
BUREAU OF FREEDMEN'S AFFAIRS.

FEBRUARY 2, 1865.—Ordered to be printed, and the further consideration postponed one week.

Mr. ELLIOT, from the Committee of Conference on the part of the House, made the following

REPORT.

The Committee of Conference on the disagreeing votes of the two houses on the bill (H. R. 51) entitled "An act to establish a Bureau of Freedmen's Affairs," having met, after full and free conference have agreed, to recommend to their respective houses as follows:

That the Senate recede from their amendment to the said bill, and the committee agree to the following as a substitute:

AN ACT to establish a department of freedmen and abandoned lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established at the seat of government of the United States a department of freedmen and abandoned lands, whose object shall be the good of the freedmen, and the administration of lands and other property falling to the national government in the rebel States, not heretofore appropriated to other uses. And this department shall be under the care of a commissioner, who shall be appointed by the President, by and with the advice and consent of the Senate, with an annual salary of four thousand dollars.

SEC. 2. *And be it further enacted,* That the Commissioner of Freedmen and Abandoned Lands shall appoint a chief clerk with an annual salary of two thousand dollars, who shall act as disbursing officer, and who in all cases during the necessary absence of the commissioner, or when the principal office shall become vacant, shall perform the duties of commissioner; and also such number of clerks, not exceeding two of each class, as shall be necessary. And the commissioner and all persons appointed under this act shall, before entering upon their duties, take the oath of office prescribed in an act entitled "An act to prescribe an oath of office and for other purposes," approved July 2, 1862. And the commissioner and the chief clerk shall, before entering upon their duties, give bonds to the Treasurer of the United States, the former in the sum of one hundred thousand dollars, and the latter in the sum of ten thousand dollars, conditioned for the faithful discharge of their duties respectively, with securities to be approved as sufficient by the Attorney General, which bonds shall be filed in the office of the First Comptroller of the Treasury, to be by him put in suit for the benefit of any injured party upon any breach of the conditions thereof.

SEC. 3. *And be it further enacted,* That the commissioners shall, under the direction of the President, create districts of freedmen and abandoned lands

within the rebel States, not to exceed two in each State, so far as the same may be brought under the military power of the United States; and each district shall be under the supervision of an assistant commissioner, with an annual salary of twenty-five hundred dollars, under bond, as required for the chief clerk, to be appointed by the President of the United States, with the advice and consent of the Senate, and with authority to appoint local superintendents and clerks, so far as the same may be needed, not, however, more than four in each district, each of whom shall have an annual compensation not exceeding fifteen hundred dollars.

SEC. 4. *And be it further enacted*, That the commissioner shall have the general superintendence of all freedmen throughout the several districts, and he shall watch over the execution of all laws, proclamations, and military orders of emancipation, or in any way concerning freedmen; and he shall establish regulations, from time to time, and cause the same to be enforced for their needful and judicious treatment, protecting them in the enjoyment of their rights, promoting their welfare, and securing to them and their posterity the blessings of liberty. And every such freedman shall be treated in all respects as a free man, with all proper remedies in courts of justice, and no power or control shall be exercised with regard to him except in conformity with law.

SEC. 5. *And be it further enacted*, That the assistant commissioners, under the direction of the commissioner, and within their respective districts, shall take possession of all abandoned real estate belonging to disloyal persons, and all real estate to which the United States have title, or of which the United States have possession, and not already appropriated to government uses, and all property found on and belonging to such estate; and shall rent or lease such real estate, or any portion thereof, to freedmen, or permit the same to be cultivated, used, or occupied by them on such terms and under such regulations as the assistant commissioner and such freedmen may agree; and if the lands, with the property aforesaid, shall not be required for the freedmen, then they shall rent or lease the same to other persons on such terms, and under such regulations, as shall be mutually agreed upon; and no freedmen shall be employed on any estate above mentioned otherwise than according to voluntary contract, reduced to writing and certified by the assistant commissioner or local superintendent: *Provided*, That no lease, permission to occupy, or contract, shall be for a longer period than one year; and all papers required or authorized by this act shall remain valid and effectual, although no revenue stamp is attached thereto; but nothing herein contained shall be construed to prevent the due execution of process against the real estate or property above named, issued in due course of law from any court of competent jurisdiction, but the possession of such real estate or property, by any purchaser thereof at a judicial sale, shall be postponed until the termination of any outstanding contract duly made and executed under the provisions of this act.

SEC. 6. *And be it further enacted*, That the assistant commissioners and local superintendents shall, as advisory guardians, aid the freedmen in the adjustment of their wages, or in the application of their labor; that they shall take care that the freedmen do not suffer from ill treatment, or any failure of contract on the part of others; that they shall do what they can as arbitrators to reconcile and settle any differences in which freedmen may be involved with each other, or with 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 heard; and in all such proceedings there shall be no disability or exclusion on account of color.

SEC. 7. *And be it further enacted*, That leases heretofore made by the supervising special agents of the Treasury Department, under the authority of the General Order three hundred and thirty-one of the Secretary of War, dated October nine, eighteen hundred and sixty-three, and in accordance with the regu-

lations of the Treasury Department, shall have the same effect as if made by assistant commissioners under this act; but such lease shall not continue beyond the period of one year from its date; and immediately upon the organization of any district of freedmen and abandoned lands, such agents shall cease to execute their functions within such district, 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 district prior to its 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. 8. *And be it further enacted,* That the commissioner shall apply the proceeds accruing under this act to defray the expenses of this department, so that the same may become at an early day self-supporting; and any proceeds over and above such expenses shall be paid into the treasury of the United States.

SEC. 9. *And be it further enacted,* That whenever the commissioner cannot otherwise employ any of the freedmen who may come under his care, he shall, so far as practicable, make provision for them with humane and suitable persons, at a just compensation for their services.

SEC. 10. *And be it further enacted,* That the President of the United States is charged with furnishing the military and other support needful to carry this act into effect, and any military officer may be appointed under this act without increase of salary.

SEC. 11. *And be it further enacted,* That the commissioner shall, before the commencement of each regular session of Congress, make full report of his proceedings, with exhibits of the state of his accounts, to the President, who shall communicate the same to Congress, and shall also make special reports whenever required to do so by the President, or either house of Congress. And the assistant commissioners shall make quarterly reports of their proceedings to the commissioner, and also such other special reports as from time to time may be required. And 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. 12. *And be it further enacted,* That all assistant quartermasters, local superintendents and clerks, as well as supervising special agents, shall be so far deemed to be in the military service of the United States as to be liable to trial by courts-martial or military commissions, to be ordered by the commanding general of the military department within which they act as such assistant commissioners, local superintendents, clerks or supervising special agents. And for all offences amounting to a felony; for any act of embezzlement, or wilful misappropriation of public or private property; for any wilful act of oppression of any freedman, or of any loyal inhabitant; for any act of taking or receiving, directly or indirectly, any money or thing of value on account of any act done or omitted by them in their official capacity; or for being in any manner interested in any purchase of cotton, tobacco, sugar, or any other article produced upon any lands leased or worked under the provisions of this act; or for any other wilful violation of their official duties, upon conviction thereof, shall be subject to punishment by fine not exceeding ten thousand dollars, or imprisonment at hard labor for a period not exceeding five years, or by both such fine and imprisonment.

SEC. 13. *And be it further enacted,* That the last clause of a joint resolution explanatory of "An act to suppress insurrection, to punish treason and rebellion

to seize and confiscate the property of rebels, and for other purposes," approved July seventeen, eighteen hundred and sixty two, be, and the same is hereby, repealed.

SEC. 14. *And be it further enacted,* That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Managers on the part of the House—

THOMAS D. ELIOT,
WM. D. KELLEY.

Managers on the part of the Senate—

CHARLES SUMNER,
J. M. HOWARD.