

XIX.

1555 AN ACT of the Congress of the "Confederate States of America," entitled "AN ACT to suspend the privilege of the Writ of Habeas Corpus in certain cases."<sup>1</sup>

Whereas the Constitution of the Confederate States of America provides, in article first, section nine, paragraph three, that "the privilege of the writ of habeas corpus shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it:" and whereas the power of suspending the privilege of said writ, as recognized in said article first, is vested solely in the Congress, which is the exclusive judge of the necessity of such suspension: and whereas in the opinion of the Congress, the public safety requires the suspension of said writ in the existing case of the invasion of these States by the armies of the United States: and whereas the President has asked for the suspension of the writ of habeas corpus, and informed Congress of conditions of public danger which render the suspension of the writ a measure proper for the public defence against invasion and insurrection: Now, therefore,

*The Congress of the Confederate States of America do enact*, That during the present invasion of the Confederate States, the privilege of the writ of habeas corpus be and the same is hereby suspended; but such suspension shall apply only to the cases of persons arrested or detained by order of the President, Secretary of War, or the general officer commanding the Trans-Mississippi Military Department, by the authority and under the control of the President. It is hereby declared that the purpose of Congress in the passage of this act is to provide more effectually for the public safety, by suspending the writ of habeas corpus in the following cases, and no others:

First—Of treason, or treasonable efforts or combinations to subvert the government of the Confederate States.

Second—Of conspiracies to overthrow the government, or conspiracies to resist the lawful authorities of the Confederate States.

Third—Of combining to assist the enemy, or of communicating intelligence to the enemy, or giving him aid and comfort.

Fourth—Of conspiracies, preparations and attempts to incite servile insurrection.

Fifth—Of desertions or encouraging desertions, of harboring deserters and of attempts to avoid military service; provided, that in cases of palpable wrong and oppression by any subordinate officer, upon any party who does not legally owe military service, his superior officer shall grant prompt relief to the oppressed party, and the subordinate shall be dismissed from office.

1556 Sixth—Of spies and other emissaries of the enemy.

Seventh—Of holding correspondence or intercourse with the enemy, without necessity, and without the permission of the Confederate States.

Eighth—Of unlawful trading with the enemy, and other offences against the laws of the Confederate States, enacted to promote their success in the war.

Ninth—Of conspiracies, or attempts to liberate prisoners of war held by the Confederate States.

Tenth—Of conspiracies, or attempts or preparations to aid the enemy.

Eleventh—Of persons advising or inciting others to abandon the Confederate cause, or to resist the Confederate States, or to adhere to the enemy.

Twelfth—Of unlawfully burning, destroying or injuring, or attempting to burn, destroy or injure any bridge or railroad or telegraphic line of communication, or other property, with the intent of aiding the enemy.

Thirteenth—Of treasonable designs to impair the military power of the government, by destroying, or attempting to destroy the vessels or arms, or munitions of war, or arsenals, foundries, workshops or other property of the Confederate States.

<sup>1</sup>Published, with directions as to its execution, in G. O. 31, A. & I. G. O., Richmond, 1864.

SEC. 2. The President shall cause proper officers to investigate the cases of all persons so arrested or detained, in order that they may be discharged, if improperly detained, unless they can be speedily tried in the due course of law.

SEC. 3. That during the suspension aforesaid no military or other officer shall be compelled, in answer to any writ of habeas corpus, to appear in person or to return the body of any person or persons detained by him by the authority of the President, Secretary of War, or the general officer commanding the Trans-Mississippi department; but upon the certificate under oath of the officer having charge of any one so detained, that such person is detained by him as a prisoner for any of the causes hereinbefore specified, under the authority aforesaid, further proceedings under the writ of habeas corpus shall immediately cease, and remain suspended so long as this act shall continue in force.

SEC. 4. This Act shall continue in force for ninety days after the next meeting of Congress, and no longer.

Approved February 15, 1864.