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AN ACT

TO IMPOSE REGULATIONS UPON THE FOREIGN COMMERCE OF THE CONFEDERATE STATES, TO PROVIDE FOR THE PUBLIC DEFENCE.

Whereas the Confederate States are engaged in a war, upon the successful issue of which depend the integrity of their social system, the form of their civilization, the security of life and property within their limits as well as their existence as sovereign and independent states: and whereas the condition of the contest demands that they should call into requisition whatever resources of men and money they have for the support of their cause, and to faithfully administer the same: Therefore, as a part of the system of the public defence—

The Congress of the Confederate States of America do enact, That the exportation of cotton, tobacco, military and naval stores, sugar, molasses and rice from the Confederate States, and from all places in the occupation of their troops, is prohibited, except under such uniform regulations as shall be made by the President of the Confederate States.

SEC. 2. That if any person or persons shall put, place or load, on board any ship, steam boat or vessel, or any other water craft, or into any wagon, cart, carriage or other vehicle, for conveyance or transportation beyond the Confederate States, or into any portion of said states occupied by the enemy, any of the articles mentioned in the first section of this act, or shall collect the same for the purpose of being conveyed or transported, contrary to the prohibition aforesaid, within the Confederate States, or beyond them, the said articles, and the ship, boat or other water craft, wagon, carriage or other vehicle, with the slaves and animals that may be employed or collected for the purpose of aiding therein, shall be forfeited, and all persons, their aiders and abettors, on conviction of being interested or concerned in the enterprise, shall be deemed to be guilty of a high misdemeanor, and punishable by such fine or imprisonment, or both, as the court may impose.

SEC. 3. That it shall not be lawful to put on board any ship, boat, vessel or other water craft, or upon any wagon, cart, carriage or other vehicle for transportation or conveyance as aforesaid, any of the articles aforesaid, unless a permit be previously obtained

from some officer of the Confederate States specially authorized to grant the same, particularly describing the articles thus to be laden, and the ship, boat, vessel, water craft, wagon, carriage, cart or other vehicle on which the same is to be transported, and until bond shall be given that the same shall be conveyed and transported to the place of destination, under such conditions and regulations, and for such objects as shall be prescribed by the President, under the first section of this act.

SEC. 4. That the collectors of all the districts of the Confederate States, and such other officers as may be designated by the President of the Confederate States, shall have power and authority to take into their custody any of the articles before mentioned found on any ship, boat or other water craft, when there is reason to believe that they are intended for exportation, or when in vessels, carts or wagons, or any other carriage or vehicle whatsoever, or in any manner apparently on their way towards the territories of a foreign nation, or towards the territory of the Confederate States in the occupation of the United States, or the vicinity thereof, or towards a place whence such articles are intended to be exported, and not to permit the same to be removed until bond shall be given, with satisfactory sureties, that no violation of this act, and the regulations under the same, is intended.

SEC. 5. That the powers granted by this act to the revenue or other officers of the Confederate States, under this act, to allow or refuse exportation of the articles before mentioned, or for the seizure or retention of any of the said articles, shall be exercised in conformity with such instructions as the President may give, through the Departments of War and of the Treasury; which instructions may impose conditions to the destination and sale of the same, and the investment of the proceeds of the same, or a portion thereof, in military or other supplies for the public service; which instructions such officers shall be bound to obey; and if any action or suit shall be brought against any such officer or officers, or their agents, he or they may plead the general issue; and upon proof of a compliance with the provisions of this act, or of the regulations and instructions of the President, he or they shall be absolved from all responsibility therefor; and any person aggrieved by any of the acts of any of the officers or agents aforesaid, may file his petition before the district court of the district in which such officer or agent resides; and after due notice to him, and to the district attorney, the said court may proceed summarily to hear and determine thereupon as law and justice may require; and the judgment of the said court, and the reasons therefor, shall be filed

among the records of the court; and in case any release shall be granted, the judge may impose such conditions, as to giving bond and security, as may in his opinion be necessary to secure this act from violation; and in case of refusal, may impose double or treble costs upon the petitioner, if circumstances warrant it: provided, that nothing in this act shall be construed to prohibit the Confederate States, or any of them, from exporting any of the articles herein enumerated, on their own account.

SEC. 6. That the exclusive jurisdiction is conferred upon the district courts of the Confederate States of all suits or actions that may arise under this act in behalf of the Confederate States, its officers and agents for the recovery of all fines, penalties and forfeitures imposed in the same, by indictment, information or action, according to the practice of the court; and the distribution of the penalties and fines shall be made under and according to the laws now in force for violation of the revenue acts; and all laws for the mitigation and remittance of penalties and forfeitures, shall be applied in similar cases.

SEC. 7. That it shall be lawful for the President, or such officers as he may designate, to employ any portion of the military or naval forces of the Confederacy, or of the militia, to prevent the illegal departure of any ship, vessel or other water craft, or for detaining, taking possession of, and keeping in custody the same, or any wagon, cart or other vehicle heretofore mentioned, their teams and drivers, and their products aforesaid, and to suppress and disperse any assembly of persons who may resist the execution of this act, or oppose the fulfillment, by the officers, of the duties imposed by the same.

SEC. 8. That this act shall expire on the day of the ratification of a treaty of peace with the United States.

Approved February 6, 1864.

REGULATIONS

TO CARRY INTO EFFECT THE ACT TO IMPOSE REGULATIONS
UPON THE FOREIGN COMMERCE OF THE CONFEDERATE
STATES, TO PROVIDE FOR THE PUBLIC DEFENCE, APPROVED
6TH FEBRUARY, 1864.

I.—As to the Sea.

1. The owners of any vessel intending to sail from a Confederate port with a cargo consisting in whole or part of cotton, tobacco, military and naval stores, sugar, molasses or rice, shall, before the lading on board of any such articles, file with the collector of the port from which the vessel is to sail, a copy of her register, with a declaration of the names of the owners and officers thereof, the place of their birth, and of their residence for the preceding year, together with the port or place to which the said vessel proposes to sail. The said declaration shall also set forth the quantity and value, in Confederate currency, of the cargo proposed to be taken out, as also the consent of the said owners, that one-half of the tonnage of the said vessel may be employed by the Confederate government for its own use, both on the outward and homeward voyage, at the rate of freight herein after mentioned. The collector shall submit a statement as to the owners and officers, to the military commandant of the port; and if he shall not object to their loyalty, or to the sailing of the vessel, for reasons of military necessity, the collector shall grant a permit for the lading of the said vessel, one-half for account of the owners, and one-half for account of the Confederate States.

2. Before the said lading shall be completed, the owners of the vessel shall execute to the Confederate States a bond in double the value of the vessel, with security deemed adequate by the collector, conditioned that she will pursue the voyage designated, and that she will return with reasonable dispatch to a Confederate port, after her outward cargo shall be discharged, with a cargo—consisting one-half of articles not prohibited by the laws of the Confederate government, and the other half of such articles as the government shall offer for shipment from such port, at the rate of freight herein after mentioned.

3. Each shipper of any portion of the cargo proposed to be laden

on board the said vessel shall, before the lading thereof, make application to the collector for a permit to lade the same: which application shall declare the articles to be shipped, and the quantity and value thereof in Confederate currency, the port of destination, and the name of the consignee. A permit shall then be granted by the collector, if the application is deemed satisfactory. The lading shall be had under the inspection of a revenue officer, who shall be charged with the duty of seeing that the goods laden conform to the permit.

4. Before the completion of the lading on board, or the granting a clearance, each shipper of any portion of the cargo shall execute and deliver to the collector a bond to the Confederate States, in double the value of his shipment in Confederate money, with security deemed adequate by the collector, with condition that at least one-half the net proceeds of said shipment shall be invested in goods or articles not prohibited by law; and said goods or articles shall be shipped by the same or some other vessel, to the Confederate States, within sixty days from the unloading of said cargo; or that the said half of the net proceeds shall be paid in coin or sterling exchange to the proper agent of the Confederate States, to be reimbursed to the shipper by the delivery to him of cotton at the port of departure in the Confederate States, at the rate of ten pence sterling per pound for middling uplands.

5. The freight to be paid by the Confederate States on all cotton and tobacco shipped from a Confederate port shall be five pence sterling per pound, payable on delivery at the port of destination, in coin or sterling exchange. Return freight shall be at the rate of £25 per ton, payable on its delivery in a Confederate port, in cotton, at ten pence sterling per pound for middling uplands, and at a proportionate price for cotton of other qualities. In calculating the ton of freight by weight, 2,240 pounds shall be allowed; by measure, forty cubic feet shall be allowed.

6. If the outward bound vessel shall consent, at the request of the government, to take two-thirds of her cargo for account of the Confederate States, the outward freight shall be six pence sterling per pound: and whenever the government is not prepared to fill up any portion of the tonnage reserved for its use, at the time at which any vessel may be made ready to sail, her owners may fill up the same on their own account: but no vessel shall, without consent of the government, sail on her outward voyage until one-third of her cargo shall be laden for the use of the government.

7. The rates of freight for articles other than cotton and tobacco,

shall be adjusted at the same relative rate, and payable in the same way.

7. 8. The government reserves the right to limit or prohibit the shipment of rosin, turpentine, or any manufacture thereof, whenever deemed dangerous to its own shipment.

9. 9. Upon the completion of the lading of the vessel, and before receiving her clearance, there shall be delivered to the collector, in addition to the usual manifest, another, setting forth the names, ages and description of her officers and crew, and of every passenger intending to sail in her. The said last mentioned manifest shall be delivered to the commandant of the port, who shall thereupon cause the entire vessel to be searched; and if satisfied that the parties on board are persons who may safely be permitted to leave the Confederacy, and that the passengers have the proper passports, he shall certify the same on the manifest, and return the same to the collector; whereupon, and not before, a clearance shall be granted to the vessel, and he shall be permitted to sail.

9. 10. The owners of each vessel, and of each portion of a cargo sailing from a Confederate port, shall be allowed to take up their respective bonds, by producing to the collector the certificate of the proper agent of the Confederate government at the port of delivery, setting forth the particulars, showing that the said party has complied with the obligation of the said bond, so far as the same was practicable; and the collector, upon being duly satisfied, shall be authorized to surrender the said bonds.

10. 11. Nothing in these regulations shall be so construed as to conflict with the proviso of the law which declares "that nothing in this act shall be construed to prohibit the Confederate States, or any of them, from exporting any of the articles herein enumerated on their own account," nor shall a bond be required of a State in any case.

12. The penalties of all bonds executed in conformity with these regulations, shall be recoverable in full, on proof of breach of the conditions of the bond, and without proof of any damage suffered by the Confederate States in consequence of such breach; and all bonds shall be executed in such form as to give effect to this regulation.

13. Vessels sent into the Confederacy for the purpose of exporting cotton received in payment of any Confederate bond or obligation, shall be subject to these regulations only so far as relates to such portion of the tonnage, if any, as may remain vacant after the lading of the cotton received in payment as aforesaid.

14. The regulations for overland commerce with neutral countries will be issued separately, within a few days.

Approved.

C. G. MEMMINGER,
Secretary of Treasury.
JAMES A. SEDDON,
Secretary of War.

Approved March 5th, 1864:
JEFFERSON DAVIS.

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Approved by J. R.

TREASURY DEPARTMENT, C. S. A.
Richmond, March 16, 1864.

The following additional regulations are established to carry out the act to impose regulations upon the foreign commerce of the Confederate States, and to provide for the public defence, approved February 6, 1864:

1. The bond required by the second article of the Regulations shall be in one-half the value of the vessel; and that required by the fourth article shall be in the single value of the shipment; and the security which the collector may accept may be either personal security, or a mortgage of the vessel, or a transfer of the bills of lading, or of cotton, tobacco or Confederate securities.

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2. Whenever any vessel shall bring into the Confederate States an entire cargo for account of the Confederate States, the owners of the said vessel and the shippers of her cargo shall be relieved from the bonds previously given, to invest and bring in one-half the net proceeds of her outward cargo; and the certificate of the agent of the treasury department at the port of lading, that such cargo was duly shipped in pursuance of the Regulations, shall authorize the collector to cancel and surrender the said bonds.

Approved March 16, 1864:

C. G. MEMMINGER,
Secretary of Treasury.
JAMES A. SEDDON,
Secretary of War.

Approved March 17, 1864:

JEFFERSON DAVIS.

Approved by J. R.

Journal of the Confederate States

ADDITIONAL REGULATIONS.

TO CARRY INTO EFFECT THE ACT ENTITLED AN ACT TO IMPOSE REGULATIONS UPON THE FOREIGN COMMERCE OF THE CONFEDERATE STATES, TO PROVIDE FOR THE PUBLIC DEFENCE, APPROVED 6TH FEBRUARY, 1864.

II.—*Overland Commerce with Mexico.*

1. The owner of any wagon, cart or vehicle, or of any boat or other vessel, and of any horses, mules or other animals employed in transporting cotton, tobacco or naval stores from the Confederacy to Mexico, shall, before receiving any article for transportation, require of the the owner thereof the collector's permit for its exportation, as herein after set forth; and shall, before loading any article for transportation, present to the military commander of the department, or officer assigned by him to that duty, a declaration setting forth a full description of all the vehicles, vessels and animals to be used by him, and their value in Confederate currency, and the names and value of the slaves, if any, employed as teamsters, or otherwise, in his business of transportation; and the names and such other particulars as may be required, of the free persons so employed, and the point of departure, the route to be pursued, and the place of destination; and the commander or other officer as aforesaid shall, if satisfied of the loyalty and fidelity of the applicant, and that the application may be safely granted, endorse thereon his consent and approval, and grant a license to the applicant as a public carrier of exports to Mexico for the single trip, or for any length of time, not exceeding one year, that may be deemed proper.

2. Any person desiring to export to Mexico overland any cotton, tobacco, or naval stores, shall, before placing the same on any wagon, cart or other vehicle, or pack-mule or other animal, or on board any boat or vessel, present to the military commander of the department whence the merchandise is to be exported, or to the officer assigned by him as aforesaid, a declaration stating the quantity and value in Confederate currency of the articles he proposes to export, the name of the licensed carrier to be employed by him, the point of departure, the route to be pursued, the name of the consignee and the place of destination in the neutral country;

and if the officer to whom the application is made shall be satisfied of the loyalty and fidelity of the applicant, and that the permission may be safely granted, he shall endorse on the application his approval.

3. The applicant shall, before loading the merchandise which he intends to export, file with the collector of the district, whence the exportation is to be made, his application endorsed as aforesaid, and shall execute and deliver to him a bond to the Confederate States, with security deemed adequate by the collector, in an amount double the value in Confederate money, of the merchandise embraced in his application, with condition that at least one-half the net proceeds of said merchandise at the place of destination shall be invested in goods and merchandise not prohibited by law, and that said goods and merchandise shall be brought into the Confederate States within sixty days after the delivery of the exported articles at their place of destination in Mexico; and the collector shall thereupon deliver to the applicant a permit to load the articles embraced in said application.

4. No licensed carrier shall depart on the trip for which permits have been granted, until he shall have delivered to the collector of customs a manifest verified by his oath, setting forth the names of all owners of the cotton or other articles which he is about to carry, and the quantity received from each owner, and shall have obtained from the collector a clearance authorizing his departure.

5. The military commander of any department from which exports are conveyed to Mexico, shall establish, by General Orders to be published by him, as many convenient points as may be necessary for the assemblage and departure of all vehicles or means of transportation used in the business, and detail officers for the examination, search and seizure of all vehicles, teams, and slaves employed as drivers, whenever engaged in the infraction or invasion of these Regulations, or the law which they are intended to enforce.

6. All vehicles, animals, slaves, or other means of transportation, and all cotton or other articles that may be seized, whether by the officers of the revenue or by military authorities, for any violation of law or of these Regulations, shall be, without any waste, spoilation, impressment, or injury of any kind, forthwith conveyed and delivered to the nearest marshal or deputy marshal of the Confederate States, and a detailed receipt taken from him, setting forth a full description of the property seized and delivered to him for safe custody. And it shall be the duty of said marshal or deputy marshal to keep the property so surrendered in safe custody until the

further order of the judge or a commissioner of a district court of the Confederate States having jurisdiction of the subject matter : and the said marshal or deputy marshal shall forthwith, upon the receipt by him of the property seized, give information to the collector of the district or to the district attorney, or both, if practicable, of all the facts in relation to the seizure of the property and its delivery to him for safe keeping.

7. No military authority shall presume, under any circumstances, to seize property, while being carried under the provisions of the law, and of these Regulations, for any other cause than a violation of said provisions, nor in case of seizure, to dispose of the property seized, in any other manner than that prescribed in the foregoing Regulations. But in cases where there is great risk of the property falling into the hands of the enemy, it shall be competent for the proper military authorities to require the licensed carrier to suspend his trip till the danger be passed, or to pursue a different route from that originally designated, or even in cases of imminent danger, to abandon the trip.

8. The bonds to be taken under these Regulations shall be subject to the provisions of the twelfth regulation relative to exportations by sea ; and said bonds may be taken up on the production to the collector of satisfactory evidence that the party has complied with the conditions of the bond as far as practicable.

Approved :

C. G. MEMMINGER,
Secretary of Treasury.
JAMES A. SEDDON,
Secretary of War.

Approved March 11, 1864 :

JEFFERSON DAVIS.

Approved March 11, 1864

General Orders

The following is re-published

ADJUTANT AND INSPECTOR GEN.'S OFFICE, Richmond, Va., April 16, 1864.

General Orders No. 43.

I. By the provisions of an act of Congress entitled "An act to impose regulations upon the foreign commerce of the Confederate States to provide for the common defense," approved February, 1864, the exportation of cotton, tobacco, military and naval stores, sugar, molasses and rice, from the Confederate States, except under such uniform regulations as might be made by the President, was prohibited. And the President was authorized to employ any portion of the military and naval forces of the Confederacy in order to prevent the departure of any vessels or vehicles that might be employed in carrying on a commerce in these articles contrary to law.

II. The commanding generals of departments and districts will issue orders and instructions to their officers, that wherever it shall reasonably appear that any vessel or vehicle has been laden, in whole or in part, with any of the said articles for exportation or conveyance beyond the limits of the Confederacy, or to any place within the Confederacy not under the control of their civil or military authorities, and whenever there is reason to believe that any of the articles aforesaid have been so laden, or have been collected at any place of deposit with a view to exportation or conveyance beyond the limits or lines aforesaid, to seize and detain the same with the vehicles, teams and slaves employed, that investigation may be had according to the conditions of the act aforesaid, and these orders, unless the owners, or his agent or bailee, has a permit from the collector of the revenue, or from an officer of this department who may be authorized to grant such licenses.

III. The conditions upon which the trade by sea or overland to Mexico can be carried on have been determined by the regulations of the President, and any exportation, or attempt to export any of the articles aforesaid, contrary to these regulations, will authorize the detention of the vessel or other instruments of transport.

IV. When a deposit of the prohibited articles is made at a point from which easy access to the lines can be obtained, or are on a vehicle apparently on the way to their lines, or in the vicinity thereof, or when the owner is not a permanent resident of the place where the articles are found and from which they can easily be transported beyond the lines, or is a suspicious person, detention of the articles and vehicles for inquiry will be made.

V. All vehicles, animals, slaves or other means of transportation, and all cotton or other articles that may be seized, whether by the officers of the revenue or by military authorities, for any violation of law or of these regulations, shall be, without waste, spoliation, imprisonment or injury of any kind, forthwith conveyed and delivered to the nearest marshal or deputy marshal of the Confederate States, and a detailed receipt taken from him, setting forth a full description of the property seized and delivered to him for safe custody. And it shall be the duty of said marshal or deputy marshal to keep the property so surrendered in safe custody until the further order of the Judge or a commissioner of a District Court of the Confederate States, having jurisdiction of the subject matter; and the said marshal or deputy marshal shall forthwith, upon the receipt by him of the property seized, give information to the collector of the district, or to the District Attorney, or to both if practicable, of all the facts in relation to the seizure of the property, and its delivery to him for safe keeping.

VI. No military authority shall presume under any circumstances to seize property, while being carried under the provisions of the law, and of these regulations for any other cause than a violation of said provisions, nor in case of seizure to dispose of the property seized in any other manner than that prescribed in the foregoing regulation. But in cases where there is great risk of the property falling into the hands of the enemy, it shall be competent for the proper military authorities to require the licensed carrier to suspend his trip till the danger be passed, or to pursue a different route from that originally designated, or even in cases of imminent danger to abandon the trip.

VII. Information will be given from time to time from this Department to the commanding Generals of the conditions on which transportation by land may be made.

By order, S. S. COOPER, Adjutant and Inspector General. Approved JAMES A. SEDDON, Secretary of War.

By command of Gen'l E. KIRBY SMITH, S. S. ANDERSON. [Official,] J. E. SLAUGHTER, Br'g. Gen'l and Chief of Staff. July 2d 2t

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