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By J. A. SELBY.

COLUMBIA, S. C., TUESDAY MORNING, MAY 23, 1865.

VOL. I.—NO. 46.

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PUBLISHED DAILY, EXCEPT SUNDAY.

BY JULIAN A. SELBY.

TERMS (SPECIE)—IN ADVANCE.

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The Confiscation Act.

A Bill to Suppress Insurrection, to Punish Treason and Rebellion, to Seize and Confiscate the Property of Rebels and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person who shall hereafter commit the crime of treason against the United States, and shall be adjudged guilty thereof, shall suffer death, and all his slaves, if any, shall be declared and made free, or he shall be imprisoned for not less than five years and fined not less than \$10,000, and all his slaves, if any, shall be declared and made free; said fine shall be levied and collected on any or all of the property, real and personal, excluding slaves, of which the said person so convicted was the owner, at the time of committing the said crime, any sale or conveyance to the contrary notwithstanding.

SEC. 2. And be it further enacted, That if any person shall hereafter incite, set on foot, assist or engage in any rebellion or insurrection against the authority of the United States, or the laws thereof, or shall give aid or comfort thereto, or shall engage in or give aid or comfort to any such existing rebellion or insurrection, and be convicted thereof, such person shall be punished by imprisonment for a period not exceeding ten years, by a fine not exceeding \$10,000, and by the liberation of all slaves, if any he have.

SEC. 3. And be it further enacted, That every person guilty of either of the offences described in this Act shall be forever incapable and disqualified to hold any office under the United States.

SEC. 4. And be it further enacted, That this Act shall not be construed in any way to effect or alter the prosecution, conviction or punishment of any person or persons guilty of treason against the United States before the passage of this Act, unless such person is convicted under this Act.

SEC. 5. And be it further enacted, That to insure the speedy termination of the present rebellion, it shall be the duty of the President of the United States to cause the seizure of all the estate and property, money, stock, credits and effects of the persons hereafter named in this section, and to apply and use the same and the proceeds thereof for the support of the army of the United States, that is to say: first, of any person hereafter acting as an officer of the army and navy of the rebels in arms against the Government of the United States; secondly, of any person hereafter acting as President, Vice President, member of Congress, judge of any court, cabinet officer, foreign minister, commissioner or consul of the so-called Confederate States of America; thirdly, of any person acting as Governor of a State, member of a convention or legislature, or judge of any court of the so-called Confederate States of America; fourthly, of any person who, having held an office of honor, trust or profit in the United States, shall hereafter hold an office in the so-called Confederate States of America; fifthly, of any person hereafter holding an office or agency under the Government of the so-called Confederate States of America, or any of the several States of the said Confederacy or the laws thereof, whether such office or agency be national, State or municipal in its character; provided, that the persons thirdly, fourthly and fifthly above de-

scribed shall have accepted their appointment or election since the date of the pretended ordinance of secession of the State, or shall have taken an oath of allegiance to or to support the Constitution of the so-called Confederate States; sixthly, of any person who, owning property in any loyal State or Territory of the United States, or in the District of Columbia, shall hereafter assist and give aid and comfort to such rebellion, and all sales, transfer or conveyance of any such property, shall be null and void; and it shall be a sufficient bar to any suit brought by such person for the possession or the use of such property, or any of it, to allege and prove that he is one of the persons described in this section.

SEC. 6. And be it further enacted, That if any person within any State or Territory of the United States, other than those named as aforesaid, after the passage of this Act, being engaged in armed rebellion against the Government of the United States, or aiding and abetting such rebellion, shall not, within sixty days after public warning and proclamation duly given and made by the President of the United States, cease to aid, countenance and abet such rebellion, and return to his allegiance to the United States, all the estate and property, moneys, stocks and credits of such person shall be liable to seizure as aforesaid, and it shall be the duty of the President to seize and use them as aforesaid, or the proceeds thereof. And all sales, transfers or conveyances of any such property after the expiration of said sixty days from the date of such warning or proclamation shall be null and void. And it shall be a sufficient bar to any suit brought by such person for the possession or the use of such property, or any of it, to allege and prove that he is one of the persons described in this section.

SEC. 7. And be it further enacted, That to secure the condemnation and sale of any such property, after the same shall have been seized so that it may be made available for the purposes aforesaid, proceedings *in rem* shall be instituted in the name of the United States in any district court thereof, or in any territorial court, or in the United States District Court for the District of Columbia, within which the property above described or any part thereof may be found, or into which the same, if moveable, may first be brought; which proceedings shall conform as nearly as may be to proceedings in admiralty or revenue cases; and if said property, whether real or personal, shall be found to have belonged to a person engaged in the rebellion, or who has given aid or comfort thereto, the same shall be condemned as enemies' property, and become the property of the United States, and be disposed of as the court shall decree, and the proceeds thereof paid into the treasury of the United States for the purposes aforesaid.

SEC. 8. And be it further enacted, That the several courts aforesaid shall have power to make such orders, establish such forms of decree and sale, and direct such deeds and conveyances to be executed and delivered by the marshals thereof, where real estate shall be the subject of sale, as shall fitly and efficiently effect the purposes of this Act, and vests in the purchasers of such property good and valid titles thereto. And the said court shall have power to allow such fees and discharges of their officers as shall be reasonable and proper in the premises.

SEC. 9. And be it further enacted, That all slaves or persons who shall hereafter be engaged in rebellion against the Government of the United States, or who shall in any way give aid or comfort thereto, escaping from such persons and taking refuge within the lines of the army, and all slaves captured from such persons, or desert-

ed by them and coming under the control of the Government of the United States, and all slaves of such persons found or being found within any place occupied by the forces of the United States, shall be deemed captives of war, and shall be forever free of their servitude, and not again held as slaves.

SEC. 10. And be it further enacted, That no slave escaping into any State, Territory, or the District of Columbia, from any other State, shall be delivered up, or in any way impeded or hindered of his liberty, except for crime or some offence against the laws, unless the person claiming said fugitive shall first make oath that the person to whom the labor or service of such fugitive is alleged to be due is his lawful owner, and has not borne arms against the United States in the present rebellion, nor in any way given aid and comfort thereto; and no persons engaged in the military or naval service of the United States shall, under any pretences whatever, assume to decide on the validity of the claim of any person to the service or labor of any other person, or surrender up any such person to the claimant, on pain of being discharged from the service.

SEC. 11. And be it further enacted, That the President of the United States is authorized to employ as many persons of African descent as he may deem necessary and proper for the suppression of this rebellion; and for this purpose he may organize and use them in such manner as he may judge best for the public welfare.

SEC. 12. And be it further enacted, That the President of the United States is hereby authorized to make provision for the transportation, colonization and settlement, in some tropical country beyond the limits of the United States, of such persons of the African race, made free by the provisions of the Act, as may be willing to emigrate, having first obtained the consent of the Government of said country to their protection and settlement within the same, with all the rights and privileges of freemen.

SEC. 13. And be it further enacted, That the President is hereby authorized, at any time hereafter, by proclamation, to extend to persons who may have participated in the existing rebellion, in any State or part thereof, pardon and amnesty, with such exceptions and at such time and on such conditions as he may deem expedient for the public welfare. Also, that the President shall have power to restore property seized under the Act to any person who may be found to have been innocent.

SEC. 14. And be it further enacted, That the courts of the United States have full power to institute proceedings, make orders and decrees, issue process, and do all other things necessary to carry this Act into effect.

After the foregoing Act had passed both Houses, it was sent to the President for his signature, who, however, disapproved some features and had prepared a veto message, when the following resolution was passed by both Houses, in order to remove the President's objections to the bill:

Resolved, By the Senate and House of Representatives, &c., that the provisions of the third clause of the fifth section of an Act to suppress insurrection, to punish treason and rebellion, and to seize and confiscate the property of rebels, and for other purposes, shall be so construed as not to apply to any Act or Acts done prior to the passage thereof; nor to include any member of the State Legislature or Judge of any State Court, who has not, in accepting or entering upon his office, taken oath to support the Constitution of the so-called Confederate States of America; nor shall any punishment or proceedings under said Act be so construed as to work a forfeiture of the real estate of the offender beyond his natural life

The Amnesty Proclamation.

WHEREAS, in and by the Constitution of the United States, it is provided that the President shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment; and, whereas, a rebellion now exists, whereby the loyal State Governments of several States have for a long time been subverted, and many persons have committed and are now guilty of treason against the United States; and whereas, with reference to said rebellion and treason, laws have been enacted by Congress declaring forfeitures and confiscation of property and liberation of slaves all upon terms and conditions therein stated, and also declaring that the President was thereby authorized at any time thereafter, by proclamation, to extend to persons who may have participated in the existing rebellion in any State or part thereof, pardon and amnesty, with such exceptions and at such times and on such conditions as he may deem expedient for the public welfare; and whereas, the Congressional declaration for limited and conditional pardon accords with the well established judicial exposition of the pardoning power; and whereas, with reference to the said rebellion the President of the United States has issued several proclamations with provisions in regard to the liberation of slaves; and whereas, it is now desired by some persons heretofore engaged in the said rebellion to resume their allegiance to the United States, and to re-instate loyal State Governments within and for their respective States; therefore I, Abraham Lincoln, President of the United States, do proclaim and make known to all persons who have directly or by implication participated in the existing rebellion, except as hereinafter excepted, that a full pardon is hereby granted to them, and each of them, with restoration of all rights of property, except as to slaves, and in property cases where the rights of third parties shall have intervened, and upon the condition that every such person shall take and subscribe an oath, and thenceforward keep and maintain said oath inviolate, and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit:

"I do solemnly swear, in presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the Union of the States thereunder, and that I will, in like manner, abide by and faithfully support all Acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified or held void by Congress, or by decision of the Supreme Court, and that I will, in like manner, abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court. So help me God."

The persons excepted from the benefits of the foregoing provisions are all who are or shall have been civil or diplomatic officers or agents of the so-called Confederate Government, all who have left judicial stations under the United States to aid the rebellion, all who are or shall have been military or naval officers of said so-called Confederate Government, above the rank of colonel in the army, of lieutenant in the navy; all who have left seats in the United States Congress to aid in the rebellion, all who resigned commissions in the army or navy of the United States and afterwards aided the rebellion, and all who have engaged in any way in treating colored persons or white persons in charge of such, otherwise than lawfully, as prisoners of war, and which persons may have been found in the United States ser-

vice as soldiers, seamen, or in any other capacity. And I do further proclaim, declare and make known that whenever, in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina and North Carolina, a number of persons not less than one-tenth in number of the votes cast in such States at the Presidential election of the year of our Lord 1860—each having taken the oath aforesaid, and not having since violated it, and being a qualified voter by the election law of the State existing immediately before the so-called act of secession, and excluding all others—shall re-establish a State Government, which shall be republican, and in no-wise contravening said oath, such shall be recognized as the true Government of the State, and the State shall receive thereunder the benefit of the constitutional provision which declares that "the United States shall guarantee to every State in this Union a republican form of Government, and shall protect each of them against invasion, on application of the Legislature, or of the Executive when the Legislature cannot be convened, and against domestic violence."

And I do further proclaim, declare and make known, that any provision which may be adopted by such State Government in relation to the freed people of such State, which shall recognize and declare their permanent freedom, provide for their education, and which may yet be consistent as a temporary arrangement with their present condition as a laboring, landless and houseless class, will not be objected to by the National Executive. And it is engaged as not improper that, in constructing a loyal State Government in any State, the name of the State, the boundary, the subdivisions, the constitution and the general code of laws, as before the rebellion, be maintained, subject only to the modifications made necessary by the conditions hereinbefore stated, and such others, if any, not contravening said conditions, and which may be deemed expedient by those framing the new State Government.

To avoid misunderstanding it may be proper to say that this proclamation, so far as it relates to State Government, has no reference to States where loyal State Governments have all the while been maintained. And for the same reason it may be proper to further say, that whether members sent to Congress from any State shall be admitted to seats constitutionally, rests exclusively with the respective houses, and not to any extent with the Executive; and still further, that proclamation is intended to present to the people of the States, wherein the national authority has been suspended, and loyal State Governments have been subverted, a mode in and by which the national authority and loyal State Governments may be re-established within said States or in any of them; and while the mode presented is the best the Executive can suggest with his present impressions, it must not be understood that no other possible mode would be accepted.

Given under my hand, at the City of Washington, the eighth day of December, A. D. one thousand eight hundred and sixty-three, and of the United States of America the eighty-eighth. ABRAHAM LINCOLN.

By the President:
WM. H. SEWARD, Secretary of State.

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