

Circular #13

War Department
Bureau of Refugees, Freedmen, and Abandoned Lands.
Washington July 28, 1865.

Circular
No. 13

In order to establish a definite and uniform policy relative to confiscated and Abandoned Lands, and other confiscated and abandoned property which are now or that may hereafter come under the control of this Bureau by virtue of the Act approved March 3, 1865, establishing the Bureau, and other acts and sections of Acts and orders of the president relative to captured, confiscated and Abandoned property, to wit: Sec 2 Act approved July 21, 1864, and General Orders No. 110, War Dept June 7, 1865, the following rules and regulations are established.

I. All confiscated and abandoned land, and other confiscated and abandoned property, that now and or that may hereafter come under the control of the Bureau of Refugees, Freedmen & Abandoned Lands, by virtue of said acts and Sections of Acts and order of the President, are and shall be set apart for the use of loyal refugees and freedmen and as much as may be necessary, assigned to them as provided in Sect 4. of the act establishing the Bureau viz: "to every male citizen, whether refugee or freedman, as aforesaid, there shall be assigned not more than forty acres of such land, and the person to whom it was so assigned shall be protected in the use and enjoyment of the land for the term of three years at an annual rent not exceeding six per centum upon the value of such land, as it was appraised by the state authorities in the year eighteen hundred and sixty, for the purpose of taxation, and in case no such appraisal can be found, then the rental shall be based upon the estimated value of the land in said year, to be ascertained in such manner as the commissioner may by regulation prescribe. At the end of said term, or at any time during said term, the occupants of any parcels so assigned may purchase the land and receive such title thereto as the United States can convey, upon paying therefor the value of the land, as ascertained and fixed for the purpose of determining the annual rent aforesaid."

II. All lands, or other property, within the several insurrectionary States, viz: Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Kentucky, Tennessee, Missouri, Arkansas, Louisiana, & Texas, to which the US have or shall have acquired title by confiscation, or sale, or otherwise during the late rebellion, and all abandoned lands, or other abandoned property in those states, have become so by the construction of Sec 2 of act approved July 21, 1864, viz: "Property, real or personal, shall be regarded as abandoned when the lawful owner thereof shall be voluntarily absent therefrom and engaged either in arms or otherwise, in aiding or encouraging the rebellion, and which remains unsold or otherwise disposed of are, and shall be considered as under the control of the Commissioner of the Bureau of Refugees, Freedmen & Abandoned Lands, for the purposes herein before set forth, and for this time authorized by the Act establishing the Bureau; and no part or parcel of said confiscated or Abandoned property shall be surrendered and or restored to the former owner

thereof, or other claimants thereby, except such surrender or restoration be authorized by said Commissioner.

III. Whenever any abandoned lands or other abandoned property that shall have come into the possession of the Bureau does not fall under the definition of "Abandoned," as set forth in Sec. 2 of the Act approved July 2, 1864, it will be formally surrendered by the Commissioner or Asst Commissioners of the Bureau, upon clear proof that the claimant did not abandon the property in the sense defined in said Section and Act.

IV. In the surrender or restoration of any property the requirements of Circular No. 3 current [?] from this Bureau will be carefully observed.

V. Asst Commissioners will as rapidly as possible, cause accurate description of all confiscated and abandoned lands and other confiscated and abandoned property that are now or that may here after come under their control, to be made, and besides keeping a record of such themselves, will forward monthly to the Commissioner of the Bureau, copies of such descriptions in the manner prescribed by Circular No 10 of July 11, 1865 from this Bureau. They will, with as little delay as possible, select and set apart such confiscated and abandoned lands and property as may be deemed necessary for the immediate use of Refugees and Freedmen, the specific division of which into lots, and the rental or sale thereof according to the law establishing the Bureau, will be completed as soon as practicable and reported to the Commissioner. In the selection and setting apart of such lands and property, care will be used to take that about which there is the least doubt as to the proper custody and control of the Bureau.

VI. The pardon of the President will not be understood to extend to the surrender of abandoned or confiscated property which by law has been "set apart for Refugees and Freedmen" or "in use for the employment and general welfare of all persons within the lines of National Military occupation within said insurrectionary States formerly held as slaves who are or shall become free."

(See Act of Mar 3, 1865 and Act of July 21, 1864. Secs 1, Chapter 225)

O. O. Howard
Major General, Commissioner, Bureau of
Refugees, Freedmen, and Abandoned Lands

Not promulgated

Rescinded by Circular No. 15 of date Sep 12, 1865.

Source: National Archives and Records Administration, Record Group 105, Entry 24, No. 139 Asst Adjutant General Circulars 1865-1869, Bureau of Refugees, Freedmen, and Abandoned Lands, pp. 14-15. (Transcribed from the original by John Soos, August, 2003)

Confiscated – seized

To wit – that is to say, namely

Viz – abbreviated form of "videlicet," which means the same thing as "to wit."

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