

Circular #15

War Department
Bureau of Refugees, Freedmen, and Abandoned Lands.
Washington Sep 12, 1865.

Circular
No. 15

I. Circular No 13 of July 28, 1865, from this Bureau, and all portions of Circulars from this Bureau conflicting with the provisions of this Circular are hereby rescinded.

II. This Bureau has charge of such tracts of lands within the insurrectionary states as shall have acquired title by confiscation or sale, or otherwise, and no such lands now in its possession shall be surrendered to any claimant except as having after provided.

III. Abandoned lands are defined in Sec 2 of the Act of Congress, approved July 2, 1864, as lands, the lawful owner whereof shall be voluntarily absent, therefrom, and engaged either in arms or otherwise in aiding or encouraging the rebellion.

IV. Land will not be regarded as confiscated until it has been condemned, and sold by decree of the U.S. Court for the District in which the property may be found, and the title thereto thus vested in the United States.

V. Upon its appearing satisfactorily to any Assistant Commissioner that any property under his control is not abandoned as above defined, and that the U. S. has acquired no title to it, by confiscation, sale, or otherwise, he will formally surrender it to the authorized claimant or claimants promptly reporting his action to the Commissioner.

VI. Asst Commissioners will prepare accurate descriptions of all confiscated and abandoned lands under their control, keeping a record thereof themselves, and forwarding monthly, to the Commissioner, copies of these descriptions in the manner prescribed in Circular No. 10 of July 11, 1865, from this Bureau.

They will set apart as much of said lands as is necessary for the immediate use of loyal Refugees and Freedmen, being careful to select for this purpose those lands which most clearly fall under the control of this Bureau, which selection must be submitted to the Commissioner for his approval.

The specific division of lands so set apart, into lots and the rental or sale thereof, according to Sec. 4 of the law establishing the Bureau, will be completed as soon as practicable and reported to the Commissioner.

VII. Abandoned Lands held by this Bureau may be restored to owners pardoned by the President, by the Asst Commissioners to whom applications for such a restoration

should be forwarded, so far as practicable through the Supts of the Districts in which the lands are situated.

Each application must be accompanied by –

1st Evidence of especial pardon by the President, or a copy of the oath of amnesty prescribed in the President's Proclamation of May 29, 1865, when the applicants is not included in any of the classes therein exempted from the benefits of said oath.

2nd Proof of title.

Officers of the Bureau through whom this application passes will endorse thereon such facts as may assist the Asst Commissioner in his decision, stating especially the use made by the Bureau of the Land.

VIII. No lands under cultivation by loyal Refugees or Freedmen, will be restored under this Circular, until the crops now growing shall be secured for the benefit of the cultivators unless full and just compensation be made for their labor and its products, and for their expenditures.

Oliver O. Howard
Major Genl. Commissioner

Approved
Andrew Johnson.
President of the United States

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. 17-18. (Transcribed from the original by John Soos, August, 2003)

Rescinded – canceled
Tract – a defined area of land, a parcel of land
Claimant – one that asserts a right or title to property
Practicable – possible

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