

IN THE SENATE OF THE UNITED STATES.

MAY 30, 1866.

Read twice and referred to the Committee on Military Affairs and the Militia.

JUNE 11, 1866.

Reported by Mr. WILSON with amendments, viz: Strike out the parts in [brackets] and insert those printed in *italics*.

AN ACT

To continue in force and to amend "An act to establish a Bureau for the relief of Freedmen and Refugees," and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the act to establish a Bureau for the relief of Freedmen
4 and Refugees, approved March third, eighteen hundred and
5 sixty-five, shall continue in force for the term of two years
6 from and after the passage of this act.

1 SEC. 2. *And be it further enacted,* That the supervision
2 and care of said bureau shall extend to all loyal refugees and
3 freedmen, so far as the same shall be necessary to enable
4 them as speedily as practicable to become self-supporting
5 citizens of the United States, and to aid them in making the
6 freedom conferred by proclamation of the commander-in-chief,

7 by emancipation under the laws of States, and by constitu-
8 tional amendment, available to them and beneficial to the
9 republic.

1 SEC. 3. *And be it further enacted*, That the President
2 shall, by and with the advice and consent of the Senate,
3 appoint two assistant commissioners, in addition to those
4 authorized by the act to which this is an amendment, who
5 shall give like bonds and receive the same annual salaries
6 provided in said act, and each of the assistant commissioners
7 of the bureau shall have charge of one district containing
8 such refugees or freedmen, to be assigned him by the Com-
9 missioner, with the approval of the President. And the
10 Commissioner shall, under the direction of the President, and
11 so far as the same shall be, in his judgment, necessary for the
12 efficient and economical administration of the affairs of the
13 bureau, appoint such agents, clerks, and assistants as may be
14 required for the proper conduct of the bureau. Military offi-
15 cers or enlisted men may be detailed for service and assigned
16 to duty under this act; and the President may, if in his judg-
17 ment safe and judicious so to do, detail from the army all the
18 officers and agents of this bureau; but no officer so assigned
19 shall have increase of pay or allowances. Each agent or clerk,
20 not heretofore authorized by law, not being a military officer,
21 shall have an annual salary of not less than five hundred
22 dollars, nor more than twelve hundred dollars, according to

23 the service required of him. And it shall be the duty of the
 24 Commissioner, when it can be done consistently with public
 25 interest, to appoint, as assistant commissioners, agents, and
 26 clerks, such men as have proved their loyalty by faithful
 27 service in the armies of the Union during the rebellion.
 28 And all persons appointed to service under this act and the
 29 act to which this is an amendment, shall be so far deemed in
 30 the military service of the United States as to be under the
 31 military jurisdiction, and entitled to the military protection of
 32 the government while in discharge of the duties of their office.

1 SEC. 4. *And be it further enacted, That officers of the*
 2 *Veteran Reserve Corps or of the volunteer service, now on*
 3 *duty in the Freedmen's Bureau as assistant commissioners,*
 4 *agents, medical officers, or in other capacities, whose regiments*
 5 *or corps have been or may hereafter be mustered out of ser-*
 6 *vice, may be retained upon such duty as officers of said*
 7 *bureau, with the same compensation as is now provided by law*
 8 *for their respective grades; and the Secretary of War shall*
 9 *have power to fill vacancies until other officers can be detailed*
 10 *in their places without detriment to the public service.*

1 SEC. [4.] 5. *And be it further enacted, That the second*
 2 *section of the act to which this is an amendment shall be*
 3 *deemed to authorize the Secretary of War to issue such med-*
 4 *ical stores or other supplies and transportation, and afford such*
 5 *medical or other aid as may be needful for the purposes*

6 named in said section: *Provided*, That no person shall be
7 deemed "destitute," "suffering," or "dependent upon the
8 government for support," within the meaning of this act,
9 who is able to find employment, and could, by proper industry
10 or exertion, avoid such destitution, suffering, or dependence.
11 And the Secretary of War is hereby authorized, on the
12 recommendation of the Commissioner, to continue in office as
13 surgeons of the bureau, with their present rank, pay, and
14 allowances, the volunteer officers now employed, and to fill
15 any vacancies with other volunteer surgeons, with like rank
16 and compensation, unless suitable surgeons in the regular
17 army can be thus assigned to duty.

1 [SEC. 5. *And be it further enacted*, That for the purpose
2 of rendering this bureau self-sustaining, and in the place of
3 lands heretofore assigned to freedmen and thereafterwards
4 withdrawn from the control of the bureau, the President shall
5 reserve from sale or settlement under the homestead or pre-
6 emption laws, and assign for the use of the freedmen and loyal
7 refugees, male or female, unoccupied public lands in Florida,
8 Mississippi, Alabama, Louisiana, and Arkansas, not exceeding
9 in all one million of acres of good land. And the Commis-
10 sioner shall cause the same, under the direction of the Presi-
11 dent, to be allotted and assigned from time to time, in parcels
12 not exceeding forty acres each, to the loyal refugees and

13 freedmen, who shall be protected in the use and enjoyment
 14 thereof for such term of time and at such annual rent as may
 15 be agreed upon between the Commissioner and such refugees
 16 or freedmen. The rental shall be based upon a valuation of
 17 the land, to be ascertained in such manner as the Commis-
 18 sioner may, under the direction of the President, by regula-
 19 tion prescribe. At the end of each term, or sooner, if the
 20 Commissioner shall assent thereto, the occupants of any par-
 21 cels so assigned, their heirs and assigns, may purchase the
 22 land and receive a title thereto from the United States in fee,
 23 upon payment therefor the value of the land ascertained as
 24 aforesaid.]

1 [SEC. 6. *And be it further enacted*, That whenever the
 2 former owners of lands occupied under General Sherman's
 3 field order, dated at Savannah, January sixteen, eighteen
 4 hundred and sixty-five, shall apply for restoration of said
 5 lands, the Commissioner shall refuse the surrender of the
 6 same: *Provided*, That nothing in this act contained shall be
 7 construed to affect the right of any person to recover, in the
 8 proper courts, any title or right of possession which such
 9 person may have in any of the lands held under said field
 10 order.]

1 SEC. 6. *Whereas, by the provisions of an act approved*
 2 *February sixth, eighteen hundred and sixty-three, entitled*
 3 *"An act to amend an act entitled 'An act for the collection of*

4 *direct taxes in insurrectionary districts within the United States,*
5 *and for other purposes,' approved June seventh, eighteen hun-*
6 *dred and sixty-two," certain lands in the parishes of Saint*
7 *Helena and Saint Luke, South Carolina, were bid in by the*
8 *United States at public tax sales, and by the limitation of said*
9 *act the time of redemption of said lands having expired; and*
10 *whereas, in accordance with instructions issued by President*
11 *Lincoln on the sixteenth day of September, eighteen hundred*
12 *and sixty-three, to the United States direct tax commissioners*
13 *for South Carolina, certain lands bid in by the United States*
14 *in the parish of Saint Helena, in said State, were in part sold*
15 *by the said tax commissioners to "heads of families of the*
16 *African race," in parcels of not more than twenty acres to*
17 *each purchaser; and whereas, under the said instructions, the*
18 *said tax commissioners did also set apart as "school farms"*
19 *certain parcels of land in said parish, numbered on their plats*
20 *from one to thirty-three, inclusive, making an aggregate of six*
21 *thousand acres, more or less: Therefore, be it further en-*
22 *acted, That the sales made to "heads of families of the Afri-*
23 *can race," under the instructions of President Lincoln to the*
24 *United States direct tax commissioners for South Carolina,*
25 *of date of September sixteenth, eighteen hundred and sixty-*
26 *three, are hereby confirmed and established; and all leases*
27 *which have been made to such "heads of families," by said*
28 *direct tax commissioners, shall be changed into certificates of*

29 *sale in all cases wherein the lease provides for such substitu-*
 30 *tion; and all the lands now remaining unsold, which come*
 31 *within the same designation, being eight thousand acres, more*
 32 *or less, shall be disposed of according to said instructions.*

1 SEC. 7. *And be it further enacted, That all other lands*
 2 *bid in by the United States at tax sales, being thirty-eight thou-*
 3 *sand acres, more or less, and now in the hands of the said tax*
 4 *commissioners as the property of the United States, in the*
 5 *parishes of Saint Helena and Saint Luke, excepting the*
 6 *“ school farms,” as specified in the preceding section, and so*
 7 *much as may be necessary for military and naval purposes at*
 8 *Hilton Head, Bay Point, and Land’s End, and excepting also*
 9 *the city of Port Royal, on Saint Helena island, and the town*
 10 *of Beaufort, shall be disposed of in parcels of twenty acres, at*
 11 *one dollar and fifty cents per acre, to such persons, and to*
 12 *such only, as have acquired and are now occupying lands*
 13 *under and agreeably to the provisions of General Sherman’s*
 14 *special field order, dated at Savannah, Georgia, January*
 15 *sixteenth, eighteen hundred and sixty-five, and the remaining*
 16 *lands, if any, shall be disposed of in like manner to such per-*
 17 *sons as had acquired lands agreeably to the said order of*
 18 *General Sherman, but who have been dispossessed by the res-*
 19 *toration of the same to former owners: Provided, That the*
 20 *lands sold in compliance with the provisions of this and the*

21 *preceding section shall not be alienated by their purchasers*
22 *within six years from and after the passage of this act.*

1 SEC. 8. *And be it further enacted, That the "school*
2 *farms" in the parish of Saint Helena, South Carolina, shall*
3 *be sold, subject to any leases of the same, by the said tax com-*
4 *missioners, at public auction, on or before the first day of*
5 *January, eighteen hundred and sixty-seven, at not less than*
6 *ten dollars per acre; and the lots in the city of Port Royal,*
7 *as laid down by the said tax commissioners, and the lots and*
8 *houses in the town of Beaufort, which are still held in like*
9 *manner, shall be sold at public auction; and the proceeds of*
10 *said sales, after paying expenses of the surveys and sales,*
11 *shall be invested in United States bonds, the interest of which*
12 *shall be appropriated, under the direction of the Commis-*
13 *sioner, to the support of schools, without distinction of color*
14 *or race, on the islands in the parishes of Saint Helena and*
15 *Saint Luke.*

1 SEC. 9. *And be it further enacted, That the assistant*
2 *commissioners for South Carolina and Georgia are hereby*
3 *authorized to determine the validity of all titles to lands in*
4 *their respective States which are claimed under the pro-*
5 *visions of General Sherman's special field order, and to give*
6 *each person having a valid claim a warrant upon the direct*
7 *tax commissioners for South Carolina for twenty acres of*
8 *land, and the said direct tax commissioners shall issue to*

9 every person, or to his or her heirs, but in no case to any
 10 assigns, presenting such warrant, a lease of twenty acres of
 11 land, as provided for in section , for the term of six years ;
 12 but at any time thereafter, upon the payment of a sum not
 13 exceeding one dollar and fifty cents per acre, the person hold-
 14 ing such lease shall be entitled to a certificate of sale of said
 15 tract of twenty acres from the direct tax commissioner or
 16 such officer as may be authorized to issue the same ; but no
 17 warrant shall be held valid longer than two years after the
 18 issue of the same.

1 SEC. 10. And be it further enacted, That the direct tax
 2 commissioners for South Carolina are hereby authorized and
 3 required at the earliest day practicable to survey the lands
 4 designated in section into lots of twenty acres each, with
 5 proper metes and bounds distinctly marked, so that the several
 6 tracts shall be convenient in form, and as near as practicable
 7 have an average of fertility and woodland ; and the expense of
 8 such surveys shall be paid from the proceeds of sales of said
 9 lands, or, if sooner required, out of any moneys received for
 10 other lands on these islands, sold by the United States for
 11 taxes, and now in the hands of the direct tax commissioners.

1 SEC. 11. And be it further enacted, That upon comple-
 2 tion of the transfers of the said lands in the manner specified
 3 in the preceding sections, the President of the United States
 4 shall have power to restore to their former owners the lands

5 now occupied by persons under General Sherman's specia
6 field order dated at Savannah, Georgia, January sixteenth
7 eighteen hundred and sixty-five, excepting such lands on the
8 islands in the parishes of Saint Helena and Saint Luke as
9 may have been sold by the United States for taxes; but such
10 restoration shall not be made until after the crops of the present
11 year shall have been gathered by the occupants of said lands,
12 nor until a fair compensation shall have been made to them
13 for all improvements or betterments erected or constructed
14 thereon, and after due notice of the same being done shall have
15 been given by the assistant commissioner.

1 SEC. 12. And be it further enacted, That the Commis-
2 sioner shall have power to seize, hold, use, lease, or sell all
3 buildings and tenements, and any lands appertaining to the
4 same, or otherwise, formerly owned by or claimed as the
5 property of the so-called Confederate States, and any build-
6 ings or lands held in trust for the same by any person or
7 persons, and to use the same or appropriate the proceeds de-
8 rived therefrom to the education of the freed people; and
9 whenever the bureau shall be withdrawn, States which have
10 made provision for the education of their citizens without
11 distinction of color shall receive the sum remaining unex-
12 pended of such sales or rentals, which shall be distributed
13 among said States for educational purposes in proportion to
14 their population.

1 SEC. [7.] 13. *And* [whereas we recognize the necessity
 2 and duty resting upon the government, and resulting from
 3 the condition of freedom, of aiding freedmen to receive that
 4 needful education which oppressive prejudices, laws, and
 5 customs denied them when held in slavery, therefore] *be it*
 6 *further enacted*, That the Commissioner of this bureau shall
 7 at all times co-operate with private benevolent associations
 8 of citizens in aid of freedmen, and with agents and teachers,
 9 duly accredited and appointed by them, and shall hire or
 10 provide by lease buildings for purposes of education when-
 11 ever such associations shall, without cost to the government,
 12 provide suitable teachers and means of instruction; and he
 13 shall furnish such protection as may be required for the safe
 14 conduct of such schools.

1 SEC. [8.] 14. *And be it further enacted*, That in every
 2 State or district where the ordinary course of judicial proceed-
 3 ings has been interrupted by the rebellion, and until the same
 4 shall be fully restored, and in every State or district whose
 5 constitutional relations to the government have been practi-
 6 cally discontinued by the rebellion, and until such State shall
 7 have been restored in such relations, and shall be duly repre-
 8 sented in the Congress of the United States, the right to make
 9 and enforce contracts, to sue, be parties, and give evidence,
 10 to inherit, purchase, lease, sell, hold, and convey real and per-
 11 sonal property, and to have full and equal benefit of all laws

12 and proceedings concerning personal liberty, personal secu-
13 rity, and the acquisition, enjoyment, and disposition of estate,
14 real and personal, including the constitutional right to bear
15 arms, shall be secured to and enjoyed by all the citizens of
16 such State or district without respect to race or color, or
17 previous condition of slavery. And whenever in either of
18 said States or districts the ordinary course of judicial pro-
19 ceedings has been interrupted by the rebellion, and until
20 the same shall be fully restored, and until such State shall
21 have been restored in its constitutional relations to the
22 government, and shall be duly represented in the Congress
23 of the United States, the President shall, through the Com-
24 missioner and the officers of the bureau, and under such
25 rules and regulations as the President, through the Secretary
26 of War, shall prescribe, extend military protection and have
27 military jurisdiction over all cases and questions concerning
28 the free enjoyment of such immunities and rights, and no
29 penalty or punishment for any violation of law shall be
30 imposed or permitted because of race or color, or previous
31 condition of slavery, other or greater than the penalty or
32 punishment to which white persons may be liable by law for
33 the like offence. But the jurisdiction conferred by this section
34 upon the officers of the bureau shall not exist in any State
35 where the ordinary course of judicial proceedings has not been
36 interrupted by the rebellion, and shall cease in every State

37 when the courts of the State and the United States are not
38 disturbed in the peaceable course of justice, and after such
39 State shall be fully restored in its constitutional relations to
40 the government, and shall be duly represented in the Congress
41 of the United States.

1 SEC. [9.] 15. *And be it further enacted,* That all officers,
2 agents, and employees of this bureau, before entering upon
3 the duties of their office, shall take the oath prescribed in the
4 first section of the act to which this is an amendment; and
5 all acts or parts of acts inconsistent with the provisions of this
6 act are hereby repealed.

Passed the House of Representatives May 29, 1866.

Attest: EDWARD McPHERSON, *Clerk.*