

Case No. 16,535. UNITED STATES v. TRACT OF LAND.
[1 Woods, 475.]¹

Circuit Court, S. D. Georgia.

April Term, 1871.

WAR—RIGHTS OF CONQUEST—LAND OWNED BY CONFEDERATE
GOVERNMENT—CONFISCATION PROCEEDINGS.

Land conveyed to the Confederate States government, for the purpose of aiding the Rebellion, became the property of the United States by right of conquest ipso facto, and no proceedings were necessary for confiscation or forfeiture, and when such proceedings were taken, they were void.

[In error to the district court of the United States for the Southern district of Georgia.]

One Titus filed a petition in the district court as informer, claiming one-half the proceeds of lands seized and sold in the principal case. The court awarded judgment in his favor. [Case unreported.] This is a writ of error to reverse that judgment

John D. Pope, U. S. Atty.

Henry R. Jackson, for informer.

BRADLEY, Circuit Justice. The land in question in the cause was seized for confiscation under the acts of August 6, 1861 (12 Stat 319), and July 17, 1862 (12 Stat. 589). The information alleges that it had been conveyed to the Confederate States government for the purpose of aiding the insurrection. If this were the case, it became the property of the United States government by right of conquest ipso facto; that government succeeding to all the property held by the Confederate States government The United States needed no proceedings for confiscation or forfeiture. They had plenary title and right of possession, if not actual possession, without any such proceedings. It cannot be presumed that congress intended to authorize a proceeding to forfeit or confiscate the government's own property, and divide the proceeds with the informer. Such a proceeding must be regarded as supererogatory and void.

The judgment is reversed.

¹ [Reported by Hon. "William B. "Woods, Circuit Judge, and here reprinted by permission.]