

show an indication of the sentiment of this convention that these children shall be bound out under existing laws. And I believe there will be hardly one case in fifty where the orphans' court will not, as a matter of justice and right, give the masters and owners the preference, wherever they are suitable persons. And therefore it is not necessary for us to so positively provide for it, especially as we may run counter to some laws, and thus do injury. I propose to say simply:

"All minor slaves emancipated by this constitution, that is to say, males under the age of twenty-one, and females under the age eighteen years, shall be subject to the provisions of existing laws, or such as may hereafter be passed by the general assembly, relating to free negro apprenticeship."

Mr. CHAMBERS. Has that any meaning, sense, or operation whatever?

Mr. DANIEL. Yes, sir.

Mr. CHAMBERS. It is saying that the law shall exist; it is just exactly nothing at all.

Mr. DANIEL. Very well; I mean a little more. I have no doubt the gentleman would have it mean nothing, because he wants to get something else. I think it does mean something. It may be true that existing laws do, and I believe they would take hold of these people and bind them out. But a great deal has been said about these emancipated negroes being thrown out upon the community to get their own living, with nobody to take care of them. As I have said before, I want this convention to say in emphatic terms that it is their design that they shall be bound out, and that the provisions of existing laws simply, and nothing else, shall apply.

Now what are those provisions? Under the present laws, where they have parents living, a mother, for instance, the choice of that mother is selected. And yet the orphans' court is not bound by that choice. And if they believe that, under all the circumstances, that choice is unreasonable, they may override it notwithstanding, and bind to such persons as they may think proper. I think it would be rather a hardship to deprive the mother of all choice and selection in this matter. I believe, as I have said before, there may be some cases where it would not be proper to bind to the present masters. I have some in my own eye, where I know the mother and children have been cruelly treated; and I believe to bind them to their old masters would be saying that that system of cruelty should be continued. Therefore I do not wish to take away all choice from the parent. And, as I have said, as the orphans' court ultimately have the right to override the choice of the mother, I think the mother or the parents ought to select.

It is a provision under the old law that whenever the orphans' court may deem that the habits of the children would be improved

by binding out, they shall have the right to have every such child brought before them and bound out. Is not that sufficient latitude? But, living in one of the counties of this State, I have seen that law as much abused as any law that I have ever seen upon the statute book. I have had something to do with it. I have seen certain parties wait until children were raised, so that they were able to earn a living. The fathers and mothers being left to take care of them until they were of some use, and then I have seen these constables and other parties go and inform the orphans' court that there were such persons living idle and lazy, boys of from twelve to fourteen, and girls of from ten to twelve, and have them brought up and bound out, just as they were able to render their fathers and mothers some service. The parents had taken care of them and raised them until they were able to be of some service, and then just at that very nick of time they were deprived of them, and the children were bound out to masters who got their services for the balance of the time, without being at any expense in raising them, or paying one cent for their services.

I say, therefore, that this system is liable to abuse. I confess that the objection does not apply in this case so strongly, because the masters are supposed to have raised them, and to have some title to their services. I am willing, and I think it best, to leave it to existing laws. And, as I have said before, I believe these children would be bound to their masters, wherever it would be right to do so. I think it would be proper to give the masters the preference in all cases, where they were suitable persons. I believe the orphans' court would very fully exercise that right, and I think it is useless to put in any more legislation upon the statute book in reference to the matter.

Mr. PUGH. I am astonished this morning in more ways than one. In the first place, I am astonished to find such difference in sentiment to-day in regard to the orphans' court, from that which was manifested here yesterday. It was only yesterday that there seemed to be a universal disposition not to let the orphans' court have too many duties to perform, especially where the interests of white orphans were concerned. Yet it is proposed here to-day, and very many of the legal profession are in favor of it, to give the orphans' court additional powers, at least where the interests of the black children of the State are concerned. I am astonished to see to-day that some of these legal gentlemen are in favor of increasing the powers of that court. However, I cannot say that I am so very much astonished, because we see a great many curious things as we pass along through the world, and I am ready for almost anything.

I have also heard remarks here to-day by