

IN THE SENATE OF THE UNITED STATES.

DECEMBER 5, 1861.

Agreeably to notice, Mr. TRUMBULL asked and obtained leave to bring in the following bill; which was read twice, referred to the Committee on the Judiciary, and ordered to be printed.

A BILL

For the confiscation of the property of rebels, and giving freedom to the persons they hold in slavery.

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 property, real and personal, of every kind whatso-
4 ever, and wheresoever situated, within the limits of the
5 United States, belonging to any person or persons beyond the
6 jurisdiction of the same, or to any person or persons in any
7 State or district, within the United States, now in a state of
8 insurrection and rebellion against the authority thereof, so
9 that in either case the ordinary process of law cannot be
10 served upon them, who shall, during the present rebellion, be
11 found in arms against the United States, or aiding and abet-
12 ting said rebellion, shall be forfeited and confiscated to the
13 United States; and such forfeiture shall take immediate

14 effect upon the commission of the act of forfeiture, and all
15 right, title, and claim of the person committing such act,
16 together with the right or power to dispose of or alienate his
17 property of any and every description, shall instantly cease
18 and determine, and the same shall at once vest in the United
19 States.

1 SEC. 2. *And be it further enacted,* That every person
2 having claim to the service or labor of any other person in
3 any State under the laws thereof, who during the present
4 rebellion shall take up arms against the United States, or in
5 any manner aid or abet said rebellion, shall thereby forthwith
6 forfeit all claim to such service or labor, and the persons from
7 whom it is claimed to be due, commonly called slaves, shall,
8 *ipso facto*, on the commission of the act of forfeiture by the
9 party having claim to the service or labor as aforesaid, be
10 discharged therefrom, and become forever thereafter free
11 persons, any law of any State, or of the United States to the
12 contrary notwithstanding; and it shall be the duty of the
13 President of the United States to make provision for the
14 transportation, colonization and settlement in some tropical
15 country, beyond the limits of the United States, of such per
16 sons of the African race, made free by the provisions of this
17 act, as may be willing to emigrate, having first obtained the
18 consent of the government of said country to their protection

19 and settlement within the same, with all the rights and privi-
20 leges of freemen.

1 SEC. 3. *And be it further enacted*, That it shall be the
2 duty of the President of the United States, as often as in his
3 opinion the military necessities of the army, or the safety,
4 interest, and welfare of the United States in regard to the
5 suppression of the rebellion, shall require, to order the seizure
6 and appropriation, by such officers, military or civil, as he
7 may designate for the purpose, of any and all of the property,
8 real and personal, confiscated and forfeited under and by
9 virtue of this act, situated and being in any district of the
10 United States beyond the reach of civil process in the ordi-
11 nary course of judicial proceedings by reason of such rebel-
12 lion, and the sale or other disposition of said property or so
13 much of it as he shall deem advisable.

1 SEC. 4. *And be it further enacted*, That it shall be the
2 duty of the officers so designated to make to the President
3 full reports of their proceedings under such orders, which
4 report shall be filed in the office of the Secretary of the
5 Treasury; and all moneys received on the sale of the con-
6 fiscated property of any person as aforesaid, after a deduction
7 of the actual and necessary expenses attendant thereon, and
8 the payment of the just claims of loyal creditors of such per-
9 son, to be allowed by said officers, of all of which a particular
10 account shall be rendered, shall be deposited in the United

11 States treasury, and a separate account of such moneys shall
12 be kept, under the name of the "rebellion fund," and a full
13 report thereof shall be presented to Congress at its next reg-
14 ular session, and at each session thereafter; and the said fund
15 shall be held for the benefit of such loyal citizens as may have
16 been despoiled of their property by said rebellion, and shall be
17 paid out to them upon proof of loss and the amount thereof
18 being duly established in such manner as Congress shall here-
19 after provide, and the excess, if any, shall be applied to extin-
20 guishing so much of the debt incurred by the United States
21 in the suppression of said rebellion.

1 SEC. 5. *And be it further enacted,* That in case any of
2 the property so seized and appropriated or sold as belonging to
3 rebels shall, in fact, and in good faith, have belonged, at the
4 time of the passage of this act, and at the time of such
5 seizure, to a loyal citizen of the United States, such loyal
6 citizen may file in the office of the Secretary of the Treasury
7 at Washington, within sixty days from the date of such
8 seizure, such petition and proofs as he may think proper, and
9 on due allowance of his claim for restitution by such authority
10 and in such manner as Congress may hereafter direct, such
11 loyal owner, or his lawful heirs, shall be entitled to the resti-
12 tution of such property if the same shall not have been sold,
13 or its value at the time of its seizure if it shall have been
14 sold, together with an allowance in case of the restitution of

15 the property, or of its value, in the discretion of the
16 authority awarding the same, which allowance shall not ex-
17 ceed five per centum of the value of the property so reclaimed,
18 and the payment of such value and allowance shall be made
19 from the said "rebellion fund" in preference to its appropria-
20 tion to any other purpose.

1 SEC. 6. *And be it further enacted,* That for the purpose
2 of enforcing the forfeiture specified in the first section of this
3 act of property situated and being in loyal States or districts
4 in which the ordinary course of judicial proceedings is not
5 obstructed by the rebellion, proceedings may be instituted in
6 the name of the United States in any district court of the
7 United States within which the estate or property so for-
8 feited, or any part thereof, may be found, against the person
9 in whose possession, or under whose control the same may
10 be; service of process upon whom shall be sufficient, and
11 final judgment against whom shall be conclusive; or any
12 such forfeiture may be enforced by proceedings *in rem* in any
13 such district court, in which case such proceedings shall con-
14 form, as near as may be, to the proceedings in cases of for-
15 feiture arising under the revenue laws; and in all cases the
16 property condemned, whether real or personal, shall be sold,
17 and the proceeds thereof shall be applied, and an account
18 rendered as provided in the fourth section of this act; and
19 any person discharged from service or labor, and made free.

20 as specified in the second section of this act, in any district
21 of the United States in which the ordinary course of judicial
22 proceedings is not obstructed by the rebellion, may institute
23 proceedings in said district court, or in any other district court
24 of the United States where the person so discharged may at
25 the time be, for the purpose of establishing the evidence of
26 his or her freedom, on giving such notice as the court shall
27 prescribe ; and the several district courts of the United States
28 are hereby invested with power to issue all process, whether
29 mesne or final, and to do every other matter and thing neces-
30 sary or proper to carry out the purposes of this act.

1 SEC. 7. *And be it further enacted,* That any person duly
2 convicted of the crime of treason, in addition to the punish-
3 ment now prescribed by law, shall forfeit to the United States
4 all his personal property of whatsoever nature within the
5 United States, and also the right to the possession, rents,
6 issues, and profits, of his real estate within the United States,
7 for and during his natural life, the property forfeited by this
8 section to be disposed of under the direction of the court
9 before whom the conviction for treason is had, in the same
10 manner, and the proceeds to be applied in the same way, as
11 provided in the sixth section of this act.

A BILL

For the confiscation of the property of rebels
and giving freedom to the persons they hold
in slavery.

1861—DECEMBER 5.—Read twice, referred to the Committee
on the Judiciary, and ordered to be printed.