

HOUSE OF REPRESENTATIVES.—November 28, 1864—
Read first and second times, referred to a Special Committee of one
from each State, and ordered to be printed.

[By MR. MILES.]

A BILL

To be entitled An Act to consolidate and amend the laws relative to
impressments.

1 SECTION 1. *The Congress of the Confederate States of America*
2 *do enact*, That private property may be taken for the public use
3 by impressment, upon the payment of just compensation therefor,
4 under regulations to be made by the Secretary of War, and under
5 the limitations and conditions prescribed by this act.

1 SEC. 2. That before any property shall be taken by impress-
2 ment, the officer empowered to make the impressment shall serve
3 a notice upon the owner, his attorney, bailee, or other agent,
4 describing the property needed, the nature of the existing
5 necessity, and the price to be paid, and shall state that, in the event
6 of the refusal of the price, impressment will be made, where-
7 upon, it shall be the duty of the owner, his attorney, bailee or
8 agent, to communicate to the officer his acceptance or refusal of
9 the offer made, and, in case of refusal, his readiness to ascertain
10 the compensation according to the terms of this act.

1 Sec. 3. That, for the ascertainment of just compensation for
2 any property impressed, except as hereinafter excepted, the
3 impressing officer shall appoint one loyal and disinterested citizen
4 of the county, district or parish in which the property may be
5 at the date of the impressment, and the owner of the article
6 impressed, his attorney, bailee or other agent, shall appoint
7 another, who shall, upon oath, (which oath may be administered
8 by the impressing officer, and shall bind the appraisers to make
9 a just and impartial assessment,) assess the value of the same at
10 the date of the service of notice, and the assessment so made
11 shall be conclusive evidence of the value of the property, unless
12 changed on appeal as hereafter provided; but should the
13 appraisers fail to agree, they may select an umpire, of like quali-
14 fications, to make the appraisement, or to act in conjunction
15 with them in doing so, and the assessment of the umpire, or of
16 the appraisers in conjunction with him, shall have the same force,
17 and be subject in the same manner to alteration or appeal, as if
18 made by the appraisers: *Provided, however,* That if the owner,
19 attorney, bailee or other agent, shall neglect or refuse, within
20 three days after the notice as aforesaid, to appoint an appraiser,
21 competent and willing to act in the premises, the price offered
22 shall be held and taken as just compensation, and the property
23 shall be taken for the public use, upon the payment or tender of
24 the price offered.

1 SEC. 4. Whenever any impressment shall be made under the
2 order of a commanding general in the field or other commander
3 specified in this act, and he shall certify that the public exigency
4 will not admit a delay sufficient to establish the value by appraise-
5 ment, as above provided, it shall be the duty of the impressing
6 officer, making the impressment, to give an official certificate
7 describing the property taken, the company, battalion, regiment,
8 or other command for whose use the same shall be taken, the
9 price to be paid, and the reasons for failing to make payment, or
10 to settle the price at the time, and also the circumstances of
11 necessity that dictated the impressment, which certificate shall
12 be evidence of a claim against the Confederate States, and shall
13 be promptly paid by the disbursing officer of the command for
14 which the property was taken, or by the chief of the bureau
15 having charge of disbursements for similar objects.

1 SEC. 5. That whenever the impressment of any real estate
2 shall become necessary for the manufacture or production of
3 arms, munitions, or material of war, or of material to be used in
4 aid of their production, or any material necessary to sustain or
5 support railway communications, or in any other case in which
6 this course may be preferable, it shall be competent to the
7 Secretaries of War, or Navy, or the appropriate chiefs of the
8 bureaus connected with said Departments, under their orders and
9 with their certificate of the existing necessity, to present a petition

10 to the district court of the district in which the property may be,
11 for an order authorizing the impressment of the said property,
12 and a writ of possession directing the delivery of the property to
13 the officer charged to make the impressment, upon the execution
14 of which by the marshal of the district, a right shall accrue to
15 the owner to have just compensation or temporary use of the
16 property, as the case may be; and it shall be the duty of the
17 court, at the time of allowing the writ of possession, to declare
18 the right of the owner to such compensation, and to appoint
19 appraisers to make an assessment of the compensation to be paid.
20 This order shall be made upon a notice to the owner, his agent,
21 or other bailee, who shall be allowed to propose appraisers, and
22 to object to any appraiser proposed, but the court shall select the
23 appraisers, according to its sound discretion and judgment.

1 SEC. 6. It shall be the duty of the appraisers, so appointed,
2 to make the appraisement under the authority and instructions
3 of the court, and to make a return to the court within a limited
4 time, which return shall be subject to exceptions, and the com-
5 pensation, proper to be made, shall be adjudicated finally by said
6 court, and its judgment shall constitute a claim against the Con-
7 federate Government, to be paid as other claims under this act.

1 SEC. 7. That, whenever property of any kind shall be regu-
2 larly and legally impressed, under this act, or, after service of
3 notice of impressment, shall be secreted or removed, or the pos-

4 session thereof shall be withheld from the impressing officer, he,
5 or the chief of the bureau to which he belongs, or the command-
6 ing General, or other superior officer directing the impressment,
7 shall have the liberty to apply to the judge of the district court
8 of the Confederate States for the district in which the property
9 may be, for appropriate writ of possession, to search for and se-
10 cure the delivery of the same, which writ shall be executed by
11 the marshal of the district, as in other cases of judicial process.
12 For the objects of this act, the said district courts shall always
13 be open, and the court shall exercise a summary jurisdiction in
14 all the matters of jurisdiction conferred by any section of this
15 act.

1 SEC. 8. That the commissioners appointed under the fifth sec-
2 tion of the act of March 26th, 1863, to regulate impressments,
3 shall continue to perform the functions prescribed in the said
4 act, and shall constitute a tribunal for the revision of all assess-
5 ments made under this act, when either party is dissatisfied with
6 the same, except in those cases in which the assessment is made
7 under the order or judgment of any district court of the Confed-
8 erate States, and appeals may be taken to the said board within
9 twenty days after the assessment be made, either by the owner
10 of the property, his agent or other bailee, or by the impressing
11 officer, or the chief of the bureau to which he belongs, or the
12 head of the Department, but in case the appeal shall be made by

13 the officers of the Government, it shall not prevent their making
14 payment of the claim to the extent of the price offered, without
15 prejudice to either party.

1 SEC 9. Slaves may be impressed for work upon fortifications
2 and other public works, and for the purposes mentioned in the
3 act entitled "An act to increase the efficiency of the army by the
4 employment of free negroes and slaves in certain capacities,"
5 approved 17th February, 1864. No slave shall be impressed
6 who is under eighteen years of age or more than fifty; nor shall
7 the slaves employed for the domestic or family service be taken;
8 nor shall there be taken any from farms or plantations on which
9 there are fewer than five male slaves of the age specified; nor
10 shall there be more than five per cent. of the male slaves between
11 the ages specified, belonging to any owner, impressed.

1 SEC. 10. The impressment of slaves shall be made under the
2 regulations of the Secretary of War, who shall consider the re-
3 sources of slave labor within the State within which their service
4 is required, and he shall endeavor to obtain the supply necessary
5 by fair and equitable apportionment among the owners of such
6 property, and shall follow, as nearly as practicable, the disposi-
7 tions of any laws of the different States that may have been
8 adopted upon the subject of such impressments, as to the rule of
9 apportionment, the mode of collection and the obligations to be
10 performed on the part of the Government of the Confederate States.

1 SEC. 11. That there shall be exempt from impressment, under
2 this act, the dwelling-house, furniture and apparel of every
3 family, the servants usually employed in the same, the necessary
4 supplies for the family, the servants and laborers necessary to
5 carry on their agricultural, mechanical or professional employ-
6 ments: *Provided*, That this shall not be construed to impair the
7 provisions of the act approved 17th February, 1864, entitled
8 “An act to authorise the impressment of meat for the use of the
9 army under certain circumstances.” The number of servants
10 and quantity of property to be ascertained and finally determined
11 when the impressing officer and owner cannot agree, by ap-
12 praisers, under oath, to be appointed as provided in the first sec-
13 tion of this act.

1 SEC. 12. That if any persons shall make any impressments
2 without the authority of law, or who shall not be authorised to
3 do so under orders from competent authority, or shall fail in
4 making impressments to conform to the law and regulations of the
5 War Department, or shall act with oppressive violence in making
6 the same, the person so offending, besides being subject to action
7 at the suit of the party injured, shall be liable to prosecution in
8 the district court of the Confederate States, and, on conviction,
9 shall be liable to a fine of not more than two thousand dollars
10 and to imprisonment for a term not exceeding three years; and
11 if an officer or soldier of the army, shall, moreover, be liable to

12 trial before a court-martial or military court, and to such sen-
 13 tence as they, in their discretion, may inflict.

1 SEC. 13. That the notice required in this act may be served
 2 by delivering a copy thereof, in writing, to the party in person ;
 3 or if he be not at his usual place of abode, by delivering such
 4 copy, and giving information of its purport to his wife, or any
 5 white person found there, who is a member of his family, and
 6 above the age of sixteen years ; and if neither he nor his wife,
 7 nor any such white person, be found there, by leaving such
 8 copy posted at the front door of said place of abode.

1 SEC. 14. That all acts and parts of acts that contravene this act
 2 be, and the same are hereby, repealed