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BY THE HOUSE OF DELEGATES,

February 7th, 1860.

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R E P O R T

OF THE

COMMITTEE ON COLORED POPULATION,

TO THE

LEGISLATURE OF MARYLAND,

JANUARY SESSION, 1860.

R E P O R T .

The Committee on Colored Population beg leave to present the following report :

The Committee have carefully and seriously considered the condition of our vast Free Negro Population, now numbering 90,000, or more, and rapidly on the increase. The best disposition to make of them, for their own good, for the welfare of the industrial interests of the State, for the peace, good order and security of society, and in furtherance of the ends of a sound and real humanity, have engaged the earnest enquiry of your committee and enlisted the deepest solicitude of each and all of its members. There is scarcely a citizen of this State who does not feel and admit the necessity of some firm and decisive legislation on this subject, and yet there are many who have failed to give it that mature consideration that leads to practical and efficient conclusions.

This State has legislated on this subject at every succeeding session of the Legislature for many years past, and your statute laws are cumbered with many Acts of Assembly that are wholly useless and inapplicable as police regulations. When the policy of the State, upon any subject of legislation, is once assumed, whether right or wrong, the force of habit and custom leads us to follow precedent usage, without looking behind and into the correctness of the *policy itself*. We are all finite creatures, and all human laws necessarily partake, more or less, of the imperfections of human reason ; but when a long series of laws, running in the same direction and based upon the same policy, have failed to accomplish the end intended, reason would dictate the folly of pursuing such a

course any longer. Either the policy itself is radically wrong, or the means used to develop and apply the policy have been antagonistic to the fundamental principles in view.

In the opinion of your committee, this State committed a great error in legalising the emancipation of negro slaves under any circumstances, to remain amongst us ; and the wrong step having been first taken, the failure of subsequent legislation to control the evil consequent upon such a policy, is no matter of astonishment at this day. No secondary police laws can supply a want of sound polity or harmonise cause and effect in the machinery of civil government. If it be admitted that the negro is once free, any laws that may afterwards be passed upon him as a class, and not upon all freemen alike, to restrain and control that freedom, will be regarded by the negro as oppressive, and will also secure for him a large amount of sympathy from the superior or white class. Hence, antagonism is engendered, and a constant disposition to violate those restraining laws and attain to that superior freedom, is the necessary result. And hence, also, the laws you pass at one session to cure a certain class of evils, only invite new aggressions in another direction to be cured by other laws at the next session, and so on from bad to worse at every meeting of the Legislature.

According to our laws, the freedom of the negro goes no farther than the abandonment of property in him by his owner. He does not take, by his freedom, any of the social, civil, or political rights and privileges that belong to the citizen population. He merely ceases to belong to one man, and really becomes the property of the whole State. The State has heretofore sought by law to restrain their freedom and make them useful and subordinate laborers ; but experience has shown that this is impracticable in most cases, that her laws are violated and that they cannot, in the main, be relied upon as laborers. The great agricultural interest of this State must have certain and fixed labor the whole year round ; and the free negro, as a general thing, will not take employment by the year. We hold, that no one has the right to a support without labor ; and that no one has the right to fill a position, without discharging the corresponding duties devolving upon that position.

The manufacturing and commercial interests of this State are generally prosecuted in our densely populated cities and large towns, where labor seeks employment under the stern lash of necessity, and where it can always be commanded at call. But not so in the country. The free negro will not

engage in the single-handed toil of field labor, by the year, when he can go to the cities and towns and eke out a capricious living by short jobs of an hour or a day, with the pay in hand at once. He is improvident with such earnings and looks not to the future; he generally spends such ready pay for spirituous liquors, and indulges in the worst forms of demoralization. They are naturally, as a class, incompetent to take care of themselves; and the State, as a sovereignty, is morally bound to legislate for them, as though there were no other place for them to go to. As an inferior class of our population, we owe to them the enactment of such laws as will restrain them from self-destruction, and make them subordinate and useful to our citizen population and the industrial interests of the State. We therefore deem it an act of cruelty to force them from the State.

The passage of the act of 1831, ch. 281, was framed with the design of removing our free negroes beyond the limits of this State. But experience has shown that they will not willingly leave us. That act has been in operation for twenty-seven years, at an expense to the State of \$280,000, raised by taxation upon our citizen population. It is safe to say, that \$75,000 more has been cleared by the profits in trade to coast of Africa in that time; and that \$145,000 has probably been bestowed by voluntary contribution for the same object—making in all the sum of \$500,000. And yet, with all this vast outlay of money, not over three hundred free negroes have been removed. Slaves, to a larger number, have been set free and sent to Africa. During the last year not one single free negro was sent to Africa from this State.

When this law went into effect we had 52,000 free negroes in the State; and after a trial of twenty-seven years we now have 90,000 or 100,000. The inefficiency of this enterprise being so obvious to every one of the least reflection, your committee propose the repeal of all laws taxing the people for colonization purposes.

The right to emancipate slaves at all, either by last will and testament, or by deed of emancipation, or by any verbal or other means, is generally conceded to be truthful to society and the best interests of the State; and productive of no substantial good to the slave. Your committee, therefore, recommend a prohibitory law to all future emancipation.

Since the passage of the act of 1831, ch. 281, providing for the removal of all slaves set free subsequent thereto, many of our citizens have liberated their slaves by will or deed, "on the expressed condition of their going to Africa, or to some

place beyond the limits of this State'—thereby using the very terms of the law itself; and have provided in said wills and deeds that, if they would not go, they were to remain in slavery. *The decisions of our Court of Appeals have been adverse to the conditions of removal, declaring freedom precedent, and removal subsequent, and, thereby, estopping parties from reclaiming such slaves. Your committee do not consider such negroes really free; but deem it an act of justice to the manumittor, and a real humanity to the manumitted, to restore such negroes back to their rightful owners, if they live in the State, and are willing to accept and pay such sums as may be fixed upon them. In case of refusal, death, or removal, we think the same privileges, under the same restrictions, ought to be extended to the heirs at law. Such negroes not to be sold out of the State except for crime, but their children to be as slaves now are. Your committee therefore propose to restore all such negroes back to their rightful owners under such restrictions.

The remainder of our free negroes, being all such as were set free previous to the act of 1831, and all slaves held for a term only, and those bound to service have seriously engaged the time and consideration of your committee. Nothing short of an ultimate extinguishment of the free negro element will cure the evils we labor under or meet the emergencies besetting the peculiar condition of Maryland. How can this be effected? We think it would be unjust, and perhaps cruel, to force our free negroes to leave the State; and the restoration of them back into a state of slavery does not meet the approbation of a majority of the committee, though some of us do consider it the most humane disposal to make of them. Be that as it may, your committee are unanimous in the opinion that they should be held in perfect subordination to the citizen population, and made to work under the direction and control of our citizens. A very large class of our farmers and renters do not own slaves, and are dependent upon hired labor to carry on their farms. Vast numbers of our slaves have been stolen from us by the abolitionists of the North, and the insecurity of slave property in many localities of our State has compelled our people, in many cases, to sell their slaves or remove with them further South. The operation of these causes has diminished slave labor, and under our loose government of the free negroes, they, as a class, refuse to work on the farms by the year, and thus our renters and others, not owning slaves, find it very difficult to get the necessary labor to cultivate their farms. That class of our citizens constitute the bone and sinew of the State, and their rights and interests must be guarded and protected. Your

committee therefore propose to hire out such free negroes for terms of ten years, and the offspring of the females hereafter to be born, to be the property of the person owning the labor of such females.

Those held to service as bound or apprentices, and all slaves for a term only, to be subject to the same condition, when their several terms of service shall expire.

All free negroes of this class, of twelve years of age and under, to be bound out till thirty-five years of age, and the children of such, hereafter to be born, to be the property of the person owning their service. And at the end of thirty-five years to be hired out as others.

Such free negroes to have the privilege of choosing masters and going into slavery at any time.

Your committee also think none of the laws proposed should take effect on negroes over fifty-five years of age.

Your committee also propose an exemption from sale under execution for debt, or by any other compulsory process of law, of such negroes as have been set free since the act of 1831, and now proposed to be restored to their rightful owners.

We further recommend a universal pass system; increased pay to constables and patrol system enforced; and that an efficient "vigilant police" of one for every twenty-five voters in each election district may be appointed.

Your committee further recommend the suppression of stragglers and venders of small wares and notions, of no use but great injury to our people; an exclusion of all foreigners from the right to peddle any thing, thereby confining that privilege to our own people alone; all gipsy gangs, and fortune tellers, and various other evils afflicting our State, to be effectually suppressed under efficient police laws.

Opinions of eminent legal gentlemen authorize your committee to propose measures that no post master in this State shall distribute or deliver to any negro any mail matter that may be addressed to such negro. The right to carry the mail from place to place is undoubtedly a Federal right, but the right to distribute such mail matter is held subordinate to State authority. We therefore propose restrictions on all our post masters, as citizens of this State and amenable to her laws, that they shall not deliver any mail matter addressed to negroes.

Soon after the meeting of the Legislature, your committee addressed letters to the Clerks of all the counties, to the

Clerk of the Criminal Court of Baltimore city, and to the warden of the penitentiary, asking of them to report how many free negroes have been sold into slavery under the act of 1858, ch. 324. We herewith submit such information as has reached us on this subject.

COUNTIES.	NO. SOLD.	CRIMES.	TERMS.
Allegany,	1.....	Larceny	5 years.
Talbot,	7; 1 for life	“ 1 for life	23 “
Washington,	2.....	“	9 $\frac{2}{3}$ “
Prince George's.....	2.....	“	10 “
Queen Anne's,	3.....	“	7 “
Baltimore county,.....	11.....	“	62 “
Montgomery,	0.....	0 “
Caroline,.....	3.....	“	25 “
Anne Arundel,.....	2.....	“	6 “
Somerset,	2.....	“	10 “
Dorchester,.....	7.....	“	29 $\frac{1}{2}$ “
Harford,	8.....	“	58 “
Worcester,	4.....	“	16 “
Cecil,	4.....	“	13 “
Frederick,	7; 3 for life	“	10 “
St. Mary's,.....	1.....	“	2 “
Howard,	1.....	“	5 “

Penitentiary has 134 negroes confined for murder, arson, larceny, and aiding slaves to escape: of this number there are 121 free, and but 13 slaves.

Balt. City Jail has in confinement, for murder and larceny, 23 negroes: of this number there are 21 free, and only 2 slaves.

Number sold in Baltimore city is 24 head, but this last statement does not give the number of years for which they were sold; but assuming five years as the average term for which they were sold, the aggregate number of years of those sold in Baltimore city is 120. So that since the passage of the act of 1858, ch. 324, there have been 89 free negroes sold into slavery for the aggregate number of 411 years and two months.

If that act had not been passed, we should now have in the penitentiary 210 free negroes. instead of the present number of 121.

Numerous petitions from all parts of the State, on the subject of our free negro population, have been received and seriously considered by your committee. An alarming state of excitement on this subject prevails throughout the State. There is an evident feeling of distrust and boding evil towards our free negroes on the part of the people in the rural portions of the State. The increased numbers of house-burning and poisoning, and other manifestations of insubordination, in our midst, from this class of our population, give alarm for the security of life and property. These manifestations are clearly announced in those petitions, and this Legislature is appealed to for protection. Your Committee deem it the highest duty of a State to protect the life and property of the people by all possible means, and throw around them such safeguards as will make the hearthstone and the altar sacred and dear to all, even the humblest of our citizens.

By way of remedy, some of those petitions propose the absolute banishment of our entire free negro population from the State; others pray they may be sold into slavery for life; others propose hiring them out to masters, under stringent police regulations.

The committee that was appointed at the convention held in Baltimore last June, have met at the Capital, and drafted and submitted to your committee a series of propositions looking to the future regulation of our immense free negro population. That committee was composed of the best talents of the State, gentlemen of mature judgment and long experience. Your committee have taken their propositions in hand, and given to them that consideration which the importance of the subject and the source from which they emanated justly demand. This subject is a difficult one to dispose of in such way as will meet the views of all persons. We have given to it that earnest and mature deliberation which we trust will meet the hearty approval of the General Assembly of this State.

All of which is respectfully submitted,

C. W. JACOBS, *Chairman.*

