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Chairman of the Orangeburg, South Carolina, Commission on Contracts to the Freedmen's Bureau Commissioner, Enclosing a Speech to the Freedpeople; and the Commissioner's Reply

Orangeburg, S.C., June 12th, 1865.

General: In accordance with the request embodied in your "Circular Letter" of the 16th ult.,¹ I have the honor to tender the following report of the organization and operations of the Special Commission on Contracts with Freedmen, at Orangeburg, S.C.

Upon the occupation of this District by the U.S. troops, affairs were found to be in a very unsettled state. The "scouts" who had latterly enforced local order and preserved discipline upon the plantations, were disbanded; no civil magistrates had power to act; the planters, uncertain as to the wishes of the United States authorities, were afraid even to defend themselves against aggression and robbery;—while the negro laborers, who in this neighborhood outnumber the whites five to one, already excited by the prospect of freedom, were urged to lawlessness and acts of violence by the advice of many of the colored soldiers. Not only was there every prospect that the crops would be neglected, but it also seemed probable that the negroes would revenge themselves, by theft, insults, and violence, upon their former owners. To avert disorder and starvation, officers detailed for the purpose were sent into the country to explain to white and black alike their condition under the new state of affairs, and to induce the laborers, if possible, to resume work upon the crops,—which are now in the most critical stage. It was soon found, however, that uniformity was needed in these operations; and during the last week in May, Brevet Brigadier General Hartwell, commanding the Brigade, appointed a Special Commission to have charge over all the relations between proprietor and laborer; to supervise contracts, made under Brig. Gen'l. Hatch's orders,² and to act also as Provost Judges in cases of disorder or crime upon the

plantations. The commission originally consisted of four members; afterwards of five; and this number is at present reduced to two by the establishment of an auxiliary board in Columbia, S.C. The limits of jurisdiction are indefinite, and cases are frequently brought to our notice from remote districts of the State.

It is found that the office work alone,—merely answering questions, deciding disputes, and administering justice, occupies the attention of two officers and a clerk; while several officers are needed to visit the different sections of the neighboring country, to assemble the planters and the negroes at convenient points, and to explain,—to the former, the necessity of making equitable contracts with their workmen, of discontinuing corporal punishment, and of referring all cases of disorder and idleness to the military authorities:—to the latter, in plain and simple terms their new position as freedmen, their prospects, their duties, and their continued liability to punishment for faults and crimes. In the two weeks which have passed since the Commission was appointed, several hundred contracts have been approved, as many plantations visited, and probably two thousand whites and ten thousand blacks have been addressed. The officers engaged in this work have frequently ridden alone and unarmed twenty-five miles, or further, from the Post, and have almost invariably met with courteous and hospitable treatment at the hands of the planters,—most of whom seem desirous to comply in good faith with the wishes and orders of the Government, and to make the best of a system of labor in which, notwithstanding, they thoroughly disbelieve.

It is found very difficult to disabuse the negroes of the false and exaggerated ideas of freedom they have received, in a great measure, from our own colored troops. They have been led to expect that all the property of their former masters was to be divided out to them; and the most reasonable fancy which prevails, is that besides receiving their food, clothes, the free rent of houses and gardens, and the privilege of keeping their hogs and poultry, they are to take for themselves all day Saturday and Sunday, and to receive half the crops. Their long experience of slavery has made them so distrustful of all whites, that on many plantations they persist still in giving credit only to the rumors set afloat by people of their own color, and believe that the officers who have addressed them are rebels in disguise. Even where they are satisfied that the idea of freedom comprehends law, order, and hard labor, there are many whom the absence of the usual restraint and fear of punishment renders idle, insolent, vagrant and thievish. Owing to the entire want of cavalry in this Department, it has been found possible to investigate a few only

of the cases brought before the board in its judicial capacity; and the members view with solicitude the alarming increase of vagrancy throughout the country, and the idleness, half-way-work, and turbulence of a large portion of the negro population,—which they are powerless to check, except in the immediate vicinity of a military force.

In the opinion of a majority of the Commission, little danger to the welfare of society, or of the country, need be apprehended from the former slaveowners, who appear generally desirous to become good citizens. It is the ignorance, the prejudice, the brutality, and the educated idleness,—if so it can be termed—of the freedmen,—all attributable, not so much to their race, as to the system of slavery under which they have lived,—that are mainly to be watched and placed under restraint. To supply the place of the rigid plantation discipline now suddenly done away with. Some well digested code of laws and punishments, adapted to the peculiar position of affairs, should be applied throughout the entire South. The impossibility of attaching, in future, money value to the former slaves, will break up, in practice, as the Emancipation proclamation has done in theory. the system of slavery; and the interests of the capitalists and landowners of the South will lead them to make the best possible use of freed labor: but it will be more difficult to convince the freedmen themselves of their true position and prospects. Only actual suffering, starvation, and punishment will drive many of them to work. It is a general complaint on the part of the planters that although the laborers have had fair offers made to them of compensation, including a share of the crops, they nearly all have shortened their day's work several hours, and persist in taking to themselves every Saturday.

In districts remote from our posts of occupation the plantation discipline still prevails, and cases of flogging and shooting are continually brought to the notice of the Commission from places sixty or eighty miles from Orangeburg. Nor are the planters always to be blamed for such measures of self-defence. There must be some restraint in every community, and where there are but two classes, the one educated and intelligent, the other ignorant and degraded, it is preferable, if one class must govern, that it be the former. It is to be hoped, however, that civil or military authority will soon supplant such an exercise of irresponsible power, which is liable to great abuse.

A form for making contracts, adapted after consultation with a number of planters, is enclosed herewith. It was found, at the outset of our operations, that half the crop,— which General Hatch had recommended as fair compensation, was too much to give, if

the laborers were also to be fed and clothed until the end of the year. At the wish of General Hartwell, therefore, the planters have been left to make their own proposals, the Commission reserving the right to disapprove such contracts as seemed unjust to the workmen. It has been found, however, that in almost every instance, the offers have been very liberal. It is usual to promise food, and as far as possible, clothing, to all the people on the plantations, both workers and dependents; and in addition, either a certain share of the crop, varying according to circumstances from one-tenth to one-half (the latter in very rare instances), to be divided among the laborers only;—or, so many bushels of corn to every “hand”,—usually a year's supply. In consideration of the fact that only one third of the people supported, on the average, are laborers, and that General Sherman's armies have destroyed the fences, taken the stock, and devastated the whole region hereabouts, the Commission are of opinion that these contracts are very favorable to the workmen. It would appear that so low, uneducated and inefficient a class of laborers as these now suddenly freed, should not receive more pay than Northern farm laborers,—allowance being made for difference of circumstances. A day laborer at the North, with a large family, usually has to pay all his wages for food, clothing, and house-rent. If he can have his own little garden, and a stock of poultry and pigs,—as most of the freedmen have, he is fortunate; and if in addition to all this he gets a share of the crops—say a year's supply of food, over and above expenditures, he is prospering beyond most of his fellows. Were the freedmen to receive more, the relation between capital and labor would be disturbed, and an undue value placed upon the latter, to the prejudice and disadvantage, in the end, of the laborers themselves.

For the present year, a better condition of affairs than that now prevailing can hardly be looked for. An influx of immigrants from Europe and from the Northern States, increasing the proportion of the white inhabitants to the blacks, dividing into smaller farms the arable lands of the South, and introducing a system of money payments for labor, together with the gradual education of the negroes themselves, will, it is to be hoped, bring order out of this chaos. The plan adopted by the Commission is only meant to compose matters, as far as possible, in order that the crops may be tilled and reaped. It will give the members great satisfaction to be relieved by the adoption of some general plan, from duties which are very arduous and responsible, and in the discharge of which, through the want of a mounted police force, they cannot avoid disappointing many applicants, and neglecting a large number of cases which should properly demand their attention.

In addition to the form for contracts, is enclosed an address to the colored people of the District, which embodies all that the visiting officers include in their speeches. All the points upon which any doubt or question has arisen are touched upon and explained in the simplest and most familiar terms which can be used.

Awaiting instructions for the future, I have the honor, General, to remain Your obedient servant,

Charles C. Soule

[*Enclosure*]

[*Orangeburg, S.C., June 1865*]

To the Freed People of Orangeburg District.

You have heard many stories about your condition as freemen. You do not know what to believe: you are talking too much; waiting too much; asking for too much. If you can find out the truth about this matter, you will settle down quietly to your work. Listen, then, and try to understand just how you are situated.

You are now free, but you must know that the only difference you can feel yet, between slavery and freedom, is that neither you nor your children can be bought or sold. You may have a harder time this year than you have ever had before; it will be the price you pay for your freedom. You will have to work hard, and get very little to eat, and very few clothes to wear. If you get through this year alive and well, you should be thankful. Do not expect to save up anything, or to have much corn or provisions ahead at the end of the year. You must not ask for more pay than free people get at the North. There, a field hand is paid in money, but has to spend all his pay every week, in buying food and clothes for his family. and in paying rent for his house. You cannot be paid in money,—for there is no good money in the District,—nothing but Confederate paper. Then, what can you be paid with? Why, with food, with clothes, with the free use of your little houses and lots. You do not own a cent's worth except yourselves. The plantation you live on is not yours, nor the houses, nor the cattle, mules and horses; the seed you planted with was not yours, and the ploughs and hoes do not belong to you. Now you must get something to eat and something to wear, and houses to live in. How can you get these things? By hard work—and nothing else, and it will be a good thing for you if you get them until next year, for yourselves and for your families. You must remember that your children, your old people, and the cripples, belong to

you to support now, and all that is given to them is so much pay to you for your work. If you ask for anything more; if you ask for a half of the crop, or even a third, you ask too much; you wish to get more than you could get if you had been free all your lives. Do not ask for Saturday either: free people everywhere else work Saturday, and you have no more right to the day than they have. If your employer is willing to give you part of the day, or to set a task that you can finish early, be thankful for the kindness, but do not think it is something you must have. When you work, work hard. Begin early—at sunrise, and do not take more than two hours at noon. Do not think, because you are free you can choose your own kind of work. Every man must work under orders. The soldiers, who are free, work under officers, the officers under the general, and the general under the president. There must be a head man everywhere, and on a plantation the head man, who gives all the orders, is the owner of the place. Whatever he tells you to do you must do at once, and cheerfully. Never give him a cross word or an impudent answer. If the work is hard, do not stop to talk about it, but do it first and rest afterwards. If you are told to go into the field and hoe, see who can go first and lead the row. If you are told to build a fence, build it better than any fence you know of. If you are told to drive the carriage Sunday, or to mind the cattle, do it, for necessary work must be done even on the Sabbath. Whatever the order is, try and obey it without a word.

There are different kinds of work. One man is a doctor, another is a minister, another a soldier. One black man may be a field hand, one a blacksmith, one a carpenter, and still another a house-servant. Every man has his own place, his own trade that he was brought up to, and he must stick to it. The house-servants must not want to go into the field, nor the field hands into the house. If a man works, no matter in what business, he is doing well. The only shame is to be idle and lazy.

You do not understand why some of the white people who used to own you, do not have to work in the field. It is because they are rich. If every man were poor, and worked in his own field, there would be no big farms, and very little cotton or corn raised to sell; there would be no money, and nothing to buy. Some people must be rich, to pay the others, and they have the right to do no work except to look out after their property. It is so everywhere, and perhaps by hard work some of you may by-and-by become rich yourselves

Remember that all your working time belongs to the man who hires you: therefore you must not leave work without his leave not even to nurse a child, or to go and visit a wife or

husband. When you wish to go off the place, get a pass as you used to, and then you will run no danger of being taken up by our soldiers. If you leave work for a day, or if you are sick, you cannot expect to be paid for what you do not do; and the man who hires you must pay less at the end of the year.

Do not think of leaving the plantation where you belong. If you try to go to Charleston, or any other city, you will find no work to do, and nothing to eat. You will starve, or fall sick and die. Stay where you are, in your own homes, even if you are suffering. There is no better place for you anywhere else.

You will want to know what to do when a husband and wife live on different places. Of course they ought to be together, but this year, they have their crops planted on their own places, and they must stay to work them. At the end of the year they can live together. Until then they must see each other only once in a while.

In every set of men there are some bad men and some fools; who have to be looked after and punished when they go wrong. The Government will punish grown people now, and punish them severely, if they steal, lie idle, or hang around a man's place when he does not want them there, or if they are impudent. You ought to be civil to one another, and to the man you work for. Watch folks who have always been free, and you will see that the best people are the most civil.

The children have to be punished more than those who are grown up, for they are full of mischief. Fathers and mothers should punish their own children, but if they happen to be off, or if a child is caught stealing or behaving badly about the big house, the owner of the plantation must switch him, just as he should his own children.

Do not grumble if you cannot get as much pay on your place as some one else, for on one place they have more children than on others, on one place the land is poor, on another it is rich; on one place, Sherman took everything, on another, perhaps, almost everything was left safe. One man can afford to pay more than another. Do not grumble, either, because, the meat is gone or the salt hard to get. Make the best of everything, and if there is anything which you think is wrong, or hard to bear, try to reason it out: if you cannot, ask leave to send one man to town to see an officer. Never stop work on any account, for the whole crop must be raised and got in, or we shall starve. The old men, and the men who mean to do right, must agree to keep order on every plantation. When they see a hand getting lazy or shiftless, they must talk to him, and if talk will do no good, they must take him

to the owner of the plantation.

In short, do just about as the good men among you have always done. Remember that even if you are badly off, no one can buy or sell you: remember that if you help yourselves, GOD will help you, and trust hopefully that next year and the year after will bring some new blessing to you.

Washington D.C. June 21, 1865

Captain Your report has been received and carefully read. I doubt not the Commission is to do all you can to secure harmony and good will in society, and that you must meet many difficulties. my views are set forth in the accompanying Circulars. I do not expect to meet every difficulty arising under the new State of things. The belief on the part of old masters, that freedmen is impracticable, shows the existence of a prejudice, which time and experience alone can cure. The sophistries of planters are often insidious and hard to refute. If they cannot get slavery, they try for a despotism next to it. Equality before the law is what we must aim at. I mean a black, red, yellow or white *thief* should have punishment for his theft without regard to the color of his skin. The same equitable rule applies with regard to rights of property. Under the guise of a desire to secure order the planter wishes United States Officers to put into his hands absolute power, or at the best he asks us to exercise that power. Now while we show the freedmen, how freemen support themselves at the North by labor, we ought to let him taste somewhat of the freemans privileges. The masters are prejudiced and mostly ignorant of the workings of free labor. you had better therefore draw up an address to them, also explaining their duties and obligations—

I have provided in my Circular No 5. for cases in dispute not taken cognizance of by military tribunals.³ Punishments are not prescribed. It will be necessary to call upon the military or police force for the execution of such punishment— An order No 102 of 1865 from the War Dept. will enable you to do this.⁴ Your form of contract is good. Genl Saxton is the Asst Commissioner for S.C. Please send reports to him or his Agent at Charleston,

(Signed) O. O Howard

P.S. Why are wheat and rye excepted in the contract?

Capt. Charles C. Soule to Maj. Gen'l. O. O. Howard, 12 June 1865, enclosing an address "To the Freed People of Orangeburg District," [June 1865], and Maj Gen. O. O Howard to Captain Charles C. Soule, 21 June 1865, all filed as S-17 1865, Letters Received, ser. 15, Washington Headquarters, Bureau of Refugees, Freedmen, and Abandoned Lands, Record Group 105, National Archives. Soule signed as a captain in the 55th Massachusetts Infantry, a black regiment. The contract form said to have been enclosed in his letter is not in the file, nor are the circulars referred to in General Howard's reply.

1. The circular letter, which is dated May 15 in the records of the Freedmen's Bureau commissioner, had asked "[a]ll Commissioners however appointed who have the charge of Freedmen" to report "the character and extent of their work." (Circular Letter, Commissioner Refugees, Freedmen and Abandoned Lands, 15 May 1865, vol. 139, p. 1, Circulars, ser. 24, Washington Headquarters, Bureau of Refugees, Freedmen, and Abandoned Lands, Record Group 105, National Archives.)

2. General John P. Hatch was the commander of the Northern District of the Department of the South. His principal order concerning contracts is printed in *Land and Labor, 1865*, pp. 332–33.

3. Paragraph 7 of Circular 5, issued by the commissioner on May 30, instructed Freedmen's Bureau assistant commissioners and their designated subordinates to adjudicate cases involving freedpeople wherever civil law had been interrupted or local courts, "by reason of old codes, in violation of the freedom guaranteed by the proclamation of the President and the laws of Congress, disregard the negro's right to justice before the laws, in not allowing him to give testimony." These instructions applied to cases "not taken cognizance of by the other tribunals, civil or military, of the United States." (U.S. Congress, House of Representatives, "Freedmen's Bureau. Letter from the Secretary of War, in Answer to a Resolution of the House of March 8, Transmitting a Report, by the Commissioner of the Freedmen's Bureau, of All Orders Issued by Him or Any Assistant Commissioner," *House Executive Documents*, 39th Cong., 1st sess., No. 70, serial 1256, pp. 180–81.)

4. Issued on May 31, the order directed military commanders to detail officers and soldiers for service in the Freedmen's Bureau and to render any aid that assistant commissioners or other bureau agents required in discharging their official duties. (GENERAL ORDERS, NO. 102, WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE, Orders & Circulars, ser. 44, Adjutant General's Office, Record Group 94, National Archives.)

Published in *Land and Labor, 1865*, pp. 215–22.

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