled "An act to amend the act entitled 'An act concerning marriage licenses,' approved January 23, 1832."

SECTION 1. *Be it enacted*, That if any white female resident within this State shall hereafter attempt to intermarry, or shall live in a state of adultery or fornication, with any negro, mulatto, or other person of color, she shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding one thousand dollars, or be confined in the public jail not exceeding three months, or both, at the discretion of the jury, and shall, moreover, be disqualified to testify as a witness against any white person.

SEC. 2. *Be it further enacted*, That if any negro, mulatto, or other person of color shall hereafter live in a state of adultery or fornication with any white female resident of this State, he shall be deemed to be guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding one thousand dollars, or be made to stand in the pillory for one hour and be whipped not exceeding thirty-nine stripes, or both, at the discretion of the jury.

SEC. 3. *Be it further enacted*, That every person who shall have one-eighth or more of negro blood, shall be deemed and held to be a person of color.

SEC. 4. *Be it further enacted*, That in existing cases, upon petition to the circuit judge, parties coming within the provisions of this act, and liable to be punished under the same, may, by order and judgment of said judge, be relieved from the penalties thereof, when, in his opinion, justice and equity shall so require.

SEC. 5. *Be it further enacted*, That in all cases where marriages have been heretofore contracted and solemnized between white persons and persons of color, and where the parties have continued to live as man and wife, the said marriages are hereby legalized, and neither of the parties shall be subject to the provisions of this or any other act.

Approved January 12, 1866.

AN ACT to establish and enforce the marriage relation between persons of color.

Be it enacted by the senate and house of representatives of the State of Florida in general assembly convened, That it shall be required of all the colored inhabitants of this State claiming to be living together in the relation of husband and wife, and who have not been joined as such agreeably to the laws regulating the same, and who shall mutually desire to continue in that relation, within nine months from the passage of this act, to appear before some person legally authorized to perform the marriage ceremony, and be regularly joined in the holy bonds of matrimony. And if any such person, either male or female, after the expiration of the time limited in this act, shall be found cohabiting as husband and wife, and who have not been so joined together, they, and each of them, shall be deemed to be guilty of a misdemeanor, and upon conviction shall be subjected to the pains and penalties prescribed by the statute for the punishment of fornication and adultery.

SEC. 2. *Be it further enacted*, That the issue of such prior cohabitation shall be legitimated by the act of marriage, so regularly contracted as aforesaid, and be thenceforth entitled to all the rights and privileges of a legitimate offspring.

SEC. 3. *Be it further enacted*, That for the purpose of perpetuating the evidence of such marriages as may take place under the provisions of this act, it shall be the duty of the clerk of the circuit court of the county in which the ceremony may have been performed, upon application of the parties and a tender of his legal fees, to enter the certificate of marriage, upon the register of marriage licenses in his office.

SEC. 4. *Be it further enacted*, That if any person shall practice a fraud upon any person of color, by illegally assuming to perform the marriage cere-

mony for them, he or they, their aiders and abettors, shall be deemed to be guilty of a misdemeanor, and upon conviction shall be fined in a sum not exceeding one thousand dollars, or be imprisoned for a term not exceeding six months, or be made to stand in the pillory not exceeding one hour, at the discretion of the jury.

SEC. 5. *Be it further enacted*, That from and after the expiration of the time limited in this act, all laws applicable to, or regulating the marriage relation between white persons, shall be deemed to apply to the same relation between the colored population of this State.

Approved January 11, 1866.

AN ACT in relation to contracts of persons of color.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Florida in general assembly convened*, That all contracts with persons of color shall be made in writing, and fully explained to them, before two credible witnesses, which contract shall be in duplicate, one copy to be retained by the employer, and the other filed with some judicial officer of the State and county in which the parties may be residing at the date of the contract, with the affidavit of one or both witnesses, setting forth that the terms and effect of such contract were fully explained to the colored person, and that he, she or they had voluntarily entered into and signed the contract, and no contract shall be valid unless so executed and filed: *Provided*, That contracts for service or labor for less time than thirty days may be made by parol.

SEC. 2. And whereas it is essential to the welfare and prosperity of the entire population of the State that the agricultural interest be sustained and placed upon a permanent basis, it is therefore enacted, That when any person of color shall enter into a contract as aforesaid, to serve as a laborer for a year or any other specified term on any farm or plantation in this State, if he shall refuse or neglect to perform the stipulations of his contract by wilful disobedience of orders, wanton impudence, or disrespect to his employer or his authorized agent, failure or refusal to perform the work assigned him, idleness or abandonment of the premises or the employment of the party with whom the contract was made, he or she shall be liable upon complaint of his employer or his agent, made under oath before any justice of the peace of the county, to be arrested and tried before the criminal court of the county, and upon conviction shall be subject to all the pains and penalties prescribed for the punishment of vagrancy: *Provided*, That it shall be optional with the employer to require that such laborer be remanded to his service instead of being subjected to the punishment aforesaid: *Provided further*, That if it shall on such trial appear that the complaint is not well founded, the court shall dismiss such complaint and give judgment in favor of such laborer against the employer for such sum as may appear to be due under the contract, and for such damages as may be assessed by the jury.

SEC. 3. *Be it further enacted*, That when any employé as aforesaid shall be in the occupancy of any house or room on the premises of the employer, by virtue of his contract to labor, and he shall be adjudged to have violated his contract, or when any employé as aforesaid shall attempt to hold unlawful possession of his house or room beyond the term of his contract, against the consent of the employer, it shall be the duty of the judge of the criminal court, upon the application of the employer, and due proof made before him, to issue his writ to the sheriff of the court, commanding him forthwith to eject the said employé, and to put the employer into full possession of the premises: *Provided*, Three days' previous notice shall be given to the employé of the day of trial.

SEC. 4. *Be it further enacted*, That if any person employing the service or labor of another, under contract, entered into as aforesaid, shall violate his

contract by refusing or neglecting to pay the stipulated wages or compensation agreed upon, or any part thereof, or by turning off the employé before the expiration of the term, unless for sufficient cause, or unless such right is reserved by the contract, the party so employed may make complaint thereof before the judge of the criminal court, who shall at an early day, on reasonable notice to the other party, cause the same to be tried by a jury to be summoned for the purpose, who, in addition to the amount that may be proved to be due under the contract, may give such damages as they in their discretion may deem to be right and proper, and the judgment thereon shall be a first lien on the crops of all kinds in the cultivation of which such laborer may have been employed: *Provided*, That either party shall be entitled to an appeal to the circuit court, as in cases of appeal from justices of the peace.

SEC. 5. *Be it further enacted*, That if any person shall entice, induce, or otherwise persuade any laborer or employé to quit the services of another to which he was bound by contract, before the expiration of the term of service stipulated in said contract, he shall be guilty of a misdemeanor, and, upon conviction, shall be fined in a sum not exceeding one thousand dollars, or shall stand in the pillory not more than three hours, or be whipped not more than thirty-nine stripes on the bare back, at the discretion of the jury.

SEC. 6. *Be it further enacted*, That the provisions of this act shall be applied to all contracts between employers and employés relating to the lumber, rafting, or milling business, and to all other contracts with persons of color to do labor and to perform service.

Approved January 12, 1866.

AN ACT concerning testimony.

* * * * *

SECTION 3. *Be it further enacted*, That this act shall not be construed to authorize the testimony of colored persons to be taken by depositions in writing, or upon written interrogatories, otherwise than in such manner as will enable the court and jury to judge of the credibility of the witness.

Approved January 16, 1866.

AN ACT to extend to all the inhabitants of the State the benefits of the courts of justice and the processes thereof.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Florida in general assembly convened*, That the judicial tribunals of this State, with the processes thereof, shall be accessible to all the inhabitants of the State, without distinction of color, for the prosecution and defence of all the rights of person and property, subject only to the restrictions contained in the constitution of the State.

SEC. 2. *Be it further enacted*, That all laws heretofore passed with reference to slaves, free negroes, and mulattoes, except the act to prevent their migration into the State, and the act prohibiting the sale of fire-arms and ammunition to them, and all the criminal laws of this State applicable to white persons now in force, and not in conflict with or modified by the legislation of the present session of the general assembly, shall be deemed and held to apply equally to all the inhabitants of the same without distinction of color.

Approved January 11, 1866.

Ex. Doc. 6—12

AN ACT concerning schools for freedmen.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Florida,* That the governor shall appoint an officer, by and with the advice and consent of the senate, who shall be styled superintendent of common schools for freedmen, who shall hold his office during the administration of the governor.

SEC. 2. *Be it further enacted,* That said superintendent shall, where the number of children in any county may justify it, request the county commissioners of such county to appoint an assistant superintendent, who shall aid the superintendent and carry out his instructions: *Provided,* That if the county commissioners should fail, neglect, or refuse to appoint said assistant, the superintendent may do so.

SEC. 3. *Be it further enacted,* That the said superintendent may, with the approval of the governor, dismiss any assistant superintendent for incompetency, negligence of duty, or for any sufficient cause; and for like reasons the governor may dismiss the superintendent and appoint another in his place: *Provided,* That should any vacancy occur in the office of superintendent by dismissal, resignation, death or otherwise, the governor shall fill said vacancy by appointment until the meeting of the next general assembly, when such appointment shall be submitted to the senate for confirmation.

SEC. 4. *Be it further enacted,* That the superintendent, with the aid of the assistant superintendents, shall establish schools for freedmen, when the number of children of persons of color in any county or counties will warrant the same: *Provided,* The funds hereinafter provided for shall be sufficient to meet the expenses thereof.

SEC. 5. *Be it further enacted,* That no teacher shall be entitled to the benefits of the fund hereinafter provided, who shall not have first procured a certificate from the superintendent of his or her competency, for which the said teacher shall pay to the superintendent or to his assistants, upon his order, the sum of five dollars, for the benefit of the fund for common schools for freedmen, which said certificate shall authorize and empower the said teacher to teach in any school for freedmen for one year from the date of such certificate, and no longer: *Provided,* That the superintendent or any of his assistants, may at any time cancel the certificate of any teacher for incompetency, immorality, or for other sufficient cause, of which they or either of them shall be competent to judge.

SEC. 6. *Be it further enacted,* That a tax shall be assessed and levied upon all male persons of color, between the ages of twenty-one years and fifty-five, of one dollar each, the proceeds of which shall constitute a fund to be denominated the common school fund for the education of freedmen, which said tax shall be collected at the same time and in the same manner as the State tax is now collected by law, and paid into the treasury of the State for the use of the common school fund for freedmen as aforesaid.

SEC. 7. *Be it further enacted,* That the salaries of the superintendent, his assistants, and of teachers, shall be paid out of the treasury, upon the warrant of the comptroller of public accounts, from the fund aforesaid.

SEC. 8. *Be it further enacted,* That the salary of the superintendent of common schools for freedmen shall be one thousand dollars; that of his assistants two hundred dollars per annum, and that of the teachers of common schools for freedmen such as shall be allowed by the superintendent, or his assistant or assistants, to be paid quarterly from the treasury, upon warrant of the comptroller, out of the common school fund, and from no other fund.

SEC. 9. *Be it further enacted,* That a tuition fee shall be collected from each pupil, under such regulations as the superintendent shall prescribe, which shall be paid into the treasury of the State, as a portion of the common school fund for freedmen: *Provided,* That said superintendent shall have the power to determine and specify what pupils shall be the beneficiaries of said fund.

SEC. 10. *Be it further enacted*, That the superintendent of common schools for freedmen shall make an annual report to the legislature of the number of schools established, the number of pupils, the amount of the fund expended, the amount in the treasury, the number of teachers employed, and all matters of general interest to the education of freedmen in the State.

SEC. 11. *Be it further enacted*, That if any person shall teach any school of persons of color in this State without first having obtained the license or certificate hereinbefore provided for, he or she shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars, nor more than five hundred dollars, or imprisoned not less than thirty days nor more than sixty days, at the discretion of the court.

Approved January 16, 1866.

G E O R G I A .

AN ACT to make free persons of color competent witnesses in the courts of this State in certain cases therein mentioned, and to authorize the making and declaring of force affidavits by them in certain cases.

SECTION 1. *The senate and house of representatives of the State of Georgia in general assembly met, do enact*, That from and after the passage of this act free persons of color shall be competent witnesses in all the courts of this State in civil cases whereto a free person of color is a party, and in all criminal cases wherein a free person of color is defendant, or wherein the offence charged is a crime or misdemeanor against the person or property of a free person of color, any law, usage, or custom, to the contrary notwithstanding.

SEC. 2. That in all cases hereafter pending or about to be instituted, wherein a free person of color is a party, plaintiff, or defendant, it shall be competent for such free person of color to make and file any affidavit now by Law allowed a citizen to advance the remedy, or aid the defence, and when so made and filed in conformity with law, such action shall be had thereon, as though the said affidavit had been made and filed by any other litigant.

Approved December 15, 1865.

AN ACT to carry into effect the ninth clause of the first section of the fifth article of the constitution.

SECTION 1. *Be it enacted by the general assembly of the State of Georgia*, That from and after the passage of this act, if any officer shall knowingly issue any marriage license to parties either of whom is of African descent and the other a white person, such officer shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than two hundred dollars, nor more than five hundred dollars, or be confined in the common jail three months, or both, in the discretion of the court.

SEC. 2. That if any officer, or minister of the Gospel, shall marry such persons together, he shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five hundred dollars, nor more than one thousand dollars, or be confined in the common jail six months, or both, in the discretion of the court.

Approved March 7, 1866.

AN ACT to prescribe and regulate the relation of husband and wife between persons of color.

SECTION 1. *The general assembly of the State of Georgia do enact*, That persons of color now living together as husband and wife, are hereby declared

to sustain that legal relation to each other, unless a man shall have two or more reputed wives, or a woman two or more reputed husbands. In such event, the man, immediately after the passage of this act by the general assembly, shall select one of his reputed wives, with her consent; or the woman one of her reputed husbands, with his consent; and the ceremony of marriage between these two shall be performed. If such man thus living with more than one woman, or such woman living with more than one man, shall fail or refuse to comply with the provisions of this section, he or she shall be prosecuted for the offence of fornication or adultery, or fornication and adultery, and punished accordingly.

Approved March 9, 1866.

AN ACT to prescribe and regulate the relation of parent and child among persons of color in this State, and for other purposes.

SECTION 1. *The general assembly of the State of Georgia do enact*, That among persons of color the parent shall be required to maintain his or her children, whether legitimate or illegitimate.

SEC. 2. That children shall be subjected to the same obligations in relation to their parents as those which exist in relation to white persons.

SEC. 3. That every colored child heretofore born is declared to be the legitimate child of his mother, and also of his colored father, if acknowledged by such father.

SEC. 4. Repeals conflicting laws.

Approved March 9, 1866.

AN ACT to alter and amend the laws of this State in relation to apprentices.

SECTION 1. *The general assembly of this State do enact*, From and after the passage of this act, that all minors may, by whichever parent has the control of them, be bound out as apprentices to any respectable person until they attain the age of twenty-one, or for a shorter period.

SEC. 2. It shall be the duty of the judge of the county court, or the ordinary, to bind out in like manner all minors whose parents are dead, or whose parents reside out of the county, the profits of whose estate are insufficient for their support and maintenance; also, all minors whose parents, from age, infirmity, or poverty, are unable to support them.

SEC. 3. Indentures of apprenticeship shall be made in duplicate, and witnessed in the same manner as deeds. The original shall be kept by the master, and the duplicate shall be filed and recorded, either in the office of the judge of the county court or in the ordinary's office; and it shall not be necessary for the apprentice to sign the same.

SEC. 4. The master shall teach the apprentice the business of husbandry, house-service, or some other useful trade or occupation, which shall be specified in the instrument of apprenticeship; shall furnish him with wholesome food, suitable clothing, and necessary medicine and medical attendance; shall teach him habits of industry, honesty, and morality; shall cause him to be taught to read English; and shall govern him with humanity, using only the same degree of force to compel his obedience as a father may use with his minor child.

SEC. 5. In all controversies between the master and his apprentice pending the existence of the relation, the judge of the county court or the ordinary may exercise jurisdiction, and, on complaint of either party and notice to the other, may cause justice to be done in a summary manner. If the master be in default, he shall be fined, at the discretion of the court, not exceeding fifty dollars; and if the apprentice, the court may order such correction as the circumstances may demand, not extending to cruelty.

SEC. 6. By consent of the parties, the judge of the county court, or the ordinary, may dissolve the relation at any time ; and on the death of the master, the said judge or the ordinary may either dissolve it, or substitute in the place of the deceased, his legal representative, or some member of his family ; in which event, the person substituted, by filing a written acceptance, shall thenceforth have all the rights and be bound for all the duties of the original master. Dissolution by consent, or for the death of the master, shall be subject to the sound discretion of the judge of the county court or of the ordinary, as shall also be the selection of a successor to the master, as above mentioned ; but if no successor be designated, and his acceptance filed within three months after the death of the master, then the relation shall no longer exist.

SEC. 7. The judge of the county court, or the ordinary, may also dissolve the relation at the instance of the master, for gross misconduct in the apprenticeship ; or at the instance of the apprentice, or any friend of his, for cruelty in the master, or for failure to furnish food, clothing, medicine or medical attendance, or for jeopardy of the good morals of the apprentice by reason of the master's depraved conduct.

SEC. 8. To the master shall belong the proceeds of the apprentice's labor ; but at the expiration of his term of service, a faithful apprentice shall be entitled to a small allowance from the master with which to begin life ; the amount to be left in the first instance to the master's generosity. If the master offer less than one hundred dollars the apprentice may decline it, and cite the master before the judge of the county court, or the ordinary ; and after hearing both parties and their witnesses, if any, the said judge or the ordinary shall fix the sum to be paid, increasing or diminishing the amount offered, according to the merits of the apprentice, the means of the master, and the length and fidelity of the service.

SEC. 9. The master shall have a right of action against any person employing his apprentice, with notice of the fact, and the damages recovered shall not be less than twenty-five dollars.

SEC. 10. All laws of this State in reference to apprentices, not inconsistent with this act, are declared of force ; and all articles of apprenticeship heretofore required to be approved by, and recorded in the inferior court, shall hereafter be filed and recorded, as directed in section 3d of this act.

SEC. 11. Repeals conflicting laws.

Approved March 17, 1866.

LOUISIANA.

AN ACT to provide for and regulate labor contracts for agricultural pursuits.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Louisiana in general assembly convened,* That all persons engaged as laborers in agricultural pursuits shall be required, within the first ten days of the month of January of each year, to make contracts for labor for the then ensuing year, or for the year next ensuing the termination of their present contract. All contracts for labor for agricultural purposes shall be made in writing, signed by the employer, and shall be made in the presence of a justice of the peace and two disinterested witnesses, in whose presence the contract shall be read to the laborers, and when assented to and signed by the latter, shall be considered as binding for the time prescribed.

SEC. 2. *Be it further enacted, &c.,* Every laborer shall have full and perfect liberty to choose his employer ; but, when once chosen, he shall not be allowed to leave his place of employment until the fulfilment of his contract, unless by consent of his employer, or on account of harsh treatment, or breach of contract

on the part of the employer; and if they do so leave, without cause or permission, they shall forfeit all wages earned at the time of abandonment.

SEC. 3. *Be it further enacted, &c.*, The labor contract provided for above shall be deposited with the recorder of the parish in which the parties thereto reside, and shall have the force and effect of an authentic act, and be conclusive evidence of the intent of the parties thereto; but all disputes arising between the parties shall be decided before a justice of the peace of the district or ward in which the parties reside, and said justice of the peace shall be authorized to enforce these labor contracts.

SEC. 4. *Be it further enacted &c.*, All labor contracts shall be made with the heads of families; they shall embrace the labor of all the members of the family able to work, and shall be binding on all minors of said families.

SEC. 5. *Be it further enacted, &c.*, Wages due under these labor contracts shall be a lien or first privilege upon the crop, not more than one-half of which shall be removed from the plantation until full payment is made for said wages.

SEC. 6. *Be it further enacted, &c.*, One-half of the wages agreed upon shall be paid at such stated periods as may be determined upon by the parties, but it shall be lawful for the employer to retain the other moiety until the completion of the contract.

SEC. 7. *Be it further enacted &c.*, All employers failing to comply with their contract shall, upon conviction, be fined an amount double that due the laborer, recoverable before any court of competent jurisdiction, to be paid to the laborer; and any inhumanity, cruelty, or neglect of duty on the part of the employer shall be summarily punished by fines within the discretion of the court, to be paid to the injured party; provided, that this shall not be so construed as a remission of any penalty now inflicted by law for like offences.

SEC. 8. *Be it further enacted, &c.*, In case of sickness of the laborer, wages for the time lost shall be deducted, and, where the sickness is feigned for purposes of idleness, and also on refusal to work according to contract, double the amount of wages shall be deducted for the time lost and also, where rations have been furnished, and should the refusal to work continue beyond three days, the offender shall be reported to a justice of the peace, and shall be forced to labor on roads, levees, and other public works, without pay, until the offender consents to return to his labor.

SEC. 9. *Be it further enacted, &c.*, That when in health the laborer shall work ten hours during the day in summer and nine hours during the day in winter, unless otherwise stipulated in the labor contract; he shall obey all proper orders of his employer or his agent; take proper care of his work mules, horses, oxen, stock; also all agricultural implements; and employers shall have the right to make a reasonable deduction from the laborer's wages for injuries done to animals or agricultural implements committed to his care, or for bad or negligent work. Bad work shall not be allowed. Failing to obey reasonable orders, neglect of duty, and leaving home without permission will be deemed disobedience; impudence, swearing, or indecent language to, or in the presence of, the employer, his family, or agent, or quarrelling and fighting with one another shall be deemed disobedience. For any disobedience a fine of one dollar shall be imposed on and paid by the offender. For all lost time from work hours, unless in case of sickness, the laborer shall be fined twenty five cents per hour. For all absence from home without leave the laborer will be fined at the rate of two dollars per day. Laborers will not be required to labor on the Sabbath, except to take necessary care of stock and other property on the plantation, or to do necessary cooking or household duties, unless by special contract. For all thefts of the laborer from the employer, of agricultural products, hogs, sheep, poultry, or any other property of the employer, or wilful destruction of property or injury, the laborer shall pay the employer double the amount of the value of the property stolen, destroyed, or injured, one-half to be paid to the employer and the other half to

be placed in the general fund provided for in this section. No live stock shall be allowed to laborers without the permission of the employer. Laborers shall not receive visitors during work hours. All difficulties arising between the employer and laborers, under this section, shall be settled, and all fines imposed by the former; if not satisfactory to the laborer, an appeal may be had to the nearest justice of the peace and two freeholders, citizens, one of said citizens to be selected by the employer and the other by the laborer; and all fines imposed and collected under this section shall be deducted from wages due, and shall be placed in a common fund, to be divided among the other laborers employed on the plantation, at the time when their full wages fall due, except as provided for above.

SEC. 10. *Be it further enacted, &c.*, That for gross misconduct on the part of the laborer, such as insubordination, habitual laziness, frequent acts of violation of his contract or the laws of the State, he may be dismissed by his employer; nevertheless the laborer shall have the right to an appeal to a justice of the peace and two freeholders, citizens of the parish, one of the freeholders to be selected by himself and the other by his employer, and their decision shall be final.

SEC. 12. *Be it further enacted, &c.*, That all laws contrary to or conflicting with the provisions of this act be, and are hereby, repealed.

SEC. 13. *Be it further enacted, &c.*, That this act shall take effect from and after its passage.

SEC. 14. *Be it further enacted, &c.*, That the provisions of this act shall apply only to laborers engaged in agriculture, and the trades necessary thereto when carried on on plantations.

DUNCAN S. CAGE,

Speaker of the House of Representatives.

ALBERT VOORHIES,

Lieutenant Governor and President of the Senate.

AN ACT to prohibit the carrying of fire-arms on premises or plantations of any citizen without the consent of the owner.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Louisiana in general assembly convened*, That it shall not be lawful for any person or persons to carry fire-arms on the premises or plantations of any citizen without the consent of the owner or proprietor, other than in lawful discharge of a civil or military order; and any person or persons so offending shall be fined a sum not less than one dollar nor more than ten dollars, or imprisoned not less than one day nor more than ten days in the parish jail, or both, at the discretion of any court of competent jurisdiction.

SEC. 2. *Be it further enacted, &c.*, That all laws or parts of laws to the contrary notwithstanding be, and the same are hereby, repealed.

DUNCAN S. CAGE,

Speaker of the House of Representatives.

ALBERT VOORHIES,

Lieutenant Governor and President of the Senate.

Approved December 20, 1865.

J. MADISON WELLS,

Governor of the State of Louisiana.

A true copy.

J. H. HARDY, *Secretary of State.*

AN ACT to prevent trespassing.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Louisiana in general assembly convened,* That whosoever shall enter upon any plantation without the permission of the owner or agent, shall be deemed guilty of a misdemeanor, and shall be liable to be arrested and brought before any court of competent jurisdiction, and, upon proof of the fact, shall be fined in a sum not exceeding one hundred dollars, or imprisoned for a term not exceeding one month, and may, moreover, be required to give bond for good behavior during six months.

SEC. 2. *Be it further enacted, &c.,* That all laws, or parts of laws contrary to the provisions of this act be, and the same are hereby, repealed.

SEC. 3. *Be it further enacted, &c.,* That this act shall take effect from and after its passage.

DUNCAN S. CAGE,

Speaker of the House of Representatives.

ALBERT VOORHIES,

Lieutenant Governor and President of the Senate.

Approved December 20, 1865.

J. MADISON WELLS,

Governor of the State of Louisiana.

A true copy :

J. H. HARDY, *Secretary of State.*

AN ACT to amend and re-enact the one hundred and twenty-first section of an act entitled "An act relative to crimes and offences," approved March 14, 1855.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Louisiana in general assembly convened,* That the one hundred and twenty-first section of an act entitled "An act relative to crimes and offences," approved March 14, 1855, which reads as follows, to wit :

It shall be the duty of any sheriff, constable, policeman, or other peace officer, whenever required by any person, to carry such vagrant before a justice of the peace of any parish, or before any one of the recorders of the city in which he shall be, for the purpose of examination ; and if the justice, or other officer, be satisfied, by the confession of the offender, or by competent testimony, that he is a vagrant within the description aforesaid, he shall make a certificate of the same, which shall be filed with the clerk of the court of the parish ; and, in the city of New Orleans, the certificate shall be filed in the office of one of the recorders, and the justice, or other officer, shall issue a warrant to commit such vagrant, if in the city of New Orleans, to the workhouse of the city, for any time not exceeding six months, there to be kept at hard labor ; or, if such vagrant be a proper object of charity, to some place of refuge, to be provided by the common council of the city ; and if in any of the parishes, to the parish jail for not more than six months ; and if such vagrant be a proper object of charity, to some place of refuge, to be provided by the parochial authorities—

Shall be amended and re-enacted, so as to read as follows :

That upon complaint made on oath before a justice of the peace, mayor, or judge of the district court, or other proper officer, that any person is a vagrant within the description aforesaid, it shall be the duty of such justice, judge, mayor, or other officer to issue his warrant to any sheriff, constable, policeman, or other peace officer, commanding him to arrest the party accused and bring him before such justice of the peace, or other officer, and if the justice, or other officer, be satisfied by the confession of the offender, or by competent testimony, that he is a vagrant within the said description, he shall make a certificate of the same, which shall be filed with the clerk of the court of the parish ; and, in the city of New Orleans, the certificate shall be filed in the office of one of the recorders ; and the said

justice, or other officer, shall require the party accused to enter into bond, payable to the governor of Louisiana, or his successors in office, in such sums as said justice, or other officer, shall prescribe, with security, to be approved by said officer, for his good behavior and future industry, for the period of one year; and, upon his failing or refusing to give such bond and security, the justice, or other officer, shall issue his warrant to the sheriff, or other officer, directing him to detain and to hire out such vagrant for a period not exceeding twelve months, or to cause him to labor on the public works, roads, and levees, under such regulations as shall be made by the municipal authorities: *Provided*, That if the accused be a person who has abandoned his employer before his contract expired, the preference shall be given to such employer of hiring the accused: *And provided further*, That in the city of New Orleans the accused may be committed to the workhouse for a time not exceeding six months, there to be kept at hard labor, or to be made to labor on the public works, roads, or levees. The proceeds of hire in the cases herein provided for to be paid into the parish treasury for the benefit of paupers: *And provided further*, That the person hiring such vagrant shall be compelled to furnish such clothing, food, and medical attention as they furnish their other laborers.

DUNCAN S. CAGE,
Speaker of the House of Representatives.
ALBERT VOORHIES,
Lieutenant Governor and President of the Senate.

Approved December 20, 1865.

J. MADISON WELLS,
Governor of the State of Louisiana.

A true copy :

J. H. HARDY, *Secretary of State.*

AN ACT to provide for the punishment of persons for tampering with, persuading or enticing away, harboring, feeding, or secreting laborers, servants, or apprentices.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Louisiana in general assembly convened*, That any one who shall persuade or entice away, feed, harbor, or secrete any person who leaves his or her employer, with whom she or he has contracted or is assigned to live, or any apprentice who is bound as an apprentice, without the permission of his or her employer, said person or persons so offending shall be liable for damages to the employer, and, also, upon conviction thereof, shall be subject to pay a fine of not more than five hundred dollars, nor less than ten dollars, or imprisonment in the parish jail for not more than twelve months, nor less than ten days, or both, at the discretion of the court.

SEC. 2. *Be it further enacted, &c.*, That it shall be the duty of the judges of this State to give this act especially in charge to the grand juries at each jury term of their respective courts.

SEC. 3. *Be it further enacted, &c.*, That all laws, or parts of laws, conflicting with this act be, and the same are hereby, repealed, and that this act shall take effect from and after its passage.

DUNCAN S. CAGE,
Speaker of the House of Representatives.
ALBERT VOORHIES,
Lieutenant Governor and President of the Senate.

Approved December 21, 1865.

J. MADISON WELLS,
Governor of the State of Louisiana.

A true copy :

J. H. HARDY, *Secretary of State.*

AN ACT relative to apprentices and indentured servants.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Louisiana in general assembly convened,* That it shall be the duty of sheriffs, justices of the peace, and other civil officers of this State, to report to the clerks of the courts of their respective parishes, and in the parish of Orleans, left bank, to the mayor of the city of New Orleans, and, on the right bank, to the president of the police jury, on the first Monday of each month, for each and every year, all persons under the age of eighteen years if females, and twenty-one if males, who are orphans, or whose parent, parents, or tutor have not the means, or who refuse to provide for and maintain said minors; and, thereupon, it shall be the duty of the clerks of the district courts, mayor, and president of the police jury aforesaid to examine whether the party or parties, so reported from time to time, come within the purview and meaning of this act; and if so, to apprentice said minor or minors, in manner and form as prescribed by the civil code of the State of Louisiana: *Provided,* That orphans coming under the provisions of this act shall be authorized to select said employers when they have arrived at the age of puberty, unless they shall have been previously apprenticed: *Provided,* That any indenture of apprentice or indentured servant, made before a justice of the peace and two disinterested witnesses, and the original deposited with and recorded by the recorder of mortgages for the parish, in a book provided for that purpose, shall be valid and binding on the parties; and, when made by the clerk, shall be also deposited with the recorder of mortgages, and all expenses for passing said acts of indenture shall be paid by the employer.

SEC. 2. *Be it further enacted, &c.,* That persons who have attained the age of majority, whether in this State or any other State of the United States, or in a foreign country, may bind themselves to services to be performed in this State for the term of five years, on such terms as they may stipulate, as domestic servants, and to work on farms, plantations, or in manufacturing establishments, which contracts shall be valid and binding on the parties to the same.

SEC. 3. *Be it farther enacted, &c.,* That in all cases when the age of the minor cannot be ascertained by record testimony, the clerk of the district courts, mayor, and president of the police jury, or justices of the peace aforesaid, shall fix the age according to the best evidence before them.

SEC. 4. *Be it further enacted, &c.,* That all laws and parts of laws conflicting with the provisions of this act be, and the same are hereby, repealed, and that this act take effect from and after its passage.

DUNCAN S. CAGE,

Speaker of the House of Representatives.

ALBERT VOORHIES,

Lieutenant Governor and President of the Senate.

Approved December 21, 1865.

J. MADISON WELLS,

Governor of the State of Louisiana.

A true copy:

J. H. HARDY, *Secretary of State.*

AN ACT to punish, in certain cases, the employers of laborers or apprentices.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in general assembly convened,* That hereafter any person who shall employ any laborer or apprentice who is already under contract for service for any period of time to any other person, and before such time of service shall have elapsed, so as to deprive such first employer of the services of

such laborer or apprentice, shall be deemed and held guilty of a misdemeanor, and shall, upon conviction thereof before any court of competent jurisdiction, be punished by a fine of not less than ten nor more than five hundred dollars for each and every offence, or imprisonment in the parish jail for a period not exceeding thirty days, at the discretion of the court, and shall be liable for damages to the party injured.

SEC. 2. *Be it further enacted, &c.*, That any person who shall discharge from his employment any laborer or apprentice during the term of service agreed upon between such employer and such laborer or apprentice, or at the expiration of such term of service, shall, upon the request of said laborer or apprentice, give to him or her a written certificate of such discharge, and upon refusal to do so shall be deemed guilty of misdemeanor, and upon conviction thereof shall be subject to the penalties prescribed in the first section of this act.

SEC. 3. *Be it further enacted, &c.*, That it shall be the duty of the judges of this State to give this act especially in charge of the grand juries at each jury term of their respective courts.

SEC. 4. *Be it further enacted, &c.*, That this act shall take effect from and after its passage.

DUNCAN S. CAGE,
Speaker of the House of Representatives.
ALBERT VOORHIES,
Lieutenant Governor and President of the Senate.

Approved December 21, 1865.

J. MADISON WELLS,
Governor of the State of Louisiana.

A true copy:

J. H. HARDY, *Secretary of State.*

Resolved, That five thousand copies of acts passed by this general assembly, and known as senate bills Nos. 58, 59, 60, 61, 62, and 63, providing for and regulating laws with regard to labor, vagrancy, &c., be printed in pamphlet form for immediate distribution—three thousand in the English and one thousand in the French language, and one thousand in German.

Passed by the house of representatives of the State of Louisiana, December 15, 1865.

THOS. L. MAXWELL,
Clerk of the House of Representatives.

NOTE.—Senate bill No. 58 passed both houses of the general assembly, but needs the signature of the governor to become a law.

MARYLAND.

ARTICLE VI.

Negro Apprentices.

SEC. 31. The several orphans' courts of this State shall, upon information being given to them, summon before them the child of any free negro, and if it shall appear upon examination before such court that it would be better for the habits and comfort of such child that it should be bound as an apprentice to some white person, if a male till he is of the age of twenty-one years, or if a female till she is of the age of eighteen years.

SEC. 32. The sheriff or any constable of the county or city shall serve any process issued by the orphans' court to bring the child of any free negro before the court, and, in the service of such process, shall arrest and carry such child before the court, on the day therein named.

SEC. 33. No negro child shall be bound under this article if the parent or parents have the means and are willing to support such child, and keep the same employed, so as to teach habits of industry; and the parent or parents shall be summoned to be present at such binding.

SEC. 34. In binding such children the orphans' court shall give preference to those persons who may be selected by the parents, if there be any, and if not, by the children, if the person selected by them be approved by the court.

SEC. 35. Every such indenture of apprenticeship shall state the name and age of the child bound, and the name of the master, and shall be recorded in the office of the register of wills of said county, at the expense of the master, within one month after the making of the same; and no indenture under this section shall be invalid for want of form, if it contains the name of the master, and the name and age of the apprentice.

SEC. 36. It shall not be necessary in any such indenture, or in any indenture of a negro made by the trustees of the poor, to require that any education shall be given to such negro apprentice.

SEC. 37. The master of any negro apprentice, or the executor or assignee of such, may, with the assent of the orphans' court, to be entered on the minutes, assign and transfer such apprentice to any other person residing in the same county.

SEC. 38. Upon the death of the master, or his assignee, of any negro apprentice, the property and interest of the master and assignee shall pass to the widow, if there be a widow, of such deceased master or assignee, and if no widow, then to the executor of said master or assignee.

SEC. 39. If any negro, or other person, shall entice or persuade any negro apprentice to run away or abscond from the service of the master, or person entitled to his or her service, such negro or other person so offending shall, upon conviction in the circuit court of the county, or the criminal court of Baltimore, be subject to fine and imprisonment, as for a misdemeanor, or, at the discretion of the court, be confined in the penitentiary house of this State for not more than four years, nor less than eighteen months.

SEC. 40. If any negro apprentice abscond, or run away, the orphans' court of the county where he may have been bound shall have full power to adjudge and order such apprentice to serve such further time, after the expiration of the period for which such apprentice may be bound, as will compensate the master or person entitled to the service for all loss occasioned by such running away, including expenses of recapture; and the said court shall have full power to authorize the master of such absconding apprentice to sell such apprentice, and for the whole period he may have to serve, to any person within this State: *Provided*, The said court shall be satisfied that such apprentice was not induced to run away by the ill treatment, or fraud, or contrivance of the master.

ARTICLE XXX.

Insurrection.

SEC. 87. Every free negro or slave who shall be convicted of actually raising, and every white person who shall be convicted of actually raising with any free negro or slave, insurrection or rebellion in this State, shall suffer death. And every free negro or slave who shall be convicted of consulting, conspiring, or attempting to raise, and every white person who shall be convicted of consulting, conspiring, or attempting with any free negro or slave to raise, insurrection in this State, shall be sentenced to the penitentiary for not less than six years nor more than twenty years.

Intermarriage of free negroes with white persons.

SEC. 128. If any free negro intermarry with any white woman, or if any white man shall intermarry with any negro woman, on conviction thereof such negro shall become a slave during life, and such white man or white woman who shall so intermarry shall become servants during the term of seven years. All persons convicted under this section shall be disposed of as the court shall think fit, the proceeds to be applied to the public schools. No mulatto born of a white woman shall become a servant for more than seven years, under this section.

Sentence of negroes.

SEC. 194. Where any negro, whether free or slave, is convicted of any offence, the punishment for which, if he were a white man, would be confinement in the penitentiary, such negro, if a slave, shall be sentenced to be sold out of the State for such term as he may have to serve; and if such negro be free, he shall be sentenced to be sold, either in the State or out of the State, at the discretion of the court, for such term as a white man for the same offence would be sentenced to the penitentiary.

SEC. 195. Upon the sale of any free negro under the preceding section, the proceeds of sale shall be first applied, after paying the expenses of the sale, of the prosecution, and of the defence, including the compensation to the counsel for the prosecution and defence, to the payment of the damages, to be ascertained by the court, which the party suffered by the offence for which he was convicted, and the residue shall be paid to the wife of such free negro, if he has one, and if no wife, to the children of such negro; and if he has neither wife nor children, then the residue shall be paid to the county or city where he committed the offence.

* * * * *

SEC. 199. After the termination of confinement in the penitentiary, either by expiration of the term or by pardon, of any free negro now therein, the directors of the penitentiary are directed to pay him out of the proceeds of his labor a sum of money not exceeding thirty dollars, and such convict shall be banished from this State. And if any such convict shall be found in this State after sixty days from the day of his discharge from the penitentiary, he may be apprehended and sold by any person finding him, as a slave, for the term of his original conviction, upon proof being shown to any judge of a court of record, or any two justices of the peace of the county where said discharged convict shall be apprehended, that he has been confined in, and discharged from, the penitentiary.

SEC. 200. If any person purchasing a negro convicted under this article shall sell the said negro for a longer time than that for which he has purchased him, or in any other manner continue to deprive him of his freedom when the term of service has expired for which he was sold, he shall be fined a sum in double the amount for which the said negro was sold, and in default of payment shall be imprisoned for a term of not less than thirty nor more than ninety days, or may be both fined and imprisoned, in the discretion of the court.

ARTICLE XXXVII.

Evidence of freedmen.

SECTION 1. No negro or mulatto, whether free or slave, and no Indian, shall be admitted as evidence in any matter pending in any court, or before any justice of the peace, where any white person is concerned.

* * * * *

SEC. 3. Any negro or mulatto, whether slave or free, may be a witness for or against any negro or mulatto, slave or free, in any proceeding whatever.

ARTICLE LXVI.

Labor contracts.

SEC. 82. If any free negro shall contract in writing to hire to any white person for a year or less time, and for certain wages, and shall afterwards refuse to enter into the service of such person, and shall hire to another person, the person first hiring said negro may recover from said negro before a justice of the peace two-fifths of the amount of wages contracted to be paid by the person so first hiring, which judgment shall be a lien on the wages in the hands of the person in whose service he may be engaged from the time notice of such judgment shall be given to said person, and shall be paid when due, and may be recovered before any justice of the peace as common debts are.

MISSISSIPPI.

AN ACT to regulate the relation of master and apprentice, as relates to freedmen, free negroes, and mulattoes.

SECTION 1. It shall be the duty of all sheriffs, justices of the peace, and other civil officers of the several counties in this State, to report to the probate courts of their respective counties semi-annually, at the January and July terms of said courts, all freedmen, free negroes, and mulattoes, under the age of eighteen, in their respective counties, beats, or districts, who are orphans, or whose parent or parents have not the means or refuse to provide for and support said minors; and thereupon it shall be the duty of said probate court to order the clerk of said court to apprentice said minors to some competent and suitable person on such terms as the court may direct, having a particular care to the interest of said minor: *Provided*, That the former owner of said minors shall have the preference when, in the opinion of the court, he or she shall be a suitable person for that purpose.

SEC. 2. *Be it further enacted*, That the said court shall be fully satisfied that the person or persons to whom said minor shall be apprenticed shall be a suitable person to have the charge and care of said minor, and fully to protect the interest of said minor: *Provided*, That the said court shall require the said master or mistress to execute bond and security, payable to the State of Mississippi, conditioned that he or she shall furnish said minor with sufficient food and clothing; to treat said minor humanely; furnish medical attention in case of sickness; teach, or cause to be taught, him or her to read and write, if under fifteen years old, and will conform to any law that may be hereafter passed for the regulation of the duties and relation of master and apprentice: *Provided*, That said apprentice shall be bound by indenture, in case of males, until they are twenty-one years old, and in case of females until they are eighteen years old.

SEC. 3. *Be it further enacted*, That in the management and control of said apprentices, said master or mistress shall have the power to inflict such moderate corporal chastisement as a father or guardian is allowed to inflict on his or her child or ward at common law: *Provided*, That in no case shall cruel or inhuman punishment be inflicted.

SEC. 4. *Be it further enacted*, That if any apprentice shall leave the employment of his or her master or mistress, without his or her consent, said master or mistress may pursue and recapture said apprentice, and bring him or her before any justice of the peace of the county, whose duty it shall be to remand said apprentice to the service of his or her master or mistress; and in the event of a refusal on the part of said apprentice to return, then said justice shall commit said apprentice to the jail of said county, on failure to give bond, to the next term of the county court; and it shall be the duty of said court at the first term

thereafter to investigate said case, and if the court shall be of opinion that said apprentice left the employment of his or her master or mistress without good cause, to order him or her to be punished, as provided for the punishment of hired freedmen, as may be from time to time provided for by law for desertion, until he or she shall agree to return to his or her master or mistress: *Provided*, That the court may grant continuances as in other cases: *And provided further*, That if the court shall believe that said apprentice had good cause to quit his said master or mistress, the court shall discharge said apprentice from said indenture, and also enter a judgment against the master or mistress for not more than one hundred dollars, for the use and benefit of said apprentice, to be collected on execution as in other cases.

SEC. 5. *Be it further enacted*, That if any person entice away any apprentice from his or her master or mistress, or shall knowingly employ an apprentice, or furnish him or her food or clothing without the written consent of his or her master or mistress, or shall sell or give said apprentice ardent spirits without such consent, said person so offending shall be deemed guilty of a high misdemeanor, and shall, on conviction thereof before the county court, be punished as provided for the punishment of persons enticing from their employer hired freedmen, free negroes or mulattoes.

SEC. 6. *Be it further enacted*, That it shall be the duty of all civil officers of their respective counties to report any minors within their respective counties to said probate court who are subject to be apprenticed under the provisions of this act, from time to time as the facts may come to their knowledge, and it shall be the duty of said court from time to time as said minors shall be reported to them, or otherwise come to their knowledge, to apprentice said minors, as hereinbefore provided.

SEC. 7. *Be it further enacted*, That in case the master or mistress of any apprentice shall desire, he or she shall have the privilege to summon his or her apprentice to the probate court, and thereupon, with the approval of the court, he or she shall be released from all liability as master of said apprentice, and his said bond shall be cancelled, and it shall be the duty of the court forthwith to re-apprentice said minor; and in the event any master of an apprentice shall die before the close of the term of service of said apprentice, it shall be the duty of the court to give the preference in re-apprenticing said minor to the widow or other member of said master's family: *Provided*, That said widow or other member of said family shall be a suitable person for that purpose.

SEC. 8. *Be it further enacted*, That in case any master or mistress of any apprentice, bound to him or her under this act, shall be about to remove, or shall have removed, to any other State of the United States, by the laws of which such apprentice may be an inhabitant thereof, the probate court of the proper county may authorize the removal of such apprentice to such State upon said master or mistress entering into bond, with security, in a penalty to be fixed by the judge, conditioned that said master or mistress will, upon such removal, comply with the laws of such State in such cases: *Provided*, That said master shall be cited to attend the court at which such order is proposed to be made, and shall have a right to resist the same by next friend or otherwise.

SEC. 9. *Be it further enacted*, That it shall be lawful for any freedman, free negro, or mulatto, having a minor child or children, to apprentice the said minor child or children, as provided for by this act.

SEC. 10. *Be it further enacted*, That in all cases where the age of the freedman, free negro, or mulatto cannot be ascertained by record testimony, the judge of the county court shall fix the age.

SEC. 11. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved November 22, 1865.

AN ACT to amend the vagrant laws of the State.

SECTION 1. *Be it enacted by the legislature of the State of Mississippi,* That all rogues and vagabonds, idle and dissipated persons, beggars, jugglers, or persons practicing unlawful games or plays, runaways, common drunkards, common night-walkers, pilferers, lewd, wanton, or lascivious persons, in speech or behavior, common railers and brawlers, persons who neglect their calling or employment, misspend what they earn, or do not provide for the support of themselves or their families, or dependants, and all other idle and disorderly persons, including all who neglect all lawful business, habitually misspend their time by frequenting houses of ill-fame, gaming-houses, or tippling shops, shall be deemed and considered vagrants, under the provisions of this act, and on conviction thereof shall be fined not exceeding one hundred dollars, with all accruing costs, and be imprisoned, at the discretion of the court, not exceeding ten days.

SEC. 2. *Be it further enacted,* That all freedmen, free negroes and mulattoes in this State, over the age of eighteen years, found on the second Monday in January, 1866, or thereafter, without lawful employment or business, or found unlawfully assembling themselves together, either in the day or night time, and all white persons so assembling themselves with freedmen, free negroes or mulattoes, or usually associating with freedmen, free negroes or mulattoes, on terms of equality, or living in adultery or fornication with a freed woman, free negro or mulatto, shall be deemed vagrants, and on conviction thereof shall be fined in a sum not exceeding, in the case of a freedman, free negro, or mulatto, fifty dollars, and a white man two hundred dollars, and imprisoned, at the discretion of the court, the free negro not exceeding ten days, and the white man not exceeding six months.

SEC. 3. *Be it further enacted,* That all justices of the peace, mayors, and aldermen of incorporated towns and cities of the several counties in this State shall have jurisdiction to try all questions of vagrancy in their respective towns, counties, and cities, and it is hereby made their duty, whenever they shall ascertain that any person or persons in their respective towns, counties, and cities are violating any of the provisions of this act, to have said party or parties arrested, and brought before them, and immediately investigate said charge, and, on conviction, punish said party or parties, as provided for herein. And it is hereby made the duty of all sheriffs, constables, town constables, and all such like officers, and city marshals, to report to some officer having jurisdiction all violations of any of the provisions of this act, and it shall be the duty of the county courts to inquire if any officers have neglected any of the duties required by this act, and in case any officer shall fail or neglect any duty herein it shall be the duty of the county court to fine said officer, upon conviction, not exceeding one hundred dollars, to be paid into the county treasury for county purposes.

SEC. 4. *Be it further enacted,* That keepers of gaming-houses, houses of prostitution, prostitutes, public or private, and all persons who derive their chief support in employments that militate against good morals, or against law, shall be deemed and held to be vagrants.

SEC. 5. *Be it further enacted,* That all fines and forfeitures collected under the provisions of this act shall be paid into the county treasury for general county purposes, and in case any freedman, free negro or mulatto shall fail for five days after the imposition of any fine or forfeiture upon him or her for violation of any of the provisions of this act to pay the same, that it shall be, and is hereby, made the duty of the sheriff of the proper county to hire out said freedman, free negro or mulatto, to any person who will, for the shortest period of service, pay said fine or forfeiture and all costs: *Provided,* A preference shall be given to the employer, if there be one, in which case the employer shall be

entitled to deduct and retain the amount so paid from the wages of such freedman, free negro or mulatto, then due or to become due; and in case said freedman, free negro, or mulatto cannot be hired out, he or she may be dealt with as a pauper.

SEC. 6. *Be it further enacted*, That the same duties and liabilities existing among white persons of this State shall attach to freedmen, free negroes and mulattoes, to support their indigent families and all colored paupers; and that in order to secure a support for such indigent freedmen, free negroes, and mulattoes, it shall be lawful, and it is hereby made the duty of the boards of county police of each county in this State, to levy a poll or capitation tax on each and every freedman, free negro, or mulatto, between the ages of eighteen and sixty years, not to exceed the sum of one dollar annually to each person so taxed, which tax, when collected, shall be paid into the county treasurer's hands, and constitute a fund to be called the Freedmen's Pauper Fund, which shall be applied by the commissioners of the poor for the maintenance of the poor of the freedmen, free negroes, and mulattoes of this State, under such regulations as may be established by the boards of county police in the respective counties of this State.

SEC. 7. *Be it further enacted*, That if any freedman, free negro, or mulatto shall fail or refuse to pay any tax levied according to the provisions of the sixth section of this act, it shall be *prima facie* evidence of vagrancy, and it shall be the duty of the sheriff to arrest such freedman, free negro, or mulatto, or such person refusing or neglecting to pay such tax, and proceed at once to hire for the shortest time such delinquent tax-payer to any one who will pay the said tax, with accruing costs, giving preference to the employer, if there be one.

SEC. 8. *Be it further enacted*, That any person feeling himself or herself aggrieved by the judgment of any justice of the peace, mayor, or alderman in cases arising under this act, may within five days appeal to the next term of the county court of the proper county, upon giving bond and security in a sum not less than twenty-five nor more than one hundred and fifty dollars, conditioned to appear and prosecute said appeal, and abide by the judgment of the county court; and said appeal shall be tried *de novo* in the county court, and the decision of said court shall be final.

SEC. 9. *Be it further enacted*, That this act be in force and take effect from its passage.

Approved November 24, 1865.

AN ACT to confer civil rights on freedmen, and for other purposes.

SECTION 1. *Be it enacted by the legislature of the State of Mississippi*, That all freedmen, free negroes, and mulattoes may sue and be sued, implead and be impleaded, in all the courts of law and equity of this State, and may acquire personal property, and chuses in action, by descent or purchase, and may dispose of the same in the same manner and to the same extent that white persons may: *Provided*, That the provisions of this section shall not be so construed as to allow any freedman, free negro, or mulatto to rent or lease any lands or tenements except in incorporated towns or cities, in which places the corporate authorities shall control the same.

SEC. 2. *Be it further enacted*, That all freedmen, free negroes, and mulattoes may intermarry with each other, in the same manner and under the same regulations that are provided by law for white persons: *Provided*, That the clerk of probate shall keep separate records of the same.

SEC. 3. *Be it further enacted*, That all freedmen, free negroes, and mulattoes who do now and have heretofore lived and cohabited together as husband and wife shall be taken and held in law as legally married, and the issue shall be

taken and held as legitimate for all purposes; that it shall not be lawful for any freedman, free negro, or mulatto to intermarry with any white person; nor for any white person to intermarry with any freedman, free negro, or mulatto; and any person who shall so intermarry shall be deemed guilty of felony, and on conviction thereof shall be confined in the State penitentiary for life; and those shall be deemed freedmen, free negroes, and mulattoes who are of pure negro blood, and those descended from a negro to the third generation, inclusive, though one ancestor in each generation may have been a white person.

SEC. 4. *Be it further enacted*, That in addition to cases in which freedmen, free negroes, and mulattoes are now by law competent witnesses, freedmen, free negroes, or mulattoes shall be competent in civil cases, when a party or parties to the suit, either plaintiff or plaintiffs, defendant or defendants; also in cases where freedmen, free negroes, and mulattoes is or are either plaintiff or plaintiffs, defendant or defendants, and a white person or white persons is or are the opposing party or parties, plaintiff or plaintiffs, defendant or defendants. They shall also be competent witnesses in all criminal prosecutions where the crime charged is alleged to have been committed by a white person upon or against the person or property of a freedman, free negro, or mulatto: *Provided*, That in all cases said witnesses shall be examined in open court, on the stand; except, however, they may be examined before the grand jury, and shall in all cases be subject to the rules and tests of the common law as to competency and credibility.

SEC. 5. *Be it further enacted*, That every freedman, free negro, and mulatto shall, on the second Monday of January, one thousand eight hundred and sixty-six, and annually thereafter, have a lawful home or employment, and shall have written evidence thereof as follows, to wit: If living in any incorporated city, town, or village, a license from the mayor thereof; and if living outside of any incorporated city, town, or village, from the member of the board of police of his beat, authorizing him or her to do irregular and job work; or a written contract, as provided in section sixth of this act; which licenses may be revoked for cause at any time by the authority granting the same.

SEC. 6. *Be it further enacted*, That all contracts for labor made with freedmen, free negroes, and mulattoes for a longer period than one month shall be in writing, and in duplicate, attested and read to said freedman, free negro, or mulatto by a beat, city or county officer, or two disinterested white persons of the county in which the labor is to be performed, of which each party shall have one; and said contracts shall be taken and held as entire contracts, and if the laborer shall quit the service of the employer before expiration of his term of service, without good cause, he shall forfeit his wages for that year up to the time of quitting.

SEC. 7. *Be it further enacted*, That every civil officer shall, and every person may, arrest and carry back to his or her legal employer any freedman, free negro, or mulatto who shall have quit the service of his or her employer before the expiration of his or her term of service without good cause; and said officer and person shall be entitled to receive for arresting and carrying back every deserting employé aforesaid the sum of five dollars, and ten cents per mile from the place of arrest to the place of delivery; and the same shall be paid by the employer, and held as a set-off for so much against the wages of said deserting employé: *Provided*, That said arrested party, after being so returned, may appeal to a justice of the peace or member of the board of police of the county, who, on notice to the alleged employer, shall try summarily whether said appellant is legally employed by the alleged employer, and has good cause to quit said employer. Either party shall have the right of appeal to the county court, pending which the alleged deserter shall be remanded to the alleged employer or otherwise disposed of, as shall be right and just; and the decision of the county court shall be final.

SEC. 8. *Be it further enacted*, That, upon affidavit made by the employer of any freedman, free negro, or mulatto, or other credible person, before any justice of the peace or member of the board of police, that any freedman, free negro, or mulatto legally employed by said employer has illegally deserted said employment, such justice of the peace or member of the board of police shall issue his warrant or warrants, returnable before himself or other such officer, to any sheriff, constable, or special deputy, commanding him to arrest said deserter, and return him or her to said employer, and the like proceedings shall be had as provided in the preceding section; and it shall be lawful for any officer to whom such warrant shall be directed to execute said warrant in any county of this State; and that said warrant may be transmitted without indorsement to any like officer of another county, to be executed and returned as aforesaid; and the said employer shall pay the costs of said warrants and arrest and return, which shall be set off for so much against the wages of said deserter.

SEC. 9. *Be it further enacted*, That if any person shall persuade or attempt to persuade, entice, or cause any freedman, free negro, or mulatto to desert from the legal employment of any person before the expiration of his or her term of service, or shall knowingly employ any such deserting freedman, free negro, or mulatto, or shall knowingly give or sell to any such deserting freedman, free negro, or mulatto any food, raiment, or other thing, he or she shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five dollars and not more than two hundred dollars and the costs; and if said fine and costs shall not be immediately paid, the court shall sentence said convict to not exceeding two months' imprisonment in the county jail, and he or she shall moreover be liable to the party injured in damages: *Provided*, If any person shall, or shall attempt to, persuade, entice, or cause any freedman, free negro, or mulatto to desert from any legal employment of any person, with the view to employ said freedman, free negro, or mulatto without the limits of this State, such person, on conviction, shall be fined not less than fifty dollars and not more than five hundred dollars and costs; and if said fine and costs shall not be immediately paid, the court shall sentence said convict to not exceeding six months' imprisonment in the county jail.

SEC. 10. *Be it further enacted*, That it shall be lawful for any freedman, free negro or mulatto, to charge any white person, freedman, free negro or mulatto, by affidavit, with any criminal offence against his or her person or property, and upon such affidavit the proper process shall be issued and executed as if said affidavit was made by a white person, and it shall be lawful for any freedman, free negro or mulatto, in any action, suit or controversy pending, or about to be instituted in any court of law or equity of this State, to make all needful and lawful affidavits as shall be necessary for the institution, prosecution or defence of such suit or controversy.

SEC. 11. *Be it further enacted*, That the penal laws of this State, in all cases not otherwise specially provided for, shall apply and extend to all freedmen, free negroes and mulattoes.

SEC. 12. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved November 25, 1865.

AN ACT to punish certain offences therein named, and for other purposes.

SECTION 1. *Be it enacted by the legislature of the State of Mississippi*, That no freedman, free negro or mulatto, not in the military service of the United States government, and not licensed so to do by the board of police of his or her county, shall keep or carry fire-arms of any kind, or any ammunition, dirk or bowie-knife, and on conviction thereof in the county court shall be punished by fine,

not exceeding ten dollars, and pay the costs of such proceedings, and all such arms or ammunition shall be forfeited to the informer; and it shall be the duty of every civil and military officer to arrest any freedman, free negro, or mulatto found with any such arms or ammunition, and cause him or her to be committed for trial in default of bail.

SEC. 2. *Be it further enacted*, That any freedman, free negro, or mulatto committing riots, routs, affrays, trespasses, malicious mischief, cruel treatment to animals, seditious speeches, insulting gestures, language, or acts, or assaults on any person, disturbance of the peace, exercising the function of a minister of the gospel without a license from some regularly organized church, vending spirituous or intoxicating liquors, or committing any other misdemeanor, the punishment of which is not specifically provided for by law, shall, upon conviction thereof in the county court, be fined, not less than ten dollars, and not more than one hundred dollars, and may be imprisoned at the discretion of the court, not exceeding thirty days.

SEC. 3. *Be it further enacted*, That if any white person shall sell, lend, or give to any freedman, free negro, or mulatto any fire-arms, dirk or bowie-knife, or ammunition, or any spirituous or intoxicating liquors, such person or persons so offending, upon conviction thereof in the county court of his or her county, shall be fined not exceeding fifty dollars, and may be imprisoned, at the discretion of the court, not exceeding thirty days: *Provided*, That any master, mistress, or employer of any freedman, free negro, or mulatto, may give to any freedman, free negro, or mulatto, apprenticed to or employed by such master, mistress, or employer, spirituous or intoxicating liquors, but not in sufficient quantities to produce intoxication.

SEC. 4. *Be it further enacted*, That all the penal and criminal laws now in force in this State, defining offences and prescribing the mode of punishment for crimes and misdemeanors committed by slaves, free negroes, or mulattoes, be, and the same are hereby, re-enacted and declared to be in full force and effect, against freedmen, free negroes, and mulattoes, except so far as the mode and manner of trial and punishment have been changed or altered by law.

SEC. 5. *Be it further enacted*, That if any freedman, free negro, or mulatto, convicted of any of the misdemeanors provided against in this act, shall fail or refuse for the space of five days, after conviction, to pay the fine and costs imposed, such person shall be hired out by the sheriff or other officer, at public outcry, to any white person who will pay said fine and all costs, and take said convict for the shortest time.

SEC. 6. *Be it further enacted*, That this act shall be in force and take effect from and after its passage.

Approved November 29, 1865.

AN ACT supplementary to "An act to confer civil rights upon freedmen," and for other purposes.

SECTION 1. *Be it enacted by the legislature of the State of Mississippi*, That in every case where any white person has been arrested and brought to trial by virtue of the provisions of the tenth section of the above-recited act, in any court in this State, upon sufficient proof being made to the court or jury, upon the trial before said court, that any freedman, free negro, or mulatto has falsely and maliciously caused the arrest and trial of said person or persons, the court shall render up a judgment against said freedman, free negro, or mulatto for all costs of the case, and impose a fine not to exceed fifty dollars, and imprisonment in the county jail not to exceed twenty days; and for a failure of said freedman, free negro, or mulatto to pay or cause to be paid all fines, costs, and jail fees, the sheriff of the county is hereby authorized and required, after giving

ten days' public notice, to proceed to hire out at public outcry at the court-house of the county said freedman, free negro, or mulatto for the shortest time, to raise the amount necessary to discharge said freedman, free negro, or mulatto from all costs, fines, and jail fees aforesaid.

SEC. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Approved December 2, 1865.

NORTH CAROLINA.

AN ACT concerning negroes and persons of color or of mixed blood.

SECTION 1. *Be it enacted by the general assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That negroes and their issue, even where one ancestor in each succeeding generation to the fourth inclusive is white, shall be deemed persons of color.

SEC. 2. *Be it further enacted*, That all persons of color who are now inhabitants of this State shall be entitled to the same privileges, and subject to the same burthen and disabilities, as by the laws of the State were conferred on, or were attached to, free persons of color, prior to the ordinance of emancipation, except as the same may be changed by law.

SEC. 3. *Be it further enacted*, That persons of color shall be entitled to all the privileges of white persons, in the mode of prosecuting, defending, continuing, removing and transferring their suits at law and in equity; and likewise to the same mode of trial by jury, and all the privileges appertaining thereto. And in all proceedings in equity, by or against them, their answer shall have the same force and effect in all respects as the answer of white persons.

SEC. 4. *Be it further enacted*, That in all cases of apprenticeship of persons of color, under chapter five (5) of the revised code, the master shall be bound to discharge the same duties to them as to white apprentices, and the words "as are white," in section three, line three, are hereby repealed, and the word "apprentice" shall be read after the word "such," in said line, and the words "if a white person," in the second line of section six, are hereby repealed, and the word "apprentice" shall be read after the same: *Provided always*, That in the binding out of apprentices of color, the former masters of such apprentices, when they shall be regarded as suitable persons by the court, shall be entitled to have such apprentices bound to them, in preference to other persons.

(Chapter 5, section 3, of the revised code, as amended by this act, reads thus:

"The master or mistress shall provide for the apprentice diet, clothes, lodging, and accommodations fit and necessary; and such apprentice shall teach or cause to be taught to read and write, and the elementary rules of arithmetic; and at the expiration of every apprenticeship shall pay to each apprentice six dollars, and furnish him with a new suit of clothes, and a new Bible; and if upon complaint made to the court of pleas and quarter sessions it shall appear that any apprentice is ill-used, or not taught the trade, profession and employment to which he was bound, or that any apprentice is not taught reading, writing, and arithmetic as aforesaid, the court may remove and bind him to some other suitable person.")

(Section 6, chapter 5, of the revised code of North Carolina, as amended by this act, reads thus:

"If any apprentice, whether colored or otherwise, who shall be well used by his master, and who shall have received from his said master not less than twelve months' schooling, shall absent himself, after arriving at the age of eighteen years, from his master's service before the term of his apprenticeship shall have expired,

every such apprentice shall be compelled to make satisfaction to the master for the loss of his service; and in case any apprentice shall refuse to make such satisfaction, his master may recover by warrant before any justice of the peace such satisfaction, not exceeding sixty dollars, as the justice may determine ought to be made by such apprentice; or the master may have his action on the case against the apprentice for his default: *Provided*, That no apprentice shall be compelled to make any satisfaction, but within seven years next after the end of the term for which he shall be bound to serve.")

SEC. 5. *Be it further enacted*, That in all cases where men and women, both or one of whom were lately slaves, and are now emancipated, now cohabit together in the relation of husband and wife, the parties shall be deemed to have been lawfully married as man and wife at the time of the commencement of such cohabitation, although they may not have been married in due form of law. And all persons whose cohabitation is hereby ratified into a state of marriage shall go before the clerk of the court of pleas and quarter sessions of the county in which they reside, at his office, or before some justice of the peace, and acknowledge the fact of such cohabitation, and the time of its commencement, and the clerk shall enter the same in a book kept for that purpose; and if the acknowledgment be made before a justice of the peace, such justice shall report the same in writing to the clerk of the court of pleas and quarter sessions, and the clerk shall enter the same as though the acknowledgment had been made before him; and such entry shall be deemed *prima facie* evidence of the allegations therein contained. For making such entry and giving a certificate of the same, the clerk shall be entitled to a fee of twenty-five cents, to be paid by the party for whom the services are rendered.

SEC. 6. *Be it further enacted*, That if any such persons shall fail to go before the clerk of the county court, or some justice of the peace of the county in which they reside, and have their marriage recorded before the first of September, one thousand eight hundred and sixty-six, they shall be deemed guilty of a misdemeanor, and punished at the discretion of the court, and their failure for each month thereafter shall constitute a distinct and separate offence.

SEC. 7. *Be it further enacted*, That all contracts between any persons whatever, whereof one or more of them shall be a person of color, for the sale or purchase of any horse, mule, ass, genet, neat-cattle, hog, sheep, or goat, whatever may be the value of such articles, and all contracts between such persons for any other article or articles of property whatever, of the value of ten dollars or more; and all contracts executed or executory between such persons for the payment of money of the value of ten dollars or more, shall be void as to all persons whatever, unless the same be put in writing, and signed by the vendors or debtors, and witnessed by a white person who can read and write.

SEC. 8. *Be it further enacted*, That marriage between a white person and a person of color shall be void; and every person authorized to solemnize the rites of matrimony who shall knowingly solemnize the same between such persons, and every clerk of a court who shall knowingly issue license for their marriage, shall be deemed guilty of a misdemeanor, and, moreover, shall pay a penalty of five hundred dollars to any person suing for the same.

SEC. 9. *Be it further enacted*, That persons of color not otherwise incompetent shall be capable of bearing evidence in all controversies in law and in equity, where the rights of persons or property of persons of color shall be put in issue, and would be concluded by the judgment or decree of court; and also in pleas of the State, where the violence, fraud, or injury alleged shall be charged to have been done by or to persons of color. In all other civil and criminal cases such evidence shall be deemed inadmissible, unless by consent of the parties of record: *Provided*, That this section shall not go into effect until jurisdiction in matters relating to freedmen shall be fully committed to the courts of this State: *Provided further*, That no person shall be deemed in-

competent to bear testimony in such cases because of being a party to the record or in interest.

SEC. 10. *Be it further enacted*, That whenever a person of color shall be examined as a witness, the court shall warn the witness to declare the truth.

SEC. 11. *Be it further enacted*, That any person of color convicted by due course of law of an assault with intent to commit rape upon the body of a white female, shall suffer death.

SEC. 12. *Be it further enacted*, That the criminal laws of the State embracing and affecting a white person are hereby extended to persons of color, except where it is otherwise provided in this act, and whenever they shall be convicted of any act made criminal, if committed by a white person, they shall be punished in like manner, except in such cases where other and different punishment may be prescribed or allowed by this act.

SEC. 13. *Be it further enacted*, That at the time now provided for the election of wardens of the poor, the justices of the court of pleas and quarter sessions of each county, under the rules and regulations now prescribed, may, in their discretion, elect two distinct and independent courts of wardens, one of whom shall act as the wardens of the white poor, and the other as the wardens of the colored poor.

SEC. 14. *Be it further enacted*, That the persons constituting each court shall be qualified as now provided, and the wardens severally, and each court shall have all the powers and authorities now conferred upon them; and they and the officers of each court, and all other persons whatever, shall be subject to all the duties, liabilities, and penalties imposed on them by chapter eighty-six of the revised code.

SEC. 15. *Be it further enacted*, That the following laws and parts of laws are hereby repealed :

First. Certain laws contained in the revised code, viz: The entire chapter one hundred and seven, entitled, "Slaves and free negroes," except sections fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, and sixty-six, and these sections shall be so amended as to read persons of color, instead of "free negroes," in all cases where the latter words occur; section two of chapter fourteen, entitled, "Boats and canoes;" sections ten, eleven, twelve, thirteen, eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-nine, ninety, ninety-one, ninety-two, ninety-three of chapter thirty-four, entitled, "Crimes and punishments;" sections seventeen, nineteen, and twenty-one of chapter thirty-seven, entitled, "Deeds and conveyances;" section four of chapter forty-eight, entitled, "Fences;" section twenty-eight, chapter fifty-nine, entitled, "Insolvent debtors;" section thirty-nine of chapter eighty-four, entitled, "Pilots;" sections fifteen, sixteen, seventeen, eighteen, nineteen, and twenty, of chapter eighty-six.

Secondly. Certain acts passed since the enactment of the revised code, to wit: An act ratified on the sixteenth day of February, eighteen hundred and fifty-nine, chapter thirty, entitled "An act for the hiring out of free negroes in certain cases;" an act ratified on the same day, chapter thirty-one, entitled "Act to prevent the sale of spirituous liquors to free persons of color;" an act ratified on the thirty-first day of January, eighteen hundred and sixty-one, chapter thirty-seven, entitled "An act to prohibit the emancipation of slaves by will;" an act ratified on the twenty-third day of February, eighteen hundred and sixty-one, chapter twenty-three, entitled "An act to amend the sixteenth and seventeenth sections of chapter thirty-four, revised code;" an act passed on the same day, chapter thirty-four, entitled "An act to amend chapter one hundred and seven, section sixty-six, of the revised code, relating to free negroes bearing arms;" an act ratified on the same day, chapter thirty-six, entitled "An act to prevent free negroes hiring or having the control of slaves;" an act ratified on the same day, chapter thirty-five, entitled "An act to change the rules

of evidence in indictments for trading with slaves ;" an act ratified on the twenty-first day of September, eighteen hundred and sixty-one, chapter twenty-six, entitled "An act to amend section fifteen of the one hundred and seventh chapter of the revised code;" an act ratified on the twentieth day of December, eighteen hundred and sixty-two, chapter sixteen, entitled "An act to authorize the governor to employ slave labor in erecting fortifications and other works."

SEC. 16. *Be it further enacted,* That all other acts and parts of acts passed before the present session of the general assembly, besides those enumerated in the foregoing section, the subjects whereof are revived and re-enacted in this act, or which are repugnant to the provisions herein contained, are hereby declared to be repealed, and of no force and effect, from and after the ratification of this act, with the exceptions and limitations hereinafter mentioned.

SEC. 17. *Be it further enacted,* That the repeal of the acts mentioned in the preceding sections shall not affect any acts done, or any right accruing, or accrued, or established, or any suit or proceeding had or commenced in any case, before the ratification of this act.

SEC. 18. *Be it further enacted,* That no offence committed under any of the acts hereby repealed, and before the time when they ceased to be laws of this State, shall be affected by such repeal, except that when any punishment shall have been mitigated by the provisions of this act, such provisions shall be extended and applied to any judgments to be pronounced after the repeal or cessation to have effect: *Provided, however,* That in case of the conviction of any person of color, for any such offence, he shall be punished therefor in like manner only as if he were a white man.

SEC. 19. *Be it further enacted,* That no suit or prosecution, pending at the time of the repeal, for any offence committed, or for the recovery of any penalty or forfeiture incurred, under any of the acts repealed, shall be affected by such repeal.

Ratified this 10th day of March, 1866.

The following are the acts and sections of the revised code as amended by section fifteen of the act of March 10, 1866 :

CHAPTER 5.

Apprentices.

1. It shall be the duty of the several courts of pleas and quarter sessions to bind out, as apprentices, all orphans whose estates are of so small value that no person will educate and maintain them for the profits thereof; also, all children under age whose fathers have deserted their families, and have been absent for the term of one year, leaving them without sufficient support, or where application may be made to the wardens of the poor for relief, and the said wardens shall certify the same to the court of pleas and quarter sessions; also, all children under age whose mothers shall have secured to them such property as they may thereafter acquire, provided in this case that the children be not remaining with the father, and the court, in its discretion, thinks it improper to permit such children to remain with the mother; also, the children of free negroes where the parents with whom such children may live do not habitually employ their time in some honest, industrious occupation; and all free base-born children of color.

SEC. 2. Every male apprentice shall be bound to some tradesman, merchant, mariner, or other person, approved by the court, until the age of twenty-one years; and every female to some suitable employment, till the age of eighteen years, if white, but if colored, till twenty-one.

SEC. 3. The master or mistress shall provide for the apprentice diet, clothes, lodging, and accommodations fit and necessary; and such apprentice shall teach or cause to be taught to read and write, and the elementary rules of arithmetic; and at the expiration of every apprenticeship shall pay to each apprentice six dollars, and furnish him with a new suit of clothes and a new Bible; and if, upon complaint made to the court of pleas and quarter sessions, it shall appear that any apprentice is ill-used, or not taught the trade, profession or employment to which he was bound, or that any *white* apprentice is not taught reading, writing, and arithmetic as aforesaid, the court may remove and bind him to some other suitable person.

SEC. 4. The binding of apprentices shall be by indenture, made in the name of the chairman of the county court of the one part, and of the master or mistress of the other part; which indenture shall be acknowledged or proved before such court and recorded, and a counterpart thereof shall remain and be kept in the clerk's office for the benefit of the apprentice; and any person injured may at his cost prosecute a suit thereon in the name of the chairman and his successors, and recover all damages which he may have sustained by reason of the breach of the covenants therein contained.

SEC. 5. When the court of pleas and quarter sessions shall bind any child of color, they shall take bond with sufficient security, in the sum of one thousand dollars, payable to the State of North Carolina, from the master or mistress, not to remove such colored child out of the county where he is bound, and to produce him before such court at any time when the court may require it; and also to produce him at the expiration of the term of his service, and on failure in either case to produce him, after two several warnings, the county solicitor is hereby directed to bring suit against such person on his bond, for the use of the apprentice, in which the whole sum shall be recovered as liquidated damages: *Provided nevertheless*, That any person bound to a seafaring employment may be carried out of the county in the ordinary pursuit of his business: *And provided further*, That no master or mistress shall be subject to a recovery on said bond who shall make it appear on the trial that he or she was unable to produce the apprentice, by the act of God, or by the act of the apprentice, without any default on the part of the said master or mistress: *Provided always, however*, That the court may in its discretion accept the surrender of the mastership of an apprentice, at any time, and on such terms as it shall deem just, all which shall be recorded: *And, provided, moreover*, That if the master or mistress shall remove to an adjoining county, the court may, in its discretion, permit the apprentice to be carried to that county, to the intent that he may there be bound to the person so removing, but to none other; and when, but not before, the said master or mistress shall exhibit to the court which first bound the apprentice a duly certified copy of the second binding, together with the indenture and bond, and the court shall be satisfied therewith, then the said master or mistress shall be deemed and held to be discharged thereafter from the condition of the bond first executed; all which matters shall be recorded, and the certified copy aforesaid shall be filed with the indenture in that court.

SEC. 6. If any apprentice, whether colored or otherwise, who shall be well used by his master, and who shall have received from his said master not less than twelve months' schooling, shall absent himself after arriving at the age of eighteen years from his master's service, before the term of his apprenticeship shall have expired, every such apprentice shall be compelled to make satisfaction to the master for the loss of his service; and in case any apprentice shall refuse to make such satisfaction, his master may recover, by warrant before any justice of the peace, such satisfaction, not exceeding sixty dollars, as the justice may determine ought to be made by such apprentice; or the master may have his action on the case against the apprentice for his default: *Provided*, That no apprentice shall be compelled to make any satisfaction, but within seven years next after the end of the term for which he shall be bound to serve.

SEC. 7. No housekeeper shall harbor and conceal, or hire any orphan child, without first obtaining leave of some justice of the peace, under the penalty of ten dollars, one-half to the informer and the other half to the poor of the county; and such justice, on granting permission, shall bind the person by recognizance to bring the said orphan child to the next county court, which shall bind such orphan agreeable to law.

SOUTH CAROLINA.

AN ACT preliminary to the legislation induced by the emancipation of slaves.

Whereas the convention of this State, by the constitution lately ratified, did recognize the emancipation of slaves, and declare that "neither slavery nor involuntary servitude, except as a punishment for crime, shall ever be re-established in this State;" and did direct, that for each district in the State there should be established an inferior court to be styled "the district court, which court shall have jurisdiction of all civil causes wherein one or both of the parties are persons of color, and of all criminal causes wherein the accused is a person of color:" Therefore,

1. *Be it enacted by the senate and house of representatives, now met and sitting in general assembly, and by the authority of the same,* That this act shall be preliminary to "An act to establish and regulate the domestic relations of persons of color, and to amend the law in relation to paupers, vagrants, and bastardy;" "An act to establish district courts," and "An act to amend the criminal law," which acts have been induced by the constitution aforesaid; and that in reference to these acts the following provisions shall obtain:

2. Words importing the singular number only shall be construed to apply to several persons or things, as well as one person or thing, and every word importing the masculine gender only shall be construed to extend to a female as well as a male, where the context does not forbid such construction.

3. All free negroes, mulattoes, and meztizoes, all freedmen and freedwomen, and all descendants through either sex of any of these persons, shall be known as persons of color, except that every such descendant who may have of Caucasian blood seven-eighths, or more, shall be deemed a white person.

4. The statutes and regulations concerning slaves are now inapplicable to persons of color, and although such persons are not entitled to social or political equality with white persons, they shall have the right to acquire, own, and dispose of property; to make contracts; to enjoy the fruits of their labor; to sue and be sued, and to receive protection under the law, in their persons and property.

5. All rights and remedies respecting persons and property, and all duties and liabilities under laws, civil and criminal, which apply to white persons, are extended to persons of color, subject to the modifications made by this act, and the other acts hereinbefore mentioned.

Approved December 19, 1865.

AN ACT to amend the criminal law.

Felonies without benefit of clergy.

1. Either of the crimes mentioned in this first section shall be felony without benefit of clergy, to wit: For a person of color to commit any wilful homicide, unless in self-defence; for a person of color to commit an assault upon a white woman, with manifest intent to ravish her; for a person of color to have sexual

intercourse with a white woman, by personating her husband; for any person to raise an insurrection or rebellion in this State; * * * * * for any person who had been transported under sentence, to return to this State within the period of prohibition contained in the sentence. * * *

Felonies with benefit of clergy.

3. Either of the crimes specified in this third section shall be felony with benefit of clergy, to wit: * * * * * for any servant to steal any chattel, money, or valuable security to the value of ten dollars, belonging to or in the possession or power of his master or employer, or being in any dwelling-house. * * *

4. The punishment of felony, with benefit of clergy, for the first offence, shall, at the discretion of the court, be by one or more of the following modes, to wit: Transportation beyond the limits of this State, and prohibition of return for a period not less than five years; confinement in a penitentiary, workhouse, or penal farm for a period not less than three months nor more than ten years, with such imposition of hard labor and solitary confinement as may be directed; whipping in all cases involving the *crimen falsi*; confinement in tread-mill or stocks, solitary confinement, hard labor, corporal punishment; fine not less than one hundred dollars nor more than five thousand dollars. But no punishment more degrading than imprisonment shall be imposed on a white person for a crime not infamous.

5. The offences specified in this fifth section shall be aggravated misdemeanors, to wit: * * * * * for any servant to steal any chattel, money, or valuable security, below the value of ten dollars, belonging to, or in the possession or power of, his master or employer, or being in any dwelling-house; for a servant to assault his master or employer, or any member of his master's or employer's family, or any person authorized to direct and control him.

6. All simple larcenies and thefts where the value of the goods and chattels, moneys, and valuable securities stolen is less than ten dollars shall be misdemeanors, punishable by whipping, corporal punishment, hard labor, and the necessary imprisonment, at the discretion of the court.

9. If any person shall incite, procure, hire, or counsel a servant to commit a larceny or embezzlement of any chattels, money, or valuable security of his master, such offender shall be guilty of an offence which, according to the event, may be a misdemeanor or a felony. If the said larceny or embezzlement should not be committed by such servant, the offender shall be guilty of a misdemeanor, and upon conviction be punished as if he had been convicted of simple larceny of goods below the value of ten dollars. If the said larceny or embezzlement should be committed by the servant, and be itself only a misdemeanor, the offender aforesaid shall be deemed a principal in that misdemeanor, and upon conviction be punished accordingly. If the said larceny or embezzlement committed by the servant should be a felony, the offender aforesaid shall be an accessory before the fact, may be tried and convicted, whether the principal aforesaid be or be not previously convicted, and upon conviction shall be punished according to the nature of his crime under the law.

10. A person of color who is in the employment of a master engaged in husbandry shall not have the right to sell any corn, rice, peas, wheat, or other grain, any flour, cotton, fodder, hay, bacon, fresh meat of any kind, poultry of any kind, animal of any kind, or any other product of a farm, without having written evidence from such master, or some person authorized by him, or from the district judge, or a magistrate, that he has the right to sell such product; and if any person shall directly or indirectly purchase any such product from such person of color without such written evidence, the purchaser and seller shall each be guilty of a misdemeanor. The purchaser, upon conviction of any

such offence, shall be liable to a fine not exceeding five hundred dollars, and to suffer imprisonment not exceeding twelve months. The seller shall be liable to a fine of at least five dollars, and at least equal to twice the value of the product sold; and if that be not immediately paid shall suffer corporal punishment.

11. It shall be a misdemeanor for any person not authorized to write or give to a person of color a writing which professes to show evidence of the right of that person of color to sell any product of a farm which, by the section last preceding, he is forbidden to sell without written evidence; and any person convicted of this misdemeanor shall be liable to the same extent as the purchaser, in the section last preceding, is made liable; and it shall be a misdemeanor for a person of color to exhibit, as evidence of his right to sell any product, a writing which he knows to be false or counterfeited, or to have been written or given by any person not authorized, and on conviction of this misdemeanor before the district court, or a magistrate, such person of color shall be liable as in section last preceding the seller is made liable. These provisions shall, *mutatis mutandis*, extend to cases where the writing professes to be a permit of absence, or a permit of any kind; the fines in any of these cases being at the discretion of the judge or magistrate.

12. Where no special punishment is provided for a misdemeanor it shall, according to its nature and degree, be punished, at the discretion of the court, by one or more of the modes of punishment which, in the fourth section of this act, have been enumerated for a felony, with benefit of clergy, except transportation.

13. Persons of color constitute no part of the militia of the State, and no one of them, without permission in writing from the district judge, or a magistrate, shall be allowed to keep a fire-arm, sword, or other military weapon, except that one of them who is the owner of a farm may keep a shot-gun or rifle, such as ordinarily is used in hunting, but not a pistol, musket, or other fire-arm or weapon appropriate for purposes of war. The district judge or any magistrate may give an order under which any weapon unlawfully kept may be seized and sold, the proceeds of sale to go into the district court fund. The possession of a weapon in violation of this act shall be a misdemeanor which shall be tried before a district court or a magistrate, and in case of conviction shall be punished by a fine equal to twice the value of the weapon so unlawfully kept, and if that be not immediately paid, by corporal punishment.

14. It shall not be lawful for a person of color to be owner, in whole or in part, of any distillery where spirituous liquors of any kind are made, or of any establishment where spirituous liquors of any kind are sold by retail; nor for a person of color to be engaged in distilling spirituous liquors, or in retailing the same, in a shop or elsewhere. A person of color who shall do anything contrary to the provisions herein contained shall be guilty of a misdemeanor, and upon conviction may be punished by fine or corporal punishment and hard labor, as to the district judge or magistrate before whom he may be tried shall seem meet.

15. If any person shall falsely personate any master or employer, and shall either personally or in writing give any false, forged, or counterfeited character to any person offering to hire himself as a servant, such person so offending shall be guilty of a misdemeanor.

16. If any person shall knowingly and wilfully pretend, or falsely assert in writing, that any servant has been hired or retained for any period of time whatsoever, or in any station or capacity whatever, other than that for which or in which such servant shall have been hired or retained, such person so offending shall be guilty of a misdemeanor.

17. If any person shall knowingly and wilfully pretend, or falsely assert in writing, that any servant was discharged or left his service at any other time than that at which he was discharged or actually left such service, or that any

such servant had not been hired or employed in any person's service, contrary to truth, then, in either of these cases, such person shall be guilty of a misdemeanor.

18. If any person shall offer himself as a servant, asserting or pretending that he hath served in any service in which he shall not actually have served, or with a false, forged, or counterfeit certificate of his character, or shall in any wise add to, alter, efface, or erase any date, matter, or thing contained in or referred to in any certificate given to him by his last or former actual master or employer, or by any other person duly authorized by such master or employer to give the same, then, in either of these cases, such person so offending shall be guilty of a misdemeanor.

19. If any person, having before been in service, shall, when offering to hire himself as a servant in any service whatsoever, falsely and wilfully pretend not to have been hired and retained in any previous service as a servant, such person shall be guilty of a misdemeanor.

20. In case of conviction of either of the misdemeanors specified in the five sections last preceding, the punishment shall be a fine not exceeding one hundred dollars, and in case the fine shall not be immediately paid, there shall be substitution of other punishments as hereinafter provided.

21. Every wilful trespass is hereby declared to be a misdemeanor, and any person guilty thereof may either be sued for damages or prosecuted for the misdemeanor, at the option of the party injured; and in case of conviction of the misdemeanor, the punishment shall be a fine, apportioned to the damage done and the circumstances of enormity attending the trespass, with substitution of other punishment as hereinafter provided, if the fine be not immediately paid.

22. No person of color shall migrate into and reside in this State unless, within twenty days after his arrival within the same, he shall enter into a bond, with two freeholders as sureties, to be approved by the judge of the district court or a magistrate, in a penalty of one thousand dollars, conditioned for his good behavior and for his support, if he should become unable to support himself. And in case any such person shall fail to execute the bond as aforesaid, the district judge or any magistrate is hereby authorized and required, upon complaint and due proof thereof, to issue his warrant, commanding such person of color to leave the State within ten days thereafter. And if any such person so ordered to leave the State shall not leave the State within the time prescribed in such warrant, he shall, upon conviction thereof, be liable to such corporal punishment as the court, in its discretion, shall think fit to order. And if any such person, so convicted and punished, shall still remain within the State more than fifteen days after the punishment shall have been inflicted, or, having left the State, shall return to the same, he shall, upon conviction thereof, be transported beyond the limits of this State for life, or be kept to hard labor, with occasional solitary confinement, for a period not exceeding five years. And if any person of color who shall have been convicted of any infamous offence in any other State or country shall come or be brought into this State, such person of color, on conviction thereof, shall be transported beyond the limits of this State for life, or kept to hard labor, with occasional solitary confinement, for any period not exceeding fifteen years.

24. When several persons of color are convicted of one capital offence, the jury which tries them may recommend one or more of them to mercy, for reasons which, in their opinion, mitigate the guilt; the district judge may report the case, with his opinion; and the governor shall do in the matter as seems to him meet. The same may be done when only one is convicted of a capital offence. Before sentence of death shall be executed in any case time for application to the governor shall be allowed.

25. Hard labor shall be work on the roads, streets, or public works, under the supervision of a superintendent of convicts, if there be such an officer who can

be conveniently employed, or under the supervision of the sheriff, a constable, jailer, or other person, that may be appointed by the district judge or the sheriff; or it shall be work on any building or other undertaking, or in any business of a private individual, who may pay reasonable wages, and can safely be intrusted with the supervision, the judge or the sheriff, under the directions of the district judge, making choice of the place and manner of employment from time to time. In any case the work may, according to the directions of the judge, be without unusual pain or restraint; or it may be done in a chain-gang, or with ball and chain, or under other pain or burden, or it may be without, or may be attended with confinement. A magistrate shall, as to cases before him, have the powers here given to the district judge.

26. Corporal punishment is intended to include only such modes of punishment, not affecting life or limb, as are used in the army or navy of the United States, adapted in kind and degree to the nature of the offence. The sentence in each case, and directions of the judge or magistrate, shall define it. Whipping, when it is provided for by the law, shall be inflicted as heretofore.

29. Upon view of a misdemeanor committed by a person of color, or by a white person towards a person of color, a magistrate may arrest the offender, and, according to the nature of the case, punish the offender summarily, or bind him, in recognizance with sufficient sureties, to appear at the next monthly sitting of the district court, or commit him for trial before the district court.

30. Upon view of a misdemeanor committed by a person of color, any person present may arrest the offender and take him before a magistrate to be dealt with as the case may require. In case of a misdemeanor committed by a white person towards a person of color, any person may complain to a magistrate, who shall cause the offender to be arrested, and, according to the nature of the case, to be brought before himself, or be taken for a trial in the district court.

Approved December 19, 1865.

AN ACT to establish district courts.

* * * * *

7. The district court shall have exclusive jurisdiction, subject to appeal of all civil causes where one or both of the parties are persons of color, and of all criminal cases, wherein the accused is a person of color, and also of all cases of misdemeanor affecting the person or property of a person of color, and of all cases of bastardy, and all cases of vagrancy, not tried before a magistrate. In these cases, the same laws, fees, powers and practice shall prevail in the district court as in the superior court, except as to juries, concerning which provision is hereinafter made, and except as to matters of form, concerning which power is hereinafter given to the court of appeals. In the district court prosecutions shall be conducted by the attorney general, or solicitor of the circuit, to which the district belongs, or by a deputy appointed by such attorney general, or solicitor; or in the absence of all of these, by an attorney, appointed by the district judge.

Whenever in any case affecting the person or property of a person of color, which arises within the district of a district judge, that judge may have an interest, the process may be made returnable and the case be tried before the district court of any adjoining district, which the plaintiff or actor in the case may select.

10. The judge of a district court shall have the powers in respect to *habeas corpus* which two magistrates have under the ninth section of the "act concerning the office and duties of magistrates," passed A. D. 1839; he may admit to bail in all cases bailable, and in all cases triable in his court, and may also exercise jurisdiction under *habeas corpus* at common law, in all cases within his district where the liberty of a person of color is restrained, or the liberty of any person is restrained by a person of color; except that he shall not have the power

of a judge of a superior court to discharge or let to bail a white person charged with a felony not clergyable, against whom a true bill has been found.

14. On the first Monday of every month shall be a monthly sitting of the district court, which shall continue as long as the despatch of business shall require. At this sitting may be tried small and mean causes; small matters, civil and criminal, between persons of color; between white persons and persons of color, between master and servant, between master and apprentice, and between employer and laborer. Petty misdemeanors imputed to persons of color, complaints by persons of color against white persons, of misdemeanors, for which a fine not exceeding twenty dollars is a sufficient punishment, civil suits involving not more than twenty dollars, in which a person of color is a party, and questions concerning vagrants and paupers, not requiring a jury.

29. An indictment against a white person for the homicide of a person of color shall be tried in the superior court of law, and so shall all other indictments in which a white person is accused of a capital felony, affecting the person or property of a person of color.

30. In every case, civil and criminal, in which a person of color is a party, or which affects the person or property of a person of color, persons of color shall be competent witnesses.

31. A magistrate shall have jurisdiction over small disputes, controversies, and complaints that may arise in his neighborhood between persons of color, or between persons of color and a white person, and of petty misdemeanors, committed by, or toward, a person of color; between master and servant, between master and apprentice, and between employer and laborer; and civil suits, involving not more than twenty dollars, in which a person of color is a party; his power in no case going beyond a judgment, fine, or forfeiture of twenty dollars. He specially shall be charged with the supervision of persons of color in his neighborhood, their protection, the prevention of their misconduct and depredations; and a cautious regard to the peace, health, and safety of his neighborhood.

33. Questions of color and caste shall, subject to the right of appeal on either side, be conclusively determined by a verdict rendered upon an issue of fact, joined in a case of prohibition or mandamus. The writ in such case may be granted upon application made by, or in behalf of, any person alleged to be a person of color, against any sheriff, magistrate, or other officer who is proceeding in a way that would be proper toward a person of color, but not proper toward a white person, or who refuses at the instance of the person in question to do what a white person would have a right to demand to be done. It may be granted by any judge of a superior court, or by the judge of the district court to whose district the officer belongs, the burden of proof being, by the order of the judge, thrown upon that party against whom his opinion inclines, according to the judgment which he may form upon inspection of the person in question, affidavits, or documents. The issue shall be tried in the superior court of law for the district aforesaid. Inspection of the person in question, and of his kindred, testimony direct or from reputation, concerning his parentage, and direct testimony concerning his conduct and reception in society, may enter into the evidence. The attorney general or solicitor of the circuit shall, *ex officio*, represent the officer, the party in issue. A judicial proceeding, not such as is here made conclusive, previously had, in a case wherein the person in question was a party, or wherein his caste was collaterally tried in a case between other parties, may be received in evidence, but shall not be conclusive, or have weight beyond what, under the circumstances, the jury may give.

34. An action or legal proceeding not involving the title to land, in which a person of color is plaintiff or defendant, must be commenced as below specified, or it will be barred, namely: An action founded upon a tort, within three months from the time the cause of action arose: an action founded upon a con-

tract not in writing, within six months from the time the cause of action arose; an action founded upon a contract in writing, wherein the debt or damages do not exceed two hundred dollars, within twelve months from the time the cause of action arose; except that at first a payment of part, with distinct acknowledgment of a balance due, or an express promise to pay a well defined sum, shall constitute a new era, from which the period of limitation shall run on a matter of contract.

35. In reference to wills, executors and administrators, distribution of estates after payment of debts, the rights and remedies of legatees and next of kin, and all other matters relating to testators and intestates, the same law which applies to white persons shall extend to persons of color.

Approved December 19, 1865.

AN ACT to establish and regulate the domestic relations of persons of color, and to amend the law in relation to paupers and vagrancy.

Husband and wife.

1. The relation of husband and wife among persons of color is established.
2. Those who now live as such are declared to be husband and wife.
3. In case of one man having two or more reputed wives, or one woman two or more reputed husbands, the man shall, by the first day of April next, select one of his reputed wives, or the woman one of her reputed husbands, and the ceremony of marriage between this man or woman and the person so selected shall be performed.
4. Every colored child heretofore born is declared to be the legitimate child of his mother, and also of his colored father, if he is acknowledged by such a father.
5. Persons of color, desirous hereafter to become husband and wife, should have the contract of marriage duly solemnized.
6. A clergyman, the district judge, a magistrate, or any judicial officer, may solemnize marriages.
7. Cohabitation, with reputation or recognition of the parties, shall be evidence of marriage in cases criminal and civil.
8. One who is a pauper or a charge to the public shall not be competent to contract marriage. Marriage between a white person and a person of color shall be illegal and void.
9. The marriage of an apprentice shall not, without the consent of the master, be lawful.
10. A husband shall not for any cause abandon or turn away his wife, nor a wife her husband. Either of them that abandons or turns away the other may be prosecuted for a misdemeanor, and, upon conviction thereof before the district judge, may be punished by fine and corporal punishment duly apportioned to the circumstances of aggravation or mitigation. A husband not disabled, who has been thus convicted of having abandoned or turned away his wife, or has been shown to fail in maintaining his wife and children, may be bound to service by the district judge, from year to year, and so much of the profits of his labor as may be requisite applied to the maintenance of his wife and children, the distribution between them being made according to their respective merits and necessities. In like manner, a wife not disabled, who has been thus convicted, may be bound, and the proceeds of her labor applied to the maintenance of her children. In either case, any surplus profit shall go to the person bound. At the end of any year for which he was bound, the husband may return to, or receive back, his wife, and thereupon shall be discharged, upon condition of his afterwards maintaining his wife and children. A like right a wife shall have

at the end of a year for which she was bound, on condition of her making future exertions to maintain her children.

11. Whenever a husband shall be convicted of having abandoned or turned away his wife, she shall be competent to make a contract for service, and until he shall return to her, or receive her back, she shall have all the rights, and be subject to all the liabilities, of an unmarried woman, except the right to contract marriage. When either husband or wife has abandoned the other in any district, and that other remains there, if, upon the warrant or summons against the one charged with misdemeanor under the section next preceding, there be a return by a sheriff or constable, under oath, that the accused has left the district, or absconds, so that there cannot be personal service, the prosecution may proceed as if the accused had been arrested, and, upon conviction, all the other consequences shall follow, except punishment, and that shall be reserved until the accused may be brought into court, when an opportunity shall be given for disproving the truth of the return, and setting aside the conviction.

Parent and child.

12. The relation of parent and child among persons of color is recognized, confers all the rights and remedies, civil and criminal, and imposes all the duties, that are incident thereto by law, unless the same are modified by this act, or some legislation connected therewith.

13. The father shall support and maintain his children under fifteen years of age, whether they be born of one of his reputed wives or of any other woman.

Guardian and ward.

14. The relation of guardian and ward, as it now exists in this State, with all the rights and duties incident thereto, is extended to persons of color, with the modifications made by this act.

Master and apprentice.

15. A child over the age of two years, born of a colored parent, may be bound by the father, if he be living in the district, or in case of his death or absence from the district, by the mother, as an apprentice to any respectable white or colored person who is competent to make a contract; a male until he shall attain the age of twenty-one years, and a female until she shall attain the age of eighteen years.

16. Illegitimate children, within the ages above specified, may be bound by the mother.

17. Colored children between the ages mentioned, who have neither father nor mother living in the district in which they are found, or whose parents are paupers, or unable to afford to them maintenance; or whose parents are not teaching them habits of industry and honesty; or are persons of notoriously bad character, or are vagrants; or have been, either of them, convicted of an infamous offence, may be bound as apprentices by the district judge, or one of the magistrates, for the aforesaid term.

18. Males of the age of twelve years, and females of the age of ten years, shall sign the indenture of apprenticeship, and be bound thereby.

19. When the apprentice is under these ages, and in all cases of compulsory apprenticeship where the minor refuses assent, his signature shall not be necessary to the validity of the apprenticeship. The master's obligation of apprenticeship in all cases of compulsory apprenticeship, and cases where the father or mother does not bind a child, shall be executed in the presence of the district judge, or one of the magistrates, certified by him, and filed in the office of the clerk of the district court.

20. The indenture of voluntary apprenticeship shall be under seal, and be signed by the master, the parent, and the apprentice, attested by two credible witnesses, and approved by the district judge, or one of the magistrates.

21. All instruments of apprenticeship shall be executed in duplicate, one of which shall be retained by the master and the other be filed in the office of the clerk of the district court. For the approval of an instrument of apprenticeship thus executed in duplicate, the master shall pay an aid of three dollars to the magistrate or district judge, as the case may be.

22. The master or mistress shall teach the apprentice the business of husbandry, or some other useful trade or business, which shall be specified in the instrument of apprenticeship; shall furnish him wholesome food and suitable clothing; teach him habits of industry, honesty, and morality; govern and treat him with humanity; and if there be a school within a convenient distance in which colored children are taught, shall send him to school at least six weeks in every year of his apprenticeship, after he shall be of the age of ten years: *Provided*, That the teacher of such school shall have the license of the district judge to establish the same.

23. The master shall have authority to inflict moderate chastisement and impose reasonable restraint upon his apprentice, and to recapture him if he depart from his service.

24. The master shall receive to his own use the profits of the hire of his apprentice. The relation of master and apprentice shall be dissolved by the death of the master, except where the apprentice shall be engaged in husbandry; and may be dissolved by the order of the district judge, when both parties consent, or it shall appear to be seriously detrimental to either party. In the excepted case it shall terminate at the end of the year in which the master died.

25. In case of the habitual violation or neglect of the duties herein imposed on the master, and whenever the apprentice is in danger of moral contamination by the vicious conduct of the master, the relation of master and apprentice may be dissolved by the order of the district judge, and any person shall have the right to complain to the district judge that the master does not exercise proper discipline over his apprentice, to the injury of his neighbors; and if upon investigation it shall be so found, the relation between the parties shall be dissolved.

26. In cases of alleged violation of duty, or of misconduct on the part of the master or apprentice, either party may make complaint to a magistrate, who shall summon the parties before him, inquire into the cause of complaint, and make such order as shall be meet, not extending to the dissolution of the relation of the parties; and if the master be found to be in default he shall be fined not exceeding twenty dollars and costs; and if the apprentice be in default he may be corrected in such manner as the magistrate may order. A frivolous complaint made by either party shall be regarded as a default.

27. In cases in which the district judge shall order the apprentice to be discharged for immoderate correction or unlawful restraint of the apprentice, the master shall be liable to indictment, and, on conviction, to fine and imprisonment, at the discretion of the court, not exceeding a fine of fifty dollars, and imprisonment of thirty days; and also to an action for damages by the apprentice.

28. All orders made by a magistrate touching the relation of master and apprentice shall be filed in the office of the clerk of the district court.

29. A mechanic, artisan, or shopkeeper, or other person who is required to have a license, shall not receive any colored apprentice without having first obtained such license.

30. At the expiration of his term of service the apprentice shall have the right to recover from his master a sum not exceeding sixty dollars.

31. To an apprentice shall apply the provisions hereinafter made for a servant under contract, so far as respects the regulations of labor, the duties of the

servant, the rights of the master as to third persons, and the rights of servants as to third persons; except that to an apprentice the master shall be bound to furnish necessary medicine and medical assistance.

Contracts for service.

35. All persons of color who make contracts for service or labor shall be known as servants, and those with whom they contract shall be known as masters.

36. Contracts between masters and servants for one month or more shall be in writing, be attested by one white witness, and be approved by the judge of the district court or by a magistrate.

37. The period of service shall be expressed in the contract; but if it be not expressed it shall be until the twenty-fifth day of December next after the commencement of the service.

38. If the rate of wages be not stipulated by the parties to the contract, it shall be fixed by the district judge or a magistrate, or on application by one of the parties, and notice to the other.

39. A person of color who has no parent living in the district, and is ten years of age, and is not an apprentice, may make a valid contract for labor or service for one year or less.

40. Contracts between masters and servants may be set aside for fraud or unfairness, notwithstanding they have been approved.

41. Written contracts between masters and servants shall be presented for approval within twenty days after their execution.

42. Contracts for one month or more shall not be binding on the servants unless they are in writing, and have been presented for approval within the time aforesaid.

43. For any neglect of the duty to make a contract as herein directed, or the evasion of that duty, by the repeated employment of the same persons, for periods less than one month, the party offending shall be guilty of a misdemeanor, and be liable, on conviction, to pay a sum not exceeding fifty dollars, and not less than five dollars, for each person so employed. No written contract shall be required when the servant voluntarily receives no remuneration except food and clothing.

44. For the approval of contracts the following sums, to be called aids, shall be paid to the district judge, or the magistrate, as the case may be, in cash, when the contract is approved: *Provided*, no aid shall be paid for any servant under twelve years of age.

For any contract for one month or less, for each servant, twenty-five cents; for a contract not exceeding three months and more than one month, fifty cents; for a contract not exceeding six months and more than three months, for each servant, seventy-five cents; for a contract for one year or any time more than six months, for each servant, one dollar; for a contract for more than one year, for each year or part of a year over one year, for each servant, one dollar. One-half of which aids shall be paid by the master, and one-half by the servant.

Regulations of labor on farms.

45. On farms, or in out-door service, the hours of labor, except on Sunday, shall be from sunrise to sunset, with a reasonable interval for breakfast and dinner. Servants shall rise at the dawn in the morning, feed, water, and care for the animals on the farm, do the usual and needful work about the premises, prepare their meals for the day, if required by their master, and begin the farm work or other work by sunrise. The servant shall be careful of all the animals and property of his master, and especially of the animals and implements used

by him ; shall protect the same from injury by other persons, and shall be answerable for all property lost, destroyed, or injured by his negligence, dishonesty, or bad faith.

46. All lost time not caused by the act of the master, and all losses occasioned by neglect of the duties hereinbefore prescribed, may be deducted from the wages of the servant ; and food, nursing, and other necessaries for the servant while he is absent from work on account of sickness or other cause, may also be deducted from his wages. Servants shall be quiet and orderly in their quarters, at their work, and on the premises ; shall extinguish their lights and fires, and retire to rest at seasonable hours. Work, at night, and out-door work in inclement weather, shall not be exacted unless in case of necessity. Servants shall not be kept at home on Sunday unless to take care of the premises or animals thereupon, or for work of daily necessity, or on unusual occasions ; and in such cases only so many shall be kept at home as are necessary for these purposes. Sunday work shall be done by the servants in turn, except in cases of sickness or other disability, when it may be assigned to them out of their regular turn. Absentees on Sunday shall return to their homes by sunset.

47. The master may give to a servant a task at work about the business of the farm which shall be reasonable. If the servant complain of the task the district judge, or a magistrate, shall have power to reduce or increase it. Failure to do a task shall be deemed evidence of indolence, but a single failure shall not be conclusive. When a servant is entering into a contract he may be required to rate himself as a full hand, three-fourths, half, or one-fourth hand, and according to this rate, inserted in the contract, shall be the task, and of course the wages.

48. Visitors or other persons shall not be invited or allowed by the servant to come or remain upon the premises of the master without his express permission.

49. Servants shall not be absent from the premises without the permission of the master.

Rights of master as between himself and servant.

50. When the servant shall depart from the service of the master without good cause he shall forfeit the wages due to him. The servant shall obey all lawful orders of the master or his agent, and shall be honest, truthful, sober, civil, and diligent in his business. The master may moderately correct servants who have made contracts and are under eighteen years of age. He shall not be liable to pay for any additional or extraordinary services or labor of his servant, the same being necessary, unless by his express agreement.

Causes for discharging a servant.

51. The master may discharge his servant for wilful disobedience of a lawful order of himself or his agent ; habitual negligence or indolence in business ; drunkenness, gross moral or legal misconduct ; want of respect and civility to himself, his family, guests, or agents ; or for prolonged absence from the premises, or absence on two or more occasions, without permission.

52. For any act or thing herein declared to be causes for the discharge of a servant, or for any breach of contract or duty by him, instead of discharging the servant the master may complain to the district judge, or one of the magistrates, who shall have power, on being satisfied of the misconduct complained of, to inflict or cause to be inflicted on the servant suitable corporeal punishment, or impose upon him such pecuniary fine as may be thought fit, and immediately to remand him to his work, which fine shall be deducted from his wages if not otherwise paid.

53. If the master has made a valid contract with a servant the district judge or magistrate may compel such servant to observe his contract by ordering infliction of the punishment or imposition of the fine hereinbefore authorized.

Rights of master as to third persons.

54. The master shall not be liable for the voluntary trespasses or misdemeanors of his servants. He shall not be liable for any contract of his servant unless made by his authority, nor for the acts of the servant unless done within the scope of the authority intrusted to him by the master, or in the course of his employment for the master; in which excepted cases the master shall be answerable for the fraud, negligence, or want of skill of his servant. The master's right of self-defence shall embrace his servant. It shall be his duty to protect his servant from violence by others in his presence, and he may render him aid and assistance in obtaining redress for injury to his rights of person or property.

55. Any person who shall deprive a master of the service of his servant by enticing him away or by harboring and detaining him, knowing him to be a servant, or by beating, confining, disabling or otherwise injuring him, shall be liable, on conviction thereof, to a fine not exceeding two hundred dollars and not less than twenty dollars, and to imprisonment or hard labor, at the discretion of the court, not exceeding sixty days; and also to an action by the master to recover damages for loss of services.

56. The master may command his servant to aid him in defence of his person, property, family, or premises; or of the person or property of any servant on the premises of the master; and it shall be the duty of the servant promptly to obey such command.

57. The master shall not be bound to furnish medicine or medical assistance for his servant, without his express engagement.

58. A master may give the character of one who has been in his service to a person who may make inquiry of him, which shall be a privileged communication, unless it be falsely and maliciously given. And no servant shall have the power to make a new contract without the production of the discharge of his former master, district judge or magistrate.

59. Any person who shall wilfully misrepresent the character of a servant, whether he has been in his service or not, either for moral qualities or for skill or experience in any employment or service, shall be liable to an action for damages by any one who has been aggrieved thereby.

60. Upon conviction of any master of larceny or felony, the district judge shall have the right, on the demand of any white freeholder, to annul the contract between such convict and his colored servant. If any white freeholder shall complain to the district judge that any master so manages or controls his colored servants as to make them a nuisance to the neighborhood, the judge shall order an issue to be made up and tried before a jury, and if such issue is found in favor of the complainant the district judge shall annul the contract between such master and his colored servant or servants; and in each of the cases above provided for he shall not approve any subsequent contract between such person and any colored servant for two years thereafter.

Rights of servant as between himself and master.

61. The servant may depart from the master's service for an insufficient supply of wholesome food; for an unauthorized battery upon his own person, or one of his family, not committed in defence of the person, family, guests or agents of the master, nor to prevent a crime or aggravated misdemeanor; invasion by the master of the conjugal rights of the servant; or his failure to pay wages when due; and may recover wages due for services rendered to the time of his departure.

62. The contract for service shall not be terminated by the death of the master without the assent of the servant. Wages due to white laborers, and to white and colored servants, shall rank as rent does, in case of the insufficiency of the master's property to pay all debts and demands against him, but not more than one year's wages shall be so preferred. When wrongfully discharged from service, the servant may recover wages for the whole period of service, according to the contract. If his wages have not been paid to the day of his discharge, he may regard his contract rescinded by the discharge, and recover wages up to that time.

63. The master shall receive into his employment the servant with whom he has made a contract, but any of the causes which may justify him in discharging a servant, shall justify him in refusing to receive him.

64. The master shall, upon the discharge, or expiration of the term of service of his servant, furnish the servant with a certificate of discharge, and at the request of the servant give him a certificate of character.

Mutual rights of master and servant.

65. Whenever a master discharges a servant, the servant may make immediate complaint to a district judge, or magistrate, and whenever a servant departs from his master's service, the master may make like complaint. In either case the district judge or magistrate shall, by summons or warrant, have the parties brought before him, hear them and their witnesses, and decide as to the sufficiency of the cause of his discharge or departure. This decision shall not affect or prejudice any further action on either side, but it may avail to restore the relation of master and servant between the parties if that be ordered. If the servant be decided to have been unlawfully discharged, and should desire to return to service under his contract, the master shall be compelled to receive him, under the penalty of twenty dollars, in case of his refusal. If the master desire the return of a servant who has been decided to have departed without sufficient cause, the servant may be compelled by fine and corporal punishment to return to the service of the master, and perform his duties under the contract.

Rights of servants as to third persons.

66. The servant shall not be liable for contracts made by the express authority of the master.

67. A servant shall not be liable, civilly or criminally, for any act done by the command of his master, in defence of the master's person, family, guests, agent, servant, premises, or property. He shall not be liable in an action, *ex delicto*, for any tort committed on the premises of the master, by his express command.

House servants and others not engaged in husbandry.

68. The rules and regulations prescribed for master and servant apply to persons in service as household servants, conferring the same rights and imposing the same duties, with the following modifications :

69. Servants and apprentices employed as house servants in the various duties of the household, and in all the domestic duties of the family, shall, at all hours of the day and night, and on all days of the week, promptly answer all calls, and obey and execute all lawful orders and commands of the family in whose service they are employed.

70. It is the duty of this class of servants to be especially civil and polite to their masters, their families and guests, and they shall receive gentle and kind treatment.

For all servants.

71. In all contracts between master and servant for service, the foregoing regulations shall be stipulations, unless it shall be otherwise provided in the contract, and the following form shall be a sufficient contract, unless some special agreement be made between the parties :

Form of contract.

I, (name of servant,) do hereby agree with (name of master) to be his (here insert the words "household servant," or "servant in husbandry," as the case may be,) from the date hereof, at the wages, (here insert the wages to be paid by the year or month ;) and in consideration thereof, I, (name of master,) agree to receive the said (name of servant) as such servant, and to pay him the said wages, this ——— day of ——— , 186 .

A. B.
C. D.

Witness : E. F.

I approve the above contract this ——— day of ——— , 186 .

G. H.,
Judge of the District Court, (or Magistrate.)

After the words "servant in husbandry," may be inserted, if it be required, the words, to be rated as (full hand, three-fourths hand, half hand, or one-fourth hand) as the case may be.

Mechanics, artisans, and shop-keepers.

72. No person of color shall pursue or practice the art, trade, or business of an artisan, mechanic, or shop-keeper, or any other trade, employment, or business (besides that of husbandry or that of a servant under a contract for service or labor) on his own account and for his own benefit, or in partnership with a white person, or as agent or servant of any person, until he shall have obtained a license therefor from the judge of the district court, which license shall be good for one year only. This license the judge may grant upon petition of the applicant, and upon being satisfied of his skill and fitness, and of his good moral character, and upon payment by the applicant to the clerk of the district court of one hundred dollars, if a shop-keeper or peddler, to be paid annually, and ten dollars if a mechanic, artisan, or to engage in any other trade, also to be paid annually : *Provided, however,* That upon complaint being made, and proved to the district judge, of an abuse of such license, he shall revoke the same: *And provided also,* That no person of color shall practice any mechanical art or trade unless he shows that he has served an apprenticeship in such art or trade, or is now practicing such art or trade.

73. For violation of the prohibition contained in the section next preceding, the offender, upon conviction thereof before the judge of the district court, shall pay, for each offence, a fine of double the amount of such license; one-half whereof shall go to the informer, who shall be a competent witness.

74. The sums paid to the clerk for these licenses shall be aids, and go into the district court fund ; and the clerk shall keep a record of all licenses issued under the order of the judge of the district court.

* * * * *

77. It shall be the duty of the judge of the district court, or of any magistrate, on complaint made to him that persons of color have intruded into any house or premises, as trespassers or otherwise, or that they unlawfully remain therein, without permission of the owner, on ascertaining the complaint to be well founded, to cause such persons to be immediately removed therefrom, and

in case of the return of such persons, without lawful permission, the party so offending may be subjected to such fine and corporal punishment as the magistrate or district judge may see proper to impose.

78. During the term of service the house occupied by any servant is the master's; and on the expiration of the term of service, or the discharge of a servant, he shall no longer remain on the premises of the master; and it shall be the duty of the judge of the district court, or a magistrate, on complaint of any person interested, and due proof made, to cause such servant to be immediately removed from such premises.

79. Leases of a house or land to a person of color shall be in writing. If there be no written lease, or the term of lease shall have expired, a person of color in possession shall be a tenant at will, and shall not be entitled to notice; and on complaint by any person interested to the judge of the district court, or a magistrate, such person of color shall be instantly ejected, by order or warrant, unless he produces a written lease, authorizing his possession, or prove that such writing existed and was lost.

80. In every case the costs of eviction may be exacted, by order or process, from the person evicted.

Paupers.

81. When a person of color shall be unable to earn his support, and is likely to become a charge to the public, the father and grandfathers, mother and grandmothers, child and grandchild, brother and sister, of such person, shall, each according to his ability, contribute monthly for the support of such poor relative such sum as the district judge, or one of the magistrates, upon complaint to him, shall deem necessary and proper; and, on failure to pay such sum, the same shall be collected by summary order or process.

82. In each judicial district, except the judicial district of Charleston, in which there shall be one board for the election district of Charleston, and one for the election district of Berkely, there shall be established a board, to be known as the "board of relief of indigent persons of color," which shall consist of a chairman and not less than three, nor more than seven, other members, all of whom shall be magistrates of the district, and be selected by the district judge.

83. This board shall meet at the court-house on the Tuesday next after the first Monday in February and August of every year, and at other times and places fixed by its own appointment, or the summons of its chairman; and it may, at its pleasure, appoint sub-boards, to be composed of such of its own members, and other magistrates of the district, as it may select.

84. By the board the district shall, as soon as practicable, be divided into precincts, within each of which some magistrate shall reside. The board is required to keep exact minutes of all its proceedings, and in these shall appear the boundaries of each precinct, as from time to time they may be arranged.

85. A district fund shall be established in each district, to be composed of aids paid for the approval of contracts between master and servant, and of instruments of apprenticeship, and for licenses granted by the district judge, all fines, penalties, and forfeitures collected under order or process from the district court, or a magistrate of the district, fees for appeal from the district judge, wages of convicts, and taxes collected under the order of the board of relief of indigent persons of color.

86. If the district court fund, after payment of the sums with which it is charged, on account of the salary of the judge of the district court, superintendent of convicts, jurors, and other expenses of the court, and of convicts, shall be insufficient to support indigent persons of color, who may be proper charges on the public, the board aforesaid shall have power to impose for that purpose,

whenever it may be required, a tax of one dollar on each male person of color between the ages of eighteen and fifty years, and fifty cents on each unmarried female person of color between the ages of eighteen and forty-five, to be collected in each precinct by a magistrate thereof: *Provided*, That the said imposition of a tax shall be approved, in writing, by the judge of the district court, and that his approval shall appear in the journals of that court.

87. For collection of a tax imposed by the board aforesaid, every magistrate of a precinct shall give ten days' public notice, within his precinct, of the classes of persons liable to the tax, the sum which is required of every person of each class, and the day when payment shall be made. Every person liable to pay, who fails to pay on the day appointed, shall become liable to pay a double tax, if he shall not make to the magistrate a satisfactory excuse; and against him the magistrate may issue process, in the nature of *feri facias*, special attachment, and other process most likely to exact payment; any or all of which shall be executed by a constable or the sheriff.

88. It shall be the duty of every person who is occupant of a house or premises, within seven days after public notice, to report in writing, and on oath, to a magistrate of the precinct in which such house or premises are, the names, sexes, ages, and occupations of all persons of color in the said house or on the said premises who are unable to earn a reputable livelihood for themselves and families, with the cause of disability as to each one, and also, in respect to each one of such persons, the name, place of abode, and ability, so far as may be known, of every relation who is, according to the provision hereinbefore contained, bound to contribute to the support of such person. For every failure, without good excuse, to make report, as herein required, an occupant of a house or premises as aforesaid, shall be liable to a fine not exceeding twenty dollars, nor less than five dollars, to be paid immediately; or if it should not be paid, substitution of other punishment to take place, as in other cases of fines not paid.

89. It shall be the duty of every magistrate to make diligent inquiry into the condition and wants of the colored poor within his precinct; to give public notice when reports from occupants as aforesaid are required; to require such reports within a month next before each regular meeting of the board of relief of indigent persons of color, and whensoever else the said board may direct; to examine such reports when made to him from them, and other information to ascertain the correctness of the facts therein stated; to enforce, as far as possible, the obligation of persons bound, as before provided, to contribute to the support of poor relations, and to make reports to the board aforesaid, as hereinafter directed, and to the district court, as is required by the "Act to establish district courts."

90. Every magistrate shall, besides the quarterly reports which he is required to make to the district court, make, on the Monday next preceding the first Monday of February and August, in every year, a semi-annual report to the chairman of the board aforesaid, which report shall clearly exhibit, for the time since his last preceding semi-annual report, all his receipts, all his payments, all his commissions, the condition of the colored population within his precinct, the name, sex, age, occupation, and particular disability of every person of color in that population who requires assistance from the public, the sum which in his opinion is necessary for such person, and the sum required for his whole precinct. In the receipts the distinction shall be observed between collections and money turned over to the magistrate by some other officer, the particulars and sum of each being shown. The collections shall be classified according to the sources from which they proceeded, as, for instance, aids from contracts, aids from instruments of apprenticeship, fines, and taxes. Under taxes shall appear the name and sex of the person from whom each item was collected. The sums paid for the support of poor relations, and by and for whom, shall be set forth. In the expenditures distinction must be observed between actual disbursements

and sums turned over to other officers, and the different purposes of disbursements be arranged under suitable heads. Every expenditure must be accompanied by a proper voucher, unless it should appear that it was impracticable to obtain one. For any failure to make a report, as herein required, a magistrate shall be liable to indictment, and upon conviction shall pay a fine not exceeding fifty dollars, nor less than twenty dollars.

91. The chairman of the board aforesaid, besides the quarterly reports, which, by the "act to establish district courts," he is required to make to the district court, shall, at each regular sitting of the said board, and whensoever else he may be required by the said board or by the district judge, make to the board in respect to his own acts as magistrate of a precinct, such a report as is required from another magistrate, lay before the board the reports made to him by other magistrates; and also make a full and particular report, in which shall be condensed the information obtained from the semi-annual reports of the magistrates, so as to show the condition and wants of the whole district and of each precinct, which report shall also exhibit the receipts and expenditures for the whole district since the report last preceding, arranged under proper heads, so as to show the sums received from each source and by what magistrate; the sums disbursed for each purpose, and by what magistrate; the sums turned over from one officer to another, commissions, expenses, and contributions for poor relations. Each report shall particularly specify all delinquencies of magistrates during its period, and the names of delinquents. For any failure to make report, as here required, the chairman shall be liable to indictment, and upon conviction shall pay a fine not exceeding one hundred dollars, nor less than twenty dollars.

92. The board of relief of indigent persons of color shall determine the sum necessary for the support of each indigent person of color who shall be deemed a proper charge on the public, the sum required by each precinct, the sum which shall be paid to each magistrate for disbursement by him, when reports from occupants shall be required, as aforesaid, and when a tax shall be imposed. It shall direct the magistrates respectively in the performance of the duties required of them in reference to paupers and the district court fund, and it shall report to the district court all delinquencies and delinquents.

93. The balance of the district court fund which, as provided by the "act to establish district courts," shall, under the order of the district judge, be paid to the chairman aforesaid, shall, under the order of the board aforesaid, be distributed to the magistrates of precincts, and be by them disbursed for the relief of indigent persons of color, and other uses of the board as may be directed. The minutes of the board show the sum assigned to each magistrate, and the receipt of the magistrate for every sum paid to him by the board shall be taken by the chairman of the board, and shall accompany the next report of the chairman to the board, as well as be exhibited in support of the chairman's quarterly report to the district court in which such payment is set down.

94. On satisfactory information to the district judge, or a magistrate, that a person of color has removed from another district, and is likely to become a charge to the district into which he has removed, the district judge or the magistrate shall proceed against such person as a vagrant, and on conviction he shall be punished as such: *Provided*, That persons of color who were removed by their former masters from other districts within the last five years shall be allowed twelve months to return to the district from which they were removed, and those who have been separated from their families or relatives shall be allowed to return to them within twelve months.

Vagrancy and idleness.

95. These are public grievances, and must be punished as crimes.

96. All persons who have not some fixed and known place of abode, and some lawful and reputable employment; those who have not some visible and known

means of a fair, reputable, and honest livelihood; all common prostitutes; those who are found wandering from place to place, vending, bartering, or peddling any articles or commodities, without a license from the district judge or other proper authority; all common gamblers, persons who lead idle or disorderly lives, or keep or frequent disorderly or disreputable houses or places; those who, not having sufficient means of support, are able to work, and do not work; those who (whether or not they own lands or are lessees or mechanics) do not provide a reasonable and proper maintenance for themselves and families; those who are engaged in representing publicly or privately for fee or reward, without license, any tragedy, interlude, comedy, farce, play, or any other similar entertainment, exhibition of the circus, sleight of hand, wax-works, or the like; those who for private gain without license give any concert or musical entertainment of any description; fortune-tellers, sturdy beggars, common drunkards, those who hunt game of any description, or fish on the land of others, or frequent the premises, contrary to the will of the occupants, shall be deemed vagrants, and be liable to the punishment hereinafter prescribed.

97. Upon information on oath of another, or upon his own knowledge, the district judge or a magistrate shall issue a warrant for the arrest of any person of color known as, or believed to be, a vagrant within the meaning of this act. The magistrate may proceed to try, with the assistance of five freeholders, or calling to his aid another magistrate, the two may proceed to try, with the assistance of three freeholders, as is provided by the act of 1787 concerning vagrants; or the magistrate may commit the accused to be tried before the district court. On conviction the defendant shall be liable to imprisonment and to hard labor, one or both, as shall be fixed by the verdict, not exceeding twelve months.

98. The defendant, if sentenced to hard labor, after conviction, may, by order of the district judge or magistrate before whom he was convicted, be hired, for such wages as can be obtained for his services, to any owner or lessee of a farm for the term of hard labor to which he was sentenced, or be hired for the same labor on the streets, public roads, or public buildings. The person receiving such vagrant shall have all the rights and remedies for enforcing good conduct and diligence at labor that are herein provided in the case of master and servant.

99. These provisions concerning vagrancy shall not be construed to repeal any other act or acts in whole or part consistent herewith.

Approved December 21, 1865.

AN ACT to declare the rights of persons lately known as slaves and as free persons of color.

1. *Be it enacted by the senate and house of representatives now met and sitting in general assembly, and by the authority of the same,* That all persons hitherto known in law in this State as slaves, or as free persons of color, shall have the right to make and enforce contracts, to sue and be sued, to be affiants and give evidence, to inherit, to purchase, lease, sell, hold, convey, and assign real and personal property, make wills and testaments, and to have full and equal benefits of the rights of personal security, personal liberty, and private property, and of all remedies and proceedings for the enforcement and protection of the same, as white persons now have, and shall not be subjected to any other or different punishment, pain, or penalty for the commission of any act or offence than such as are prescribed for white persons committing like acts or offences.

2. That all acts and parts of acts specially relating to persons lately slaves, and free persons of color, contrary to the provisions of this act, or inconsistent with any of its provisions, be, and the same are hereby, repealed: *Provided,* That nothing herein contained shall be construed to repeal so much of the eighth section of an act entitled "An act to establish and regulate the domestic relations

of persons of color, and to amend the law in relation to paupers and vagrancy," ratified the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five, as enacts that "marriage between a white person and a person of color shall be illegal and void."

Approved September 21, 1866.

TENNESSEE.

AN ACT to repeal sections 2728 and 2729, article 4, chapter 7, of the code of Tennessee

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee,* That sections 2728 and 2729, article 4, chapter 7, of the code of Tennessee be, and the same are hereby, repealed.

SEC. 2. *Be it further enacted,* That the attorneys general of the different districts of Tennessee are hereby directed to enter a *nolle prosequi* in all cases pending in the criminal or circuit courts of this State where prosecutions by indictment or presentment under sections 2728 and 2729 of the code are pending and undetermined in said court.

SEC. 3. *Be it further enacted,* That free persons of color may exercise and pursue all or any business not in violation of law, when they may obtain such license under the laws of this State as is applicable to the exercise of such privileges by free white persons.

Passed January 25, 1866.

AN ACT to do justice, and render persons of African and Indian descent competent witnesses in the courts of this State.

Be it enacted by the general assembly of the State of Tennessee, That persons of African and Indian descent are hereby declared to be competent witnesses in all the courts of this State, in as full a manner as such persons are by an act of Congress competent witnesses in all the courts of the United States; and all laws and parts of laws of the State excluding such persons from competency, are hereby repealed: *Provided, however,* That this act shall not be so construed as to give colored persons the right to vote, hold office, or sit on juries in this State. And that this provision is inserted by virtue of the provision of the ninth section of the amended constitution, ratified February 22, 1865.

Passed January 25, 1866.

AN ACT to define the term "persons of color," and to declare the rights of such persons.

SECTION 1. *Be it enacted by the general assembly of the State of Tennessee,* That all negroes, mulattoes, mestizoes, and their descendants, having any African blood in their veins, shall be known in this State as persons of color.

SEC. 2. *Be it further enacted,* That persons of color have the right to make and enforce contracts, to sue and be sued, to be parties and give evidence, to inherit, and to have full and equal benefits of all laws and proceedings for the security of person and estate, and shall not be subject to any other or different punishment, pains, or penalty for the commission of any act or offence than such as are prescribed for white persons committing like acts or offences.

SEC. 3. *Be it further enacted,* That all persons of color, being blind, deaf and dumb, lunatics, paupers, or apprentices, shall have the full and perfect benefit and application of all laws regulating and providing for white persons being

blind, or deaf and dumb, or lunatics, or paupers, or either, (in asylums for their benefit,) and apprentices.

SEC. 4. *Be it further enacted*, That all acts or parts of acts and laws inconsistent herewith are hereby repealed: *Provided*, That nothing in this act shall be so construed as to admit persons of color to serve on the jury: *And provided further*, That the provisions of this act shall not be so construed as to require the education of colored and white children in the same school.

SEC. 5. *Be it further enacted*, That all free persons of color who were living together as husband and wife, in this State, while in a state of slavery, are hereby declared to be man and wife, and their children legitimately entitled to an inheritance in any property heretofore acquired, or that may hereafter be acquired, by said parents, to as full an extent as the children of white citizens are now entitled by the existing laws of this State.

SEC. 6. *And be it further enacted*, That this act shall take effect from and after its passage.

Passed May 26, 1866.

TEXAS.

No. 64.—To give a lien on the crop and stock for advances to assist in making the crop.

SECTION 1. *Be it enacted by the legislature of the State of Texas*, That hereafter, whenever advances in horses, mules, oxen, or necessary provisions, farming tools and implements, or money to purchase the same, shall be made by any person or persons to any other person in this State, and the same advance shall be obtained by the latter to enable him or her to make a crop for the year next ensuing, and it shall be declared in a written obligation for the same, given by the person to whom such advance is made, that the same was obtained by him or her in good faith, for the purpose of making a crop, and that without such advance it would not be in the power of said person to procure the necessary team, provisions, and farming implements to make a crop, the advance so made, or the amount thereof, shall be a lien on the crop that year and the stock furnished or bought with the money so advanced; and such lien shall have preference of all other liens, except that for the rent of the land on which the said crop may be raised,

SEC. 2. That any person taking a lien on the crop for advances, as set forth in the first section, shall have the same recorded in the office of the county court of the county in which the person to whom the advance is made resided.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Approved October 27, 1866.

No. 82.—To provide for the punishment of persons for tampering with, persuading, or enticing away, harboring, or secreting laborers or apprentices; for employing laborers or apprentices under contract of service to other persons.

SECTION 1. *Be it enacted by the legislature of the State of Texas*, That any person who shall persuade or entice away from the service of an employer any person who is under a contract of labor to such employer, or any apprentice who is bound as such, from the service of his master, or who shall feed, harbor, or secrete such person under contract, or apprentice who has left the employment of employer or master, without the permission of such employer or master, the person or persons so offending shall be liable in damages to the employer or master, and shall, upon conviction, be punished by fine in a sum not exceeding five hundred dollars, nor less than ten dollars, or by imprisonment in the county

jail or house of correction for not more than six months, or by both such fine and imprisonment.

SEC. 2. Any person who shall employ any laborer or apprentice, who is at the time of such employment under contract for any period of time to any other person, and before such time of service shall have elapsed, so as to deprive such first employer or the master of such apprentice of the services of such laborer or apprentice, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not less than ten nor more than five hundred dollars for each and every offence, or by imprisonment in the county jail, or house of correction, for a period not exceeding thirty days, or by both such fine and imprisonment, and shall be liable in damages to the party injured.

SEC. 3. Any person who shall discharge from his employment any laborer or apprentice during the term of service agreed upon between such employer and such laborer or apprentice, or at the expiration of such term of service, shall, upon the request of such laborer or apprentice, give to him or her a written certificate of discharge, and upon refusal to do so shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one hundred dollars.

SEC. 4. It shall be the duty of the judges of the district courts to give this act specially in charge to the grand jury at each term of their respective courts.

Approved November 1, 1866.

No. 92.—To prohibit the carrying of fire-arms on premises or plantations of any citizen, without the consent of the owner.

Be it enacted by the legislature of the State of Texas, That it shall not be lawful for any person or persons to carry fire-arms on the enclosed premises or plantations of any citizen, without the consent of the owner or proprietor, other than in the lawful discharge of a civil or military duty; and any person or persons so offending shall be fined a sum not less than one nor more than ten dollars, or imprisonment in the county jail not less than one day nor more than ten days, or both, in the discretion of the court or jury before whom the trial is had.

Passed November 6, 1866.

AN ACT regulating contracts for labor.

SECTION 1. *Be it enacted by the legislature of the State of Texas,* That all persons desirous of engaging as laborers for a period of one year or less may do so under the following regulations: All contracts for labor for a longer period than one month shall be made in writing, and in the presence of a justice of the peace, county judge, county clerk, notary public, or two disinterested witnesses, in whose presence the contract shall be read to the laborers, and, when assented to, shall be signed in triplicate by both parties, and shall be considered binding for the time therein prescribed.

SEC. 2. Every laborer shall have full and perfect liberty to choose his or her employer, but when once chosen they shall not be allowed to leave their place of employment until the fulfilment of their contract unless by consent of their employer, or on account of harsh treatment or breach of contract on the part of the employer; and if they do so leave without cause or permission, they shall forfeit all wages earned to the time of abandonment.

SEC. 3. One copy of the contract above provided for shall be deposited with the clerk of the county court of the county in which the employer resides; and the clerk shall indorse thereon, filed, giving the date, and signing his name offi-

cially thereto; but all disputes arising between the parties shall be decided before a court of competent jurisdiction, and said court shall have power to enforce the same.

SEC. 4. The clerk of the county court shall enter, in a well-bound book kept for that purpose, a regular and alphabetical index to the contracts filed, showing the name of the employer and the employed, the date of filing, and the duration of the contract, which book, together with the contracts filed, shall at all times be subject to the examination of every person interested, without fee. The clerk shall be entitled to demand from the party filing such contract a fee of twenty-five cents, which shall be full compensation of all services required under this act.

SEC. 5. All labor contracts shall be made with the heads of families; they shall embrace the labor of all the members of the family named therein able to work, and shall be binding on all minors of said families.

SEC. 6. Wages due under labor contracts shall be a lien upon one-half of the crops, second only to liens for rent, and not more than one-half of the crops shall be removed from the plantation until such wages are fully paid.

SEC. 7. All employers wilfully failing to comply with their contract shall, upon conviction, be fined an amount double that due the laborer, recoverable before any court of competent jurisdiction, to be paid to the laborer; and any inhumanity, cruelty, or neglect of duty on the part of the employer shall be summarily punished by fines within the discretion of the court, to be paid to the injured party: *Provided*, That this shall not be so construed as a remission of any penalty now inflicted by law for like offences.

SEC. 8. In case of sickness of the laborer, wages for the time lost shall be deducted; and when the sickness is feigned for purposes of idleness, and also on refusal to work according to contract, double the amount of wages shall be deducted for the time lost, and also when rations have been furnished; and should the refusal to work continue beyond three days, the offender shall be reported to a justice of the peace, or mayor of a town or city, and shall be forced to labor on roads, streets, and other public works, without pay, until the offender consents to return to his labor.

SEC. 9. The labor of the employé shall be governed by the terms stipulated in the contract; he shall obey all proper orders of his employer or his agent, take proper care of his work-mules, horses, oxen, stock of all character and kind; also, all agricultural implements; and employers shall have the right to make a reasonable deduction from the laborer's wages for injuries done to animals, or agricultural implements committed to their care, or for bad or negligent work. Failing to obey reasonable orders, neglect of duty, leaving home without permission, impudence, swearing, or indecent language to, or in the presence of, the employer, his family, or agent, or quarrelling and fighting with one another, shall be deemed disobedience. For any disobedience a fine of one dollar shall be imposed on, and paid by, the offender. For all lost time from work-hours, without permission from the employer or his agent, unless in case of sickness, the laborer shall be fined twenty-five cents per hour. For all absence from home without leave, the laborer will be fined at the rate of two dollars per day; fines to be denounced at the time of the delinquency. Laborers will not be required to labor on the Sabbath, except to take necessary care of stock, and other property on the plantation, or to do necessary cooking or household duties, unless by special contract for work of necessity. For all thefts of the laborer from the employer, of agricultural products, hogs, sheep, poultry, or any other property of the employer, or wilful destruction of property, or injury, the laborer shall pay the employer double the amount of the value of the property stolen, destroyed, or injured, one half to be paid to the employer, and the other half to be placed in the general fund provided for in this section. No live stock shall be allowed to laborers without the permission of the employer. Laborers shall not receive visitors during work-hours. All difficulties arising between employ-

ers and laborers under this section shall be settled and all fines imposed by the former. If not satisfactory to the laborer, an appeal may be had to the nearest justice of the peace and two freeholders, citizens—one of said citizens to be selected by the employer, and the other by the laborer; and all fines imposed and collected under this section shall be deducted from the wages due, and shall be placed in a common fund, to be divided among the laborers employed on the place at the time when their wages fall due, except as herein provided; and where there are no other laborers employed the fines and penalties imposed shall be paid into the county treasury, and constitute a fund for the relief of the indigent of the county.

SEC. 10. Laborers, in the various duties of the household, and in all the domestic duties of the family, shall, at all hours of the day or night, and on all days of the week, promptly answer all calls and obey and execute all lawful orders and commands of the family in whose service they are employed, unless otherwise stipulated in the contract; and any failure or refusal by the laborer to obey, as herein provided, except in case of sickness, shall be deemed disobedience within the meaning of this act. And it is the duty of this class of laborers to be especially civil and polite to their employer, his family, and guests, and they shall receive gentle and kind treatment. Employers and their families shall, after ten o'clock at night, and on Sundays, make no calls on their laborers, nor exact any service of them which exigencies of the household or family do not make necessary or unavoidable.

SEC. 11. That, for gross misconduct on the part of the laborer, such as disobedience, habitual laziness, frequent acts of violation of their contracts, or the laws of the State, they may be dismissed by their employer; nevertheless, the laborer shall have the right to an appeal to a justice of the peace and two freeholders, citizens of the county, one of the freeholders to be selected by him or herself, and the other by his or her employer, and their decision shall be final.

SEC. 12. That all laws or parts of laws contrary to or conflicting with the provisions of this act be, and are hereby, repealed, and that this act take effect from and after its passage.

Approved November 1, 1866.

AN ACT establishing a general apprentice law, and defining the obligations of master or mistress and apprentice.

SECTION 1. *Be it enacted by the legislature of the State of Texas,* That it shall be lawful for any minor to be bound as an apprentice by his or her father, mother, or guardian, with their consent entered of record in the office of the clerk of the county of which the minor is a resident, or without such consent if the minor, being fourteen years of age, agree in open court to be so apprenticed: *Provided,* There be no opposition thereto by the father or mother of said minor.

SEC. 2. It shall be the duty of all sheriffs, justices of the peace, and other civil officers of the several counties of the State to report to the judge of the county court of their respective counties, at any time, all indigent or vagrant minors within their respective counties or precincts, and also all minors whose parent or parents have not the means, or who refuse, to support said minors, and thereupon it shall be the duty of the county judge to apprentice said minor to some suitable or competent person, on such terms as the court may direct, having particular care to the interest of said minor.

SEC. 3. All indentures of apprenticeship shall be approved by the county judge, and entered of record in the office of the county clerk of the county of which the minor apprenticed is a resident, and the county judge shall have exclusive jurisdiction of all causes of action growing out of the relation of master or mistress and apprentice.

SEC. 4. The term of apprenticeship of every minor under this act shall be until the minor attains the age of twenty-one years, unless sooner married: *Provided*, That in all cases where the age of the minor cannot be ascertained by record, or other satisfactory testimony, the judge of the county court shall fix the same.

SEC. 5. It shall be the duty of the county judge, upon making the order of apprenticeship, to require the master or mistress to give bond in such sum as he may direct, with one or more good and sufficient sureties, payable to the county judge and his successors in office, conditioned that he or she shall furnish said minor sufficient food and clothing; to treat said minor humanely; to teach or cause to be taught him or her some specified trade or occupation; to furnish medical attendance in case of sickness, and for general and faithful compliance with the terms stipulated in the indentures as to education, &c., and in default of the master or mistress to comply with the stipulations of his or her bond, suit may be instituted by the father, mother, or guardian of the minor, or by the county judge, upon the same, for all damages sustained; and such damages, when recovered, shall be applied to the use and benefit of the apprentice, under such regulations as may be prescribed by the county judge.

SEC. 6. That in the management and control of an apprentice the master or mistress shall have power to inflict such moderate corporeal chastisement as may be necessary and proper.

SEC. 7. That if any apprentice shall run away from, or leave the employ of, his master or mistress without permission, said master or mistress may pursue and recapture said apprentice, and bring him before any justice of the peace of the county, whose duty it shall be to remand said apprentice to the service of his master or mistress; and in the event of a refusal on the part of said apprentice to return, then said justice shall commit said apprentice to the county jail, on failure to give bond for appearance at the next term of the county court; and it shall be the duty of the county judge at the next regular term thereafter to investigate said cause, and if the court shall be of opinion that said apprentice left the employment of his master or mistress without good and sufficient cause, to order him to receive such punishment as may be provided by the vagrant laws then in force, until said apprentice agrees to return to his employment: *Provided*, That the court may grant continuances as in other cases: *And further provided*, That if the court shall be of opinion that said apprentice has good cause to quit said employment, the court shall discharge said apprentice from his indentures of apprenticeship.

SEC. 8. That in case any master or mistress of any apprentice may desire, he or she shall have the privilege to summon his or her apprentice to appear before the county court of the county in which the parties may reside, and on good and sufficient cause being shown to said court, and on proof that said apprentice will not be injured thereby, shall be released from all liability as master or mistress of such apprentice, and his bond cancelled.

SEC. 9. It shall not be lawful for any apprentice bound under the provisions of this act to reside out of the county in the office of which the terms of indenture are required to be recorded, without the written order of the county judge, entered of record in the clerk's office of the county court of such county; when such leave is obtained, a certified copy of the order authorizing the same shall be filed for record in the office of the clerk of the county court of the county wherein the residence is to be; and the county judge of that county shall have plenary power to hear and adjudicate all causes of action between the said master or mistress and apprentice, as fully as the county judge of the county wherein the indentures of apprenticeship were originally recorded.

SEC. 10. Any apprentice who shall be removed out of the bounds of the county having original jurisdiction of the same, by his master or mistress, or with his knowledge or consent, without leave first obtained from the county

judge, and shall be retained thereout for a longer period than thirty days, shall not be held liable for a further compliance with his indentures, and can only be retained by the master or mistress at the pleasure of said apprentice.

SEC. 11. Any person who shall knowingly and wilfully entice away an apprentice, or conceal or harbor a deserting apprentice, shall, upon conviction thereof, pay to the master or mistress five dollars (\$5) per day for each day said apprentice is so absent or concealed from his master or mistress, and shall likewise be held liable for all damages proved to have been sustained by the master or mistress on account of such wilful concealing, harboring, or enticing away, to be recovered by suit before any court having jurisdiction of the same.

SEC. 12. The county judge shall have power to hear and determine and grant all orders and decrees, as herein provided, as well in vacation as in term time: *Provided*, That in all applications for apprenticeship ten days' public notice, as in case of guardianship, shall be given, and no minor shall be apprenticed except at a regular term of said court.

Approved October 27, 1866.

AN ACT to define the offence of vagrancy, and to provide for the punishment of vagrants.

SECTION 1. *Be it enacted by the legislature of the State of Texas*, That a vagrant is hereby declared to be an idle person, living without any means of support, and making no exertions to obtain a livelihood by any honest employment. All persons who stroll about to tell fortunes, or to exhibit tricks or cheats in public, not licensed by law; common prostitutes and professional gamblers, or persons who keep houses for prostitutes or for gamblers; persons who go about to beg alms, and who are not afflicted or disabled by a physical malady or misfortune; and habitual drunkards, who abandon, neglect, or refuse to aid in the support of their families, and who may be complained of by their families; or persons who stroll idly about the streets of town or cities, having no local habitation and no honest business or employment, each and all of the above and aforesaid classes be, and they are hereby, declared vagrants, coming within the meaning of this act.

SEC. 2. The county courts, justices of the peace, and mayors or recorders of incorporated towns or cities shall have power to order the arrest of vagrants, and to try the offence provided for by this act.

SEC. 2. A peace officer shall arrest a vagrant and bring him or her before the court or magistrate issuing the warrant, as herein provided for, and if no peace officer can be conveniently procured the warrant may be directed to any private person, who shall execute and return the warrant according to law.

SEC. 4. When a person arrested is brought before a court or magistrate it shall be the duty of such court or magistrate to proceed to ascertain by evidence whether or not the accused is a vagrant within the meaning of this act; and if found guilty he shall be fined in a sum not more than ten dollars.

SEC. 5. The accused shall in every instance, if he demand it, be entitled to the right of trial by jury.

SEC. 6. In cases of conviction the defendant shall not be released from custody until the fine and costs are paid; which, if not done within a reasonable time, to be judged of by the officer, the accused shall be put at such labor and in such manner as the police court of the county or municipal authorities of towns and cities shall provide; and a vagrant who is so put to work, after conviction as aforesaid, shall not be released therefrom until the fine and costs are satisfied, at the rate of one dollar per day.

SEC. 7. A warrant may issue for the arrest of vagrants by the judge of the county court, or by a magistrate and mayor or recorder, of their own motion, or on complaint in writing by some credible person charging the offence.

SEC. 8. The police courts of the respective counties and the municipal authorities of towns and cities shall at stated periods make regulations prescribing the kind of work at which vagrants are to be employed. And should any vagrant refuse to work after conviction and failure to pay fine and costs, he or she shall be lodged in jail and placed in close confinement on bread and water until he or she may consent to work, and the period spent in jail shall not be computed in estimating the time for satisfying the fine and costs.

SEC. 9. Youthful and juvenile vagrants shall be sent before the police court to be bound out, under the act regulating apprentices: *Provided*, That the fines and penalties prescribed in this act shall conform to the provisions of the criminal code in relation to the same offences.

SEC. 10 All laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved November 8, 1866.

VIRGINIA.

AN ACT to regulate contracts for labor between white and colored persons, and to impose a fine on persons enticing laborers from the service of their employers under such contracts.

1. *Be it enacted by the general assembly*, That no contract between a white person and a colored person for the labor or service of the latter for a longer period than two months shall be binding on such colored person, unless the contract be in writing, signed by such white person, or his agent, and by such colored person, duly acknowledged before a justice or notary public, or clerk of the county or corporation court, or overseer of the poor, or two or more credible witnesses in the county or corporation in which the white person may reside, or in which the service or labor is to be performed. And it shall be the duty of the justice, notary, clerk, or overseer of the poor, or the witnesses, to read and explain the contract to the colored person before taking his acknowledgment thereof, and to state that this has been done in the certificate of the acknowledgment of the contract.

2. If any person shall entice away from the service of another any laborer employed by him under a contract as provided by this act, knowing of the existence of such contract, or shall knowingly employ a laborer bound to service to another under such contract, he shall forfeit to the party aggrieved not less than ten nor more than twenty dollars for every such offence, to be recovered by warrant before any justice of the peace.

3. This act shall be in force from and after the first day of April, eighteen hundred and sixty-six, and the first section shall not apply to any contract made prior to that date.

Passed February 20, 1866.

AN ACT to amend and re-enact the 14th section of chapter 108 of the code of Virginia for 1830, in regard to registers of marriage and to legalize the marriages of colored persons now cohabiting as husband and wife.

1. *Be it enacted by the general assembly*, That the fourteenth section of chapter one hundred and eight of the code of Virginia, for eighteen hundred and sixty, be, and the same is hereby, amended and re-enacted, so as to read as follows, to wit: "Henceforth it shall be the duty of every minister, or other person, celebrating a marriage, and of the clerk or keeper of the records of any religious society which solemnizes marriages by the consent of the parties, in open congregation, at once to make a record of every marriage between white

persons, or between colored persons, solemnized by or before him, stating in such record whether the persons be white or colored, and within two months after such marriage to return a copy thereof, signed by him, to the clerk of the county or corporation in which the same is solemnized. The clerk issuing any marriage license shall at the time ascertain from the party obtaining such license a certificate setting forth, as near as may be, the date and place of the proposed marriage, the full names of the parties, their ages and condition before marriage, whether single or widowed, the places of their birth and residence, the names of their parents, and the occupation of the husband.

2. That where colored persons, before the passage of this act, shall have undertaken and agreed to occupy to each other the relations of husband and wife, and shall be cohabiting together as such at the time of its passage, whether the rites of marriage shall have been celebrated between them or not, they shall be deemed husband and wife, and be entitled to the rights and privileges, and subject to the duties and obligations of that relation, in like manner as if they had been duly married by law; and all their children shall be deemed legitimate, whether born before or after the passage of this act. And when the parties have ceased to cohabit before the passage of this act, in consequence of the death of the woman, or from any other cause, all the children of the woman, recognized by him to be his, shall be deemed legitimate.

3. This act shall be in force from its passage.

Passed February 27, 1866.

AN ACT to amend and re-enact the 9th section of chapter 103 of the code of Virginia for 1860, defining a mulatto, providing for the punishment of offences by colored persons, and for the admission of their evidence in legal investigations, and to repeal all laws in relation to slaves and slavery, and for other purposes.

1. *Be it enacted by the general assembly,* That every person having one-fourth or more of negro blood shall be deemed a colored person; and every person, not a colored person, having one-fourth or more of Indian blood shall be deemed an Indian.

2. All laws in respect to crimes and punishments, and in respect to criminal proceedings, applicable to white persons, shall apply in like manner to colored persons and to Indians, unless when it is otherwise specially provided.

3. The following acts and parts of acts are hereby repealed, namely: All acts and parts of acts relating to slaves and slavery; chapter one hundred and seven of the code of eighteen hundred and sixty, relating to free negroes; chapter two hundred of said code, relating to offences by negroes; chapter two hundred and twelve of said code, relating to proceedings against negroes; chapter ninety-eight of said code, relating to patrols; sections twenty-five to forty-seven, both inclusive, of chapter one hundred and ninety-two of said code; sections twenty-six to thirty, both inclusive, and sections thirty-three to thirty-seven, both inclusive, of chapter one hundred and ninety-eight of said code; the fifth paragraph, as enumerated in section two, of chapter two hundred and three of said code; all acts and parts of acts imposing on negroes the penalty of stripes, where the same penalty is not imposed on white persons; and all other acts and parts of acts inconsistent with this act.

4. This act shall be in force from its passage.

Passed February 27, 1866.

AN ACT in relation to the testimony of colored persons.

1. *Be it enacted by the general assembly,* That colored persons and Indians shall, if otherwise competent and subject to the rules applicable to other persons, be admitted as witnesses in the following cases:

1. In all civil cases and proceedings at law and in equity in which a colored

person or an Indian is a party, or may be directly benefited or injured by the result.

2. In all criminal proceedings in which a colored person or an Indian is a party, or which arise out of an injury done, attempted or threatened to person, property, or rights of a colored person or Indian, or in which it is alleged in the presentment, information or indictment, or in which the court is of opinion, from the other evidence, that there is probable cause to believe that the offence was committed by a white person in conjunction or co-operation with a colored person or Indian.

3. The testimony of colored persons shall in all cases and proceedings, both at law and in equity, be given *ore tenus* and not by deposition; and in suits in equity and in all other cases in which the deposition of the witness would be regularly part of the record, the court shall, if desired by any party or if deemed proper by itself, certify the facts proved by such witness or the evidence given by him as far as credited by the court, and one or the other may be proper, under the rules of law applicable to the case; and such certificate shall be made part of the record.

4. This act shall be in force from its passage.

Passed February 28, 1866.

AN ACT providing for the punishment of vagrants.

1. *Be it enacted by the general assembly,* That the overseers of the poor, or other officers having charge of the poor, or the special county police, or the police of any corporation, or any one or more of such persons, shall be, and are hereby, empowered and required, on discovering any vagrant or vagrants within their respective counties or corporations, to make information thereof to any justice of the peace of their county or corporation, and to require a warrant for apprehending such vagrant or vagrants, to be brought before him or some other justice; and if upon due examination it shall appear that the person or persons are within the true description of a vagrant, as hereinafter mentioned, such justice shall, by warrant, order such vagrant or vagrants to be employed in labor for any term not exceeding three months, and by any constable of such county or corporation to be hired out for the best wages that can be procured; to be applied, except as hereafter provided, for the use of the vagrant or his family, as ordered by the justice. And if any such vagrant or vagrants shall, during such time of service, without sufficient cause, run away from the person so employing him or them, he or they shall be apprehended on the warrant of a justice, and returned to the custody of such hirer, who shall have, free of any further hire, the services of such vagrant for one month in addition to the original term of hiring; and said employer shall then have the power, if authorized by the justice, to work said vagrant confined with ball and chain; or should said hirer decline again to receive said vagrant, then said vagrant shall be taken by the officer, upon the order of the justice, to the poor or work house, if there be any such in said county or corporation; or, if authorized by the justice, to work him confined with ball and chain for the period for which he would have had to serve his late employer, had he consented to receive him again; or should there be, when said runaway vagrant is apprehended, any public work going on in said county or corporation, then said vagrant, upon the order of a justice, shall be delivered over by said officer to the superintendent of said public work, who shall, for the like last-mentioned period, work said vagrant on said public works, confined with ball and chain, if so authorized by said justice. But if there be no poor or work house in said county or corporation, and no public work then in progress therein, then, in that event, said justice may cause said vagrant to be delivered to any person who will take charge of him, said person to have his services free of charge,

except maintenance, for a like last-mentioned period ; and said person so receiving said vagrant is hereby empowered, if authorized by the justice, to work said vagrant with ball and chain ; or should no such person be found, then said vagrant is to be committed to the county jail, there to be confined for the like period and fed on bread and water. But the persons described as the fifth class of vagrants in the second section of this act, may be arrested without warrant by the special county or corporation police, and when so arrested shall be taken before a justice, who shall proceed to dispose of them in the mode prescribed in this section, or may at once direct them to be committed to prison for a period not exceeding three months, to be kept in close confinement and fed on bread and water.

2. The following described persons shall be liable to the penalties imposed by law upon vagrants :

First. All persons who shall unlawfully return into any county or corporation whence they have been legally removed.

Second. All persons not having wherewith to maintain themselves and their families, who live idly and without employment, and refuse to work for the usual and common wages given to other laborers, in the like work, in the place where they then are.

Third. All persons who shall refuse to perform the work allotted to them by the overseers of the poor, as aforesaid.

Fourth. All persons going about from door to door, or placing themselves in streets, highways, or other roads to beg alms ; and all other persons wandering abroad and begging, unless disabled or incapable of labor.

Fifth. All persons who shall come from any place without this commonwealth to any place within it, and shall be found loitering and residing therein, and shall follow no trade, labor, occupation or business, and have no visible means of subsistence, and give no reasonable account of themselves or their business in such place.

3. All costs and expenses incurred shall be paid out of the hire of such vagrant, if sufficient ; and if not sufficient, the deficiency shall be paid by the county or corporation.

4. This act shall be in force from its passage.

Passed January 15, 1866.