

CONFISCATION ACT.

AN ACT TO SUPPRESS INSURRECTION, TO PUNISH TREASON AND REBELLION, TO SEIZE AND CONFISCATE THE PROPERTY OF REBELS, AND FOR OTHER PURPOSES.

To be 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, if he shall be declared and made free, he shall be imprisoned for not less than five years, and fined not less than ten thousand dollars; said fine shall be levied and collected on any or all 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, notwithstand...

Sec. 2. And be it further enacted, That if any person shall hereafter incite, seduce, 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, or by a fine not exceeding ten thousand dollars, and by the liberation of all his slaves if any he have; or by both of said punishments, at the discretion of the court.

Sec. 3. And be it further enacted, That every person guilty of either of the offenses 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 affect the present, or to prevent, 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 ensure 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, stocks, credits, and effects of the persons herein 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 or navy of the rebels in array 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 or a member of a convention, or Legislature, or judge of any court of any 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 so-called Confederate States of America, or in 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 name or character: Provided, That the persons thirdly, fourthly and fifthly above described shall have accepted their appointment or election since the date of the pretended renunciation 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, transfers, or conveyances of any such property, or any interest therein, shall be null and void; and it shall be a sufficient bar to any suit brought by such person for the possession or 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, or in any of the States aforesaid, after the passage of this act, being engaged in armed rebellion against the Government of the United States, or aiding or 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, any return to his allegiance to the United States, all the estate and property, money, 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 the sixty days from the date of such warning and proclamation, shall be null and void; and it shall be a sufficient bar to any suit brought by such person for the possession or 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, or in any Territory, district court, or in the United States district court, or in the District of Columbia, within which the property above described, or any part thereof, may be found, or into which the same, if movable, may first be brought, which proceedings shall conform as nearly as may be to proceedings in admiralty or revenue cases, and said property, whether real or personal, shall be found to have belonged to a person engaged in 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 may be disposed of as the court shall direct, and the proceeds thereof paid in to 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 subject to sale, and shall have authority to effect the purposes of this act, and to vest in the purchasers of such property good and valid titles thereto. And the said courts shall have power to allow such fees and charges of their officers as shall be reasonable and proper in the premises.

Sec. 9. And be it further enacted, That all slaves of persons who shall hereafter be engaged in the 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 deserted by them and coming under the control of the Government of the United States, and all slaves of such persons found on (or) being within any place occupied by rebel forces, and afterwards 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 person, 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. 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 African race, made free by the present rebellion, as he may deem fit 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.

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

Approved, July 17, 1862.

(PUBLIC RESOLUTION—No. 54.)

JOINT RESOLUTION EXTRAORDINARY, TO PUNISH TREASON AND REBELLION, TO SEIZE AND CONFISCATE THE PROPERTY OF REBELS, AND FOR OTHER PURPOSES.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the provisions of the third clause of the fifth section of "An act to suppress insurrection, to punish treason and rebellion, 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 a State Legislature or judge of any State Court, who has not in accepting or entering upon his office, taken an 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.

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