39TH CONGRESS, 2D SESSION.

H. R. 1143.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 13, 1867.

Read and passed to a second reading.

AN ACT

To provide for the more efficient government of the insurrectionary States.

Whereas the pretended State governments of the late so-called Confederate States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas, were set up without the authority of Congress, and without the sanction of the people; and whereas said pretended governments afford no adequate protection for life or property, but countenance and encourage lawlessness and crime; and whereas it is necessary that peace and good order should be enforced in said so-called States, until loyal and republican State governments can be legally established: Therefore—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said late so-called confederate States shall be divided into military districts and made subject to the military authority of the United States, as hereinafter prescribed, and for that purpose Virginia shall constitute the first district; North Carolina and South Carolina the second district; Georgia, Alabama, and Florida, the third district; Mississippi and

Arkansas the fourth district; and Louisiana and Texas the fifth district.

SEC. 2. *And be it further enacted,* That it shall be the duty of the general of the army to assign to the command of each of said districts an officer of the army, not below the rank of brigadier general, and to detail a sufficient military force to enable such officer to perform his duties and enforce his authority within the district to which he is assigned.

SEC. 3. *And be it further enacted,* That it shall be the duty of each officer assigned as aforesaid to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals, and to this end he may allow local civil tribunals to take jurisdiction of and to try offenders, or, when in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose, anything in the constitution and laws of any of the so-called Confederate States to the contrary notwithstanding; and all legislative or judicial proceedings or processes to prevent or control the proceedings of said military tribunals, and all interference by said pretended State governments with the exercise of military authority under this act, shall be void and of no effect.

1 SEC. 4. *And be it further enacted,* That courts and
2 judicial officers of the United States shall not issue writs of
3 habeas corpus in behalf of persons in military custody, ex-
4 cept in cases in which the person is held to answer only for
5 a crime or crimes exclusively within the jurisdiction of the
6 courts of the United States within said military districts, and
7 indictable therein, or unless some commissioned officer on
8 duty in the district wherein the person is detained shall indorse
9 upon said petition a statement certifying, upon honor, that he
10 has knowledge or information as to the cause and circum-
11 stances of the alleged detention, and that he believes the
12 same to be wrongful; and, further, that he believes that the
13 indorsed petition is preferred in good faith and in furtherance
14 of justice, and not to hinder or delay the punishment of crime.
15 All persons put under military arrest by virtue of this act
16 shall be tried without unnecessary delay, and no cruel or
17 unusual punishment shall be inflicted.

1 SEC. 5. *And be it further enacted,* That no sentence of
2 any military commission or tribunal hereby authorized, affect-
3 ing the life or liberty of any person, shall be executed until it
4 is approved by the officer in command of the district, and the
5 laws and regulations for the government of the army shall
6 not be affected by this act, except in so far as they conflict
7 with its provisions.

Passed the House of Representatives February 13, 1867.

Attest: EDWARD McPHERSON, *Clerk.*