The only legislative powers now vested in this corporation, which have special relation to the class of persons referred to, are to be found in the 8th section of the Act of Congress, approved May 15th, 1820, entitled an act to incorporate the inhabitants of the City of Washington, and to repeal all acts heretofore passed for that purpose, which provides that the corporation shall have power and authority "to restrain and prohibit the nightly and other disorderly meetings of slaves, free negroes and mulattoes, and to punish such slaves by whipping, not exceeding forty stripes, or by imprisonment, not exceeding six months for any one offence; and to punish such free negroes and mulattoes by penalties not exceeding $20 for any one offence; and in case of the inability of any such free negro or mulatto to pay such penalty and costs thereon, to cause him or her to be confined to labor for any time not exceeding six calendar months. To prescribe the terms and conditions upon which free negroes and mulattoes may reside in this city."

The power conferred by the first of these two clauses in relation to "the nightly and other disorderly meetings of free negroes," has been exercised by this corporation in the provisions upon that subject of its act of May 31st, 1827; and the supplementary act of October 29th, 1836, and these provisions have been, so far as I am informed, duly enforced in all cases by the proper officers, and in my judgment have been shown, by experience, to be sufficient for their special purposes.

The more general and extensive power "to prescribe the conditions upon which free negroes and mulattoes may reside in the city," which is conferred in the second of the two clauses above cited, has also been exercised by the corporation from time to time, the earliest ordinance being that of April 14th, 1821, followed by those of May, 1827, October, 1836, December, 1850, and February, 1851. By a decision of the Circuit Court of this district in 1821, soon after the passage of the first of these ordinances, it was judicially settled that the power granted by the charter was to be exercised prospectively only; and, of consequence, these successive enactments have operated only upon persons coming to reside in the city after their promulgation, or, under the special provisions of the ordinance of 1851, persons manumitted thereafter.

Hence it will be perceived that in so far as those several provisions differ from one another, they apply to distinct classes of the colored inhabitants, according to the respective dates of their acquisition or residence. Their general scope, however, is the same, the conditions being all of them in the nature of preventive police regulations, which experience has demonstrated to be necessary, in view of the peculiar condition of this portion of our population. In my opinion they are, in general, sufficient for the purposes of good order and public policy, for the attainment of which ends the power in question was granted by Congress.

It is evident that the charter contemplated the continued residence of these persons within our limits upon proper and reasonable terms and conditions; and it may be doubted whether any more stringent provisions can be adopted without assuming the appearance of exclusion and prohibition. Upon this subject, I beg leave to refer to a report of the attorney of the corporation, herewith communicated, relating particularly to the act of 1850.

According to the best information within my reach, the ordinances of 1827 and 1836, have been ever since their enactment, and still are, as rigidly enforced by the proper officers as the nature of the case will allow. Doubtless there must always be many instances which escape the most vigilant attention of the police. With regard to the more stringent provisions of the law of 1850, while I have no official information that they have not been executed in any particular case, I am not prepared to assure you that they have been rigidly enforced in every instance; nor indeed, that it is practicable to do so without serious public inconvenience. In many cases, no doubt, those who are liable to the penalties of this law, have been really unable to pay at one time the sum of fifty dollars for the permit of residence; and the indiscriminate enforcement of the penalty would probably have crowded the work-house with inmates, whose general conduct had been in all respects inoffensive and orderly, and whose maintainance would have created a heavy tax upon the city treasury. In any modification of the law which may be contemplated, I would recommend that care should be taken to suit its requirements to the general ability of the persons upon whom it is to operate, so that it may be rigidly executed.

There are three aspects in which this whole subject may be considered. First, the peculiar police regulations which it requires. Secondly, the increase, natural and by emigration, of this class of population. And thirdly, in what manner and to what extent they should contribute directly or indirectly to the support of the city government, which affords them protection.

With regard to the first, I have already intimated that I am not aware of any necessity for additional legislation. And the second, if there were any doubt of it before, it must now be taken as the authoritative exposition of the charter that it gives no power of prohibition. Our legislation must be confined to prescribing, in advance, such reasonable terms and conditions of residence as may tend to repel the idle and disorderly, and such special and peculiar police dispositions as may from time to time appear expedient.

With regard to the third, I refer you to what is said in the report of the attorney, adding the suggestion that in any future exercise of that power, which we undoubtedly possess, it may be well to direct, under a pecuniary penalty, the annual exhibition and renewal of the permit of residence at the proper office of the corporation, and to require the payment of a small sum (not exceeding the annual poll tax levied upon white male citizens,) upon every such renewal, as the reasonable compensation for the certificate authenticated by the seal of the city. The fund so raised might be advantageously used, amongst other things, in maintaining a special police to enforce the regulations adapted to this peculiar subject.

Very respectfully, JAMES G. BERRET, *Mayor.*

AFRICAN COLONIZATION.

An Extract from the Report of the REV. JOHN ORCUTT, *Travelling Secretary of the American Colonization Society, made to the Board of Directors at their late Annual Meeting in this City.*

We have convened to celebrate the forty-third anniversary of our Society under circumstances calculated to fill our hearts, both as patriots and philanthropists, with the deepest anxiety. Never, perhaps, in all our history have we experienced such a commingling of hope and fear, joy and sorrow, in contemplating the great interests connected with this enterprise; and yet there is room for faith and hope that the cause will continue to prosper and triumph, at least so far as it respects the christianization of Africa, and the nationality and consequent elevation of the race whose welfare especially we seek.

Maryland Historical Society

The Maryland State Colonization Society Papers

XII. Newspapers
A. Maryland Colonization Journal

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