



THE LIBERATOR

Our Country is the World, our Countrymen are all Mankind.

"Proclaim Liberty throughout all the land, to all the inhabitants thereof."

"I lay this down as the law of nations. I lay this military authority before the time, the place of all municipal institutions, and SLAVERY AMONG THE REST; and that, under that title of things, so far from its being true that the States were slavery only have the exclusive management of the subject, not only the President or the United States, but the COMMISSIONER OF THE ARMY, HAS POWER TO ORDER THE UNIVERSAL EMANCIPATION OF THE SLAVES." . . . From the instant that the abominable States became the theater of a war, civil, servile, or foreign, from that instant the war powers of Congress extend to interference with the institution of slavery, in every way in which it can be interfered with, from a plain claim of indemnity for slaves taken or destroyed, to the coercion of States, burdened with slavery, to a foreign power. . . . It is a war power. I say it is a war power; and when your country is actually in war, whether it be a war of invasion or a war of insurrection, Congress has power to do so, and MUST EXERCISE IT, according to the laws of war; and by the laws of war, an armed country has all its laws and municipal institutions swept by the board, and MARTIAL LAW TAKES THE PLACE OF THEM. When two hostile armies are not in martial array, the commanders of both armies have power to emancipate all the slaves in the invaded territory."—J. Q. ADAMS.

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Refuge of Oppression.

A LOST LEADER.

Every man has his seventh of March—the hour when he listens to the voices without rather than the words within; when, like King David, he prefers to attend the people rather than to trust in Israel's God. In such hours, men make merchandise of truth; for they doubt the omnipotence of the Right, and therefore are ready to compromise with error.

No man in this nation has held a higher moral rank for a long period of time, in the public estimation, than William Lloyd Garrison. He has been looked upon as a true descendant of those holy men of old, who spoke as they were moved by the Lord of Hosts, learning neither king nor subject, persecution nor death; but boldly uttering what was given them from above. He has been publicly pointed out as a fixed star, whose light could no more be dimmed or uncertain than the light of Jupiter or Mars.

Mr. Garrison's method has, we think, greatly inspired Mr. Phillips's influence; not his nature. But this cannot be said of the old pioneer himself. It has stunted him; and the excessive eulogy of which he has been the object, has told fearfully on his character. In that flushed and vindictive face, as he stood when he had cut short the speech of his noble friend, no one would have been able to recognize the premeditated and enthusiastic young man whose expression was described as almost heavenly when in his early youth he stood forth to claim justice for the slave. It was "Richard Baxter looking grave," but the political partisan stood forth! "Oh! what a fall was there, my countrymen!" What thoughts arose in the audience, it would be easy to guess, even had they not already made themselves heard. People will ask whether it was courteous or even decent in him, the advocate of freedom, to suppress free speech; to rudely interrupt a man to whom he owes the larger part of his fame; without whom, for the last ten years, he would hardly have been listened to by his countrymen as he is now.

Mr. Garrison rose, and in one of the most eloquent speeches that he ever delivered, arraigned the Administration for its manifold shortcomings and infidelity to the high trust committed to its guardianship. He had spoken an hour, but his argument was still incomplete, although he would soon have finished it, were it not for all who critically listened to his speech.

Mr. Garrison followed in the lead of Garrison; but it is evident that this distinguished gentleman, however familiar he may be with the printed facts of our recent history, is but dimly informed as to the spirit of our politics. His perfect innocence, displayed in his remarks on American politicians, was really and indignantly refreshing. Mr. Thompson will lose nothing of reputation by being longer in our country than attempting to debate our questions of the day on such a footing, and have less to retract in the future.

Mr. Phillips, in a few moments, cut Mr. Garrison's remarks as they were, by asserting that he was quite willing to stand by all his speeches, and to do so with the same spirit as he displayed in his speech with a delicate irony, displayed in Mr. Thompson's supplementary address. Mr. Phillips was too generous to quote Garrison vs. Garrison; had he done so, the argument would have been as complete as it would have been.

Mr. Garrison's speech stands the foe of his own common sense among his hearers—he took ground that we had no right to judge men by our words, but by their own.

by this incessant denunciation of the faults of public men; but the damage it inflicted on the feeble mind of the lesser followers was incalculable. They became literally living sacrifices to the truth.

Mr. Phillips is a Garrisonian, as Milton was a Puritan, or Bunyan a teacher of the Westminster Catechism; his splendid genius, his genial and chivalrous nature, his fine scholarship, and, above all, the charms of his personal presence, drew even to it lovingly the attention of the feeblest of his hearers. A firm believer in his method, his far-seeing provision, his statesmanlike breadth of view, his wonderful eloquence, transfigured it; his speeches contain the resolutions of the Anti-Slavery Convention in the same sense that Paradise Lost contains the five points of Calvinism, and the Pilgrim's Progress the dogmas of the Roundhead Churches. You will doubtless find the pebbles there—smooth stones from the brook, if you will, that have killed the Goliath of the Southern Philistines—but exquisitely set with cunning workmanship in rubies and diamonds, glittering, costly, and precious.

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Mrs. Foster uttered a theory of Mr. Garrison's course very generally held. She compared him to Lord Brougham in his dotage, recanting to the ideas of his youth. Lord Brougham once pathetically remarked that he had not changed—that he could not see the justice of the accusation of his enemies! So does Garrison. The trouble is just that—they do not see it, while all others do.

Either Garrison has been wrong for a quarter of a century, or he is wrong now. One held constantly the banner of Reform aloft; the other shouts hurrah! before the battle is won, and then rests on his arms. Under which Garrison, Bezonian? Garrison the Reformer, or Garrison the politician? Mr. Phillips's loftiest eloquence now is used and needed to defend the Garrison whom we knew, for the Garrison we see.

Another lost leader! God bless him for the noble service he has rendered to all of us! While the progress of truth compels us to leave him where he lies, let us drop a tear on his corpse; let us hope that he may even yet arise, and renew his youth as an eagle, and again lead the moral hosts to battle. But, whatever may be his fate—if he has thoroughly put himself hors du combat—his better soul is still marching on, and when, renewed and redeemed, the nation leads proudly and without a fear of the advance-guard of humanity, we shall all love to remember his long years of devotion to the slave, and render him the honor justly his due.

Another lost leader! Let us mourn for him, but not for the cause. No man is necessary to insure his success. Every leader who falls by his own spirit of presumption only teaches the great host to rely on itself. We want no coming man. We want men. "Shall we bring water out of the Rock?" No, haughty leaders, you need not trouble yourselves; God can raise out of these stones children to serve him.

Garrison has fallen! Let him that standeth take heed! A war for the prostrate chief—a salute over his remains—shoulder arms! forward! MARCH!—New Nation—Fremont's Organ.

Selections.

FREEDMEN'S BUREAU.

MR. SUMNER'S SPEECH.

IN SENATE, Wednesday, June 9, 1864.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 51) to establish a Bureau of Freedmen's Affairs. The select committee on slavery and freedmen reported the bill with an amendment to strike out of the bill all after the enacting clause, and insert the following in lieu thereof:

That an office be hereby created in the Treasury Department to be called the Bureau of Freedmen, meaning thereby such persons as have become free since the beginning of the present war, under the care of a Commissioner, with an annual salary of \$4,000, who shall be appointed by the President, by and with the advice and consent of the Senate; and there shall be a chief clerk acting as a disbursing officer, under bonds to the United States, with an annual salary of \$2,000, and also such number of clerks, not exceeding two of each class, as shall be necessary, who shall be appointed by the Secretary of the Treasury.

Sec. 2. And be it further enacted, That the Commissioner shall have authority, under the direction of the Secretary of the Treasury, to create departments of freedmen within the rebel States, so far as the same may be brought under the military power of the United States; and each department shall be under the supervision of an assistant commissioner, with an annual salary of \$2,000, to be appointed by the Secretary of the Treasury, and with authority to appoint local superintendents and clerks, so far as the same may be needed, at a compensation not exceeding the ordinary rate for similar services, subject, in all respects, to the approval of the Secretary of the Treasury.

Sec. 3. And be it further enacted, That the military commander within any department shall, on the application of the assistant commissioner thereof, supply all needful military support in the discharge of the duties of such assistant commissioner, and there shall be no deduction from the military force of the United States, and any military commander may be appointed assistant commissioner, without increase of salary.

Sec. 4. And be it further enacted, That the Commissioner, under the direction of the Secretary of the Treasury, shall have authority to employ such number of freedmen throughout the several departments, and it shall be his duty especially to watch over the execution of all laws, proclamations, and military orders of emancipation, or in any way concerning freedmen, and generally, by careful regulations, in the spirit of the Constitution, to protect these persons in the enjoyment of their rights, to promote their welfare, and to secure to them and their posterity the blessings of liberty.

Sec. 5. And be it further enacted, That the assistant commissioners shall have authority, in and to the several departments, to take possession of all abandoned real estate and all real estate, with the houses thereon, liable to sale or confiscation, or to any claim of title by the United States, and not already appropriated to Government uses; and also to take possession of all personal property found on such estates, and to retain on lease all such real estate, or any part thereof, with the personal property thereon, and to act as inspectors of the same; or, in case no proper lessee can be found, then to cause the same to be cultivated or occupied by the freedmen, on such terms, in other cases, and under such regulations, in which the commissioner may determine. Provided, That no freedmen shall be held to service on any estate above mentioned, otherwise than according to voluntary contract reduced to writing and certified by the assistant commissioner or local superintendent; nor shall any such contract be for a longer period than one year.

Sec. 6. And be it further enacted, That the assistant commissioners and local superintendents shall be ready, as advisory guardians, to aid the freedmen in the adjustment of their wages, or where they have rendered pecuniary aid, to be made by them from a fund of emancipation, to take such care that the freedmen do not suffer from ill-treatment or any failure of contract on the part of others, and that on their part they perform their duty in the premises; that they shall further do what they can as arbitrators, to reconcile any disputes between the freedmen and their employers, whether among themselves or between themselves and other persons; and in case such differences are carried before any tribunal, civil or military, they shall appear as next friends of the freedmen, so far as to see that the case is fairly stated and that the freedmen are not prejudiced. Sec. 7. And be it further enacted, That no freedmen shall be liable to any disability or exclusion on account of color.

Sec. 8. And be it further enacted, That lessees heretofore made by the supervising special agents of the Treasury Department, under the authority of the General Order 188, of the Secretary of War, and of October 9, 1863, and in accordance with the regulations of the Treasury Department, shall have the same effect as if made by assistant commissioners under this act; and such agents shall have the same powers in the premises as are given herein to assistant commissioners; provided, That no such lease shall be made for a longer period than one year, and that immediately upon the organization of any department of freedmen, such agents shall cease to execute their functions within such department, and shall deliver over to the assistant commissioner thereof all property and papers held by them as agents. But all expenses necessarily incurred by such agents in any department, prior to their organization under this act, shall be defrayed by the Secretary of the Treasury out of any moneys in his hands arising from the leases made by such agents.

Sec. 9. And be it further enacted, That the Commissioner shall apply the proceeds arising from leases in the several departments to pay the salaries and other expenses under this act, so that the bureau here established may become an early day self-supporting; and any proceeds over and above the amount of expense thereof shall be paid into the Treasury of the United States.

Sec. 10. And be it further enacted, That it shall be the duty of all officers, civil and military, charged with the execution of any law, proclamation, or military order of emancipation, or in any way concerning freedmen, not mustered into, nor regularly engaged in, the military service, to make return to the Commissioner of all their proceedings in execution thereof, under such regulations as shall from time to time be prescribed.

Sec. 11. And be it further enacted, That the Commissioner shall, before the commencement of each session of Congress, make full report of his proceedings to the Secretary of the Treasury, who shall communicate the same to Congress, and shall also communicate to the same the quarterly reports of his proceedings to the Commissioner, and also such other special reports as from time to time may be required.

The Pacific. It is now to consider how to open a way from slavery to freedom.

I regret much that only thus tardily we have been able to take up the bill for a Bureau of Freedmen. But I trust that nothing will interfere with its consideration now. In what I have to say, I shall confine myself to a simple statement. If I differ from others, I beg to be understood that I am in no spirit of controversy, and with no pride of opinion. Nothing of this kind can enter justly into any such discussion.

I shall not detain the Senate to expose the importance of this measure. All must confess it at a glance. It is at once a charity and a duty. By virtue of existing acts of Congress, and also under the proclamation of the President, large numbers of slaves have suddenly become free. These may now be counted by the hundred thousand. In the progress of victory, they will be counted by the millions.

As they derive their freedom from the United States under legislative enactments, the national Government cannot be excused from making such provisions as may be required for their immediate protection and welfare during the present transition period. The freedom that has been conferred must be rendered useful, or at least saved from being a burden. Reports, official and unofficial, show the necessity of action. In some places it is a question of life and death.

It would be superfluous to quote at length from these reports, which all testify alike, whether from Louisiana, South Carolina, Fortress Monroe, Vicksburg, Tennessee, Arkansas. I know not where the call is most urgent. It is urgent everywhere; and in some places it is the voice of distress. Wherever our arms have prevailed, the old social system has been destroyed. Masters have fled, and slaves have assumed a new character. Released from their former obligations, and often adrift in the world, they naturally look to the prevailing power. Here, for instance, is testimony which I take from an excellent report made in the department of Tennessee, under date of April 29, 1863:

"Negroes, in accordance with the acts of Congress, free on coming within our lines, circulated much like water; the task was to take care for and render useful. They rolled like eddies around military posts; many of the men employed in accordance with Order No. 72, district West Tennessee; women and children largely doing nothing but eating and idling, the dupes of vice and crime, the unsuspecting sources of disease."

From this statement, Senators may form an idea of the numbers who seek assistance. But the question is often asked as to the disposition of these persons to labor. Here, also, the testimony is explicit. I have in my hand the answers from different stations on this point.

"Question. 'What of their disposition to labor?' Answer. 'Good. So far as I have tested it, better than I expected; willing to work for money, except in waiting on the sick. One hundred and fifty hands gathered five hundred acres of cotton in less than three weeks, much of which time was bad weather. The owner admitted that it was done more quickly than could have been done with slaves. When detailed for service, they generally remained till honorably discharged, even when badly treated. I am well satisfied, from careful calculations, that the contrabands of this camp and district have netted the Government, over and above all their expenses, including rations, tents, &c., at least \$3,000 per month, in independent of what the women do and all the property brought through our lines from the rebels.'"

"Holly Springs and Memphis. 'With few exceptions, generally willing, even without pay. Paid regularly, they are much more prompt.'"

"Memphis. Among men, better than among women. They are not so easily deterred by the presence of their wives and friends, essential to the industry of any race, and they would at once be diligent and industrious."

"Bolivar. 'Generally good; would be improved by the idea of pay.'"

Here, also, is a glimpse at Newbern, North Carolina, under date of February 29, 1864: "Immediately on my return here, on the 12th of October, I instituted measures for placing the different plantations of the country under the control of State under proper management and cultivation, in which it became known that, as supervising Treasury agent, I had charge of this property. I was visited by hundreds (and I might correctly say thousands) of contrabands, along with numerous white persons, desiring to obtain privileges to work upon the same."

And here is the testimony of Gen. Banks, in Louisiana: "Wherever in the department they have been well treated and reasonably compensated, they have invariably rendered a faithful service to their employers. From many persons who manage plantations, I have received the information that there is no difficulty whatever in keeping them at work, if the conditions to which I have referred are complied with."

The President in his proclamation of emancipation has used the following language: "I recommend to them—that is to the freedmen—that in all cases, when allowed, they labor faithfully for reasonable wages." Such is the recommendation from that supreme authority which decreed emancipation. They are to labor, and for reasonable wages. But the President does not undertake to say how this opportunity shall be obtained; how the laborer shall be brought in connection with the land; how his rights shall be protected; and how his new-found liberty shall be made a blessing. It was enough, perhaps, on the occasion of the proclamation, that the suggestion should be made. Faithful labor and reasonable wages! Let these be secured, and everything else will follow. But how shall these be secured?

Different subjects as they become important are committed to the care of special bureaus. I need only refer to patents, agriculture, public lands, pensions, and Indian affairs, each under the charge of a separate Commissioner. Clearly the time has come for a Bureau of Freedmen. In speaking of a Bureau of Freedmen, I mean a bureau which will be confined in its operations to the affairs of freedmen, and not travel beyond this increasing class to embrace others, it may be of African descent. Our present necessity is to help those who have been made free by the present war; and the term freedmen describes sufficiently those who have once been slaves; and it is this class which we propose to help during the transition period from slavery to freedom. Call it charity or duty, it is sacred as humanity.

But here a practical question arises with regard to the Department in which this bureau shall be placed. There are reasons for placing it in the War Department—at least during the continuance of the war. There are other reasons for placing it in the Department of the Interior, which has charge of the public lands, Indian affairs, pensions, and patents. But whatever may be the reasons on general grounds for placing it in one of these two Departments, there are other reasons of special importance at this moment, which point to the Treasury Department. Indeed, after careful consideration, the committee were satisfied that it was so clearly associated with other interests already intrusted to this Department, that it could not be advantageously administered elsewhere. Although beginning this inquiry with a conviction in favor of the War Department, I could not resist the conclusion of the committee.

Look, for one moment, at the class of duties already imposed upon the Treasury Department in connection with the very homes of these freedmen. Congress has, by special acts, conferred upon the Secretary of the Treasury extraordinary powers with regard to trade in the rebel States. There was, first, the act of July 13, 1861, entitled "further to provide for the collection of duties on imports and other purposes," which declared that commercial intercourse with any State or part of a State in rebellion, when licensed by the President, "shall be conducted and carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury." And it is further provided that:

"The Secretary of the Treasury may appoint such officers at places where officers of the customs are not now authorized by law, as may be needed to carry into effect such licenses, rules, and regulations."—Statutes at Large, vol. 12, p. 257.

There is another act of Congress, approved July 13, 1862, supplementary to the latter act, which confers additional powers upon the Secretary of the Treasury with reference to trade with "any place in the rebellion" under the control of insurgents against the United States:

"An act for the collection of direct taxes in insurrectionary districts within the United States, and for other purposes." In this act it is provided (section nine), that "where the board of commissioners shall be satisfied that the owners of lands have left the same to join the rebel forces, or otherwise to engage in and abet the rebellion, and the same shall have been struck off to the United States at said sale, the said commissioners shall, in the name of the United States, enter upon and take possession of the same, and may lease the same, together or in parcels, to any person or persons who are citizens of the United States; and (section ten) the commissioners" shall from time to time make such temporary rules and regulations and insert such clauses in said leases as shall be just and proper to secure employment and support, at wages or upon shares of the crop, of such persons and families as may be residing upon the said parcels or lots of land, which said rules and regulations are declared to be subject to the approval of the President." (Statutes at Large, volume twelve, page 407.) The execution of this act is lodged in the Treasury Department.

Then comes the act of Congress, approved March 12, 1863, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States." Under this act the Secretary was authorized "to appoint a special agent or agents to receive and collect all abandoned or captured property in any State or Territory of the United States, designated in the proclamation against the lawful Government of the United States." The act proceeds with details on the subject.

Such are the powers conferred by Congress upon the Treasury Department concerning trade and abandoned property in the rebel States. These were followed by a general order from the War Department, as follows:

(General Order, No. 331.) WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE, WASHINGTON, October 5, 1863. The President orders:

1. All houses, tenements, lands, and plantations, except such as may be required for military purposes, which have been or may be deserted and abandoned by insurgents within the lines of the military occupation of the United States forces in States declared by proclamation of the President to be in insurrection, shall hereafter be under the supervision and control of the supervising special agents of the Treasury Department.

2. All commanders of military departments, districts, and posts will, upon receipt of the order, surrender and turn over to the proper supervising special agent such houses, tenements, lands, and plantations not required for military uses as may be in their possession or under their control; and all officers of the Army of the United States will at all times render to the agents appointed by the Secretary of the Treasury all such aid as may be necessary to enable them to obtain possession of such houses, tenements, lands, and plantations, and to maintain their authority over the same.

By order of the Secretary of War: E. D. TOWNSEND, Assistant Adjutant General. By this order, as it appears, the Treasury Department has been substituted for the War Department in jurisdiction over "houses, tenements, lands, and plantations deserted and abandoned by insurgents within the lines of military occupation." This is broad, but it is positive. In pursuance of these acts of Congress, and of this order of the War Department, the Secretary of the

Treasury has proceeded to appoint special agents from to establish a code of regulations. I have in my hands now a small volume, entitled "Commercial Intercourse with States Declared in Insurrection," and the Collection of Abandoned and Captured Property," containing the statutes and also the departmental regulations on the subject. It appears that there is now an organization under the Secretary of the Treasury, and also a system, both of reasonable completeness, to carry out these purposes.

In determining where the Bureau of Freedmen should be placed, it becomes important to consider the interests which it is proposed to guard; and this brings me to another aspect of this question. In looking at the freedmen, whose welfare is in question, we shall find that their labor may be classified under two different heads; first, military; and secondly, predial, or relating to farms. There will be still other laborers, including especially mechanics; but these will be chiefly in the towns. The large mass will be included in the two classes I have named. It is, therefore, these two classes that are to be particularly considered.

1. The first class is already provided for. It appears that one hundred thousand freedmen are already engaged in the military service of the Government. Others will continue to be engaged in this way. These are all naturally and logically under the charge of the War Department; nor do they need the superintendence of the proposed bureau. The act of Congress equalizing their condition in the army of the United States is better for them than any bureau.

2. But there will remain the other larger class, consisting in the main of women and children, and laborers, who must find employment on the abandoned lands. To this labor they are accustomed. These lands are their natural home. But this class must naturally and logically come under the charge of the Department which has charge of the abandoned lands. Conceding that all in the military service fall under the superintendence of the War Department, it follows with equal reason that all who labor on the lands must fall under the superintendence of the Treasury Department, so long, at least, as this Department has charge of the lands.

The conclusion seems so reasonable that your committee were not able to resist it. The testimony of persons who have given particular attention to the question is explicit also, so that experience is in harmony with reason. I have in my hands a letter from Colonel McKaye, an eminent citizen of New York, and also a member of the commission to inquire and report on this subject, appointed by the Secretary of War. After visiting South Carolina and Louisiana, expressly to study the necessities of freedmen, and to ascertain what could be done to benefit them, he thus expresses himself:

"In the first place, everybody who has had any practical experience of the working of the plantations, or of the supervision of negro labor, will tell you that the control of the abandoned plantations in the care of the colored people must be in the same hands."

You will not fail to observe how positive this expert speaks. According to him, all who have had "practical experience" insist that the care of the freedmen and of the plantations should be "in the same hands"; and so important does he regard this point that he names it first of all—"in the first place."

But Colonel McKaye is not alone. Here is a letter from Hon. Robert Dale Owen, chairman of the Commission on Freedmen, appointed by the Secretary of War, which testifies as follows:

"It will never do to have Treasury agents who lease the lands to white men and War Department agents, who assign the same lands to colored people. Nothing but confusion and conflict of authority can result. It will not work at all. But even if it would, why employ two sets of agents to do what one set can do much better? And who is to inspect the leased plantations and see to it that neither employers nor employees are wronged? The men who gave the leases? But they are Treasury agents, and have positions as white men. Or the freedmen's commission? But what authority can they have over men who do not hold their leases from them? The men who have the care of the laborer ought to have the leasing of the land and the inspection of the leases; and they should be authorized to lease equally to white and to colored people."

Such a statement is an argument. This conclusion has the support also of General Banks, in a letter addressed to one of the Freedmen's Commission. Here are his words:

"The assignment of the abandoned or forfeited plantations to one department of the Government, and the protection and support of the emancipated people to another, is a fundamental error, productive of incalculable evils, and cannot be too soon or too thoroughly corrected."

The able and elaborate report from the Freedmen's Commission, just published, considers this question carefully. Nothing could be more explicit than the following testimony:

"But in the judgment of the commission, the most serious error in connection with the present arrangements for the care and protection of these people arises out of the assignment to a different agency of the care and disposal of the abandoned lands, which are not only the emancipated population, but the Government itself, suffers the most serious injuries and losses. And this is the purport of all the testimony which the commission has been able to obtain, not in the Department of the Gulf only, but everywhere, in relation to this matter. The unhesitating judgment of every person, official or other, not interested in the opportunities it affords for peculation, with whom we have consulted, coincides with that of General Banks. All without exception declare that no system can avail to effect the great objects contemplated, that does not assign to one and the same authority the care and disposal of the abandoned plantations, and the care and protection of the emancipated laborers who are to cultivate them. And after the most thorough investigations, from authority in saying that this is the deliberate judgment of the Commission."

