

ACTS AND RESOLUTIONS

OF THE

SECOND SESSION

OF THE

PROVISIONAL CONGRESS

OF THE

CONFEDERATE STATES,

HELD AT MONTGOMERY, ALA.

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ACTS AND RESOLUTIONS.

No. 102.]

AN ACT

To provide for the appointment of Chaplains in the Army.

SECTION 1. *The Congress of the Confederate States of America do enact*, That there shall be appointed by the President such number of chaplains, to serve with the armies of the Confederate States during the existing war, as he may deem expedient; and the President shall assign them to such regiments, brigades or posts as he may deem necessary; and the appointments made as aforesaid shall expire whenever the existing war shall terminate.

SEC. 2. The monthly pay of said chaplains shall be eighty-five dollars; and said pay shall be in full of all allowances whatever.

APPROVED May 3, 1861.

No. 103.]

A RESOLUTION

Of thanks to Brigadier General G. T. Beauregard and the Army under his command, for their conduct in the affair of Fort Sumter.

Be it unanimously resolved by the Congress of the Confederate States of America, That the thanks of the people of the Confederate States are due, and through this Congress are hereby tendered, to Brigadier General G. T. Beauregard and the officers, military and naval, under his command, and to the gallant troops of the State of South Carolina, for the skill, fortitude and courage by which they reduced and caused the surren-

der of fort Sumter, in the harbor of Charleston, on the twelfth and thirteenth days of April, 1861. And the commendation of Congress is also hereby declared of the generosity manifested by their conduct towards a brave and vanquished foe.

Be it further resolved, That a copy of this resolution be communicated by the President to General Beauregard, and through him to the army then under his command.

APPROVED May 4, 1861.

No. 104.]

A RESOLUTION

To extend the provisions of a Resolution approved March 4, 1861.

Resolved by the Congress of the Confederate States of America, That the resolution passed by this Congress and approved March the fourth, 1861, in relation to patents and caveats, be extended to citizens of all the slaveholding States.

APPROVED May 4, 1861.

No. 105.]

AN ACT

Providing for a Regiment of Zouaves in the Army of the Confederate States.

SECTION 1. *The Congress of the Confederate States of America do enact,* That there shall be added to the military establishment of the Confederate States one regiment of Zouaves, to be composed of one colonel, one lieutenant-colonel, one major, and ten companies; and each company shall consist of one captain, one first lieutenant, two second lieutenants, one sergeant major, one quartermaster's sergeant, four sergeants and eight corporals, and ninety privates. And to the regiment there shall be attached one adjutant and a quartermaster, to be selected from the lieutenants. And one assistant surgeon shall be appointed for the regiment, in addition to those already authorized by law for the medical department. The monthly pay of the officers of the regiment of Zouaves shall be the same as that of officers of infantry of the same rank; the allowances shall also be the same as those provided by law for officers of infantry; and the ad-

jutant and quartermaster shall receive ten dollars per month in addition to their pay as lieutenants. The monthly pay of the enlisted men of said regiment of Zouaves shall be as follows: sergeant major and quartermaster's sergeants, twenty dollars; sergeants, seventeen dollars; corporals, thirteen dollars; and privates, eleven dollars each; together with the same rations and allowance for clothing as are received by all other enlisted men.

APPROVED May 4, 1861.

No. 108.]

AN ACT

To admit the Commonwealth of Virginia as a member of the Confederate States of America.

The Commonwealth of Virginia having in a Convention of her People ratified and adopted the Constitution of the Provisional Government of the Confederate States of America, therefore

The Congress of the Confederate States of America do enact, That the Commonwealth of Virginia be and is hereby admitted as a member of the said Confederate States, upon an equal footing with the other Confederate States, under the Constitution for the Provisional Government of the same.

APPROVED May 7, 1861.

No. 109.]

AN ACT

To raise an additional Military Force to serve during the War.

SECTION 1. *The Congress of the Confederate States of America do enact,* That in addition to the volunteer force authorized to be raised under existing laws, the President be and he is hereby authorized to accept the services of volunteers who may offer their services, without regard to the place of enlistment, either as cavalry, mounted riflemen, artillery, or infantry, in such proportion of these several arms as he may deem expedient, to serve for and during the existing war, unless sooner discharged.

SEC. 2. That the volunteers so offering their services may be accepted by the President in companies, to be organized

by him into squadrons, battalions or regiments. The President shall appoint all field and staff officers, but the company officers shall be elected by the men composing the company; and if accepted, the officers so elected shall be commissioned by the President.

SEC. 3. That any vacancies occurring in the ranks of the several companies mustered into service under the provisions of this act, may be filled by volunteers accepted under the rules of such companies; and any vacancies occurring in the officers of such companies shall be filled by elections in accordance with the same rules.

SEC. 4. Except as herein differently provided, the volunteer forces hereby authorized to be raised shall in all regards be subject to and organized in accordance with the provisions of "An act to provide for the public defence," and all other acts for the government of the armies of the Confederate States.

APPROVED May 8, 1861.

No. 110.]

AN ACT

To make further provision for the Public Defence.

WHEREAS, War exists between the United States and the Confederate States; and whereas the public welfare may require the reception of volunteer forces into the service of the Confederate States, without the formality and delay of a call upon the respective States:

SECTION 1. *The Congress of the Confederate States of America do enact*, That the President be authorized to receive into service such companies, battalions or regiments, either mounted or on foot, as may tender themselves, and he may require, without the delay of a formal call upon the respective States, to serve for such time as he may prescribe.

SEC. 2. Such volunteer forces who may be accepted under this act, except as herein differently provided, shall be organized in accordance with and subject to all the provisions of the act entitled "An act to provide for the public defence," and be entitled to all the allowances provided therein; and when mustered into service, may be attached to such divisions, brigades or regiments as the President may direct, or ordered upon such independent or detached service as the President may deem expedient: provided, however, that

battalions and regiments may be enlisted from States not of the Confederacy, and the President may appoint all or any of the field officers thereof.

SEC. 3. The President shall be authorized to commission all officers entitled to commissions, of such volunteer forces as may be received under the provisions of this act. And upon the request of the officer commanding such volunteer regiment, battalion or company, the President may attach a supernumerary officer to each company, detailed from the regular army for that purpose, and for such time as the President may direct.

APPROVED May 11, 1861.

No. 111.]

AN ACT

To amend "An Act vesting certain powers in the Postmaster General," approved March 15, 1861.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the provisions of "An Act vesting certain powers in the Postmaster General," approved March 15, 1861, be so amended as that he be and hereby is authorized on and after a day to be named by him in a proclamation to be issued by him for that purpose, to take the entire charge and direction of the postal service of the Confederate States.

SEC. 2. *And be it further enacted*, That the Postmaster General be and he hereby is authorized and empowered to annul contracts, or to discontinue or curtail the service and pay on them, when he shall deem it advisable to dispense with the service, in whole or in part, or to place a higher or different grade of service on the route, or when the public interests shall require such discontinuance or curtailment for any other cause, he allowing one month's extra pay on the amount of service dispensed with, in full of all damages to the contractor.

SEC. 3. *And be it further enacted*, That the railroads in the Confederate States be and they are hereby divided into three classes, on the following basis, viz: The great through lines connecting important points and conveying heavy mails, to class number one; completed railroads connecting less important points, but carrying heavy mails for local distribution, to be class number two; and roads on which less important mails are conveyed, short branch roads, and such un-

finished roads as do not carry great mails or connect important points, shall be class number three.

SEC. 4. *And be it further enacted*, That in contracts made with railroad companies for carrying the mail once a day, on schedules to be agreed on, the Postmaster General may allow them compensation not exceeding the following rates, viz: On first class roads, one hundred and fifty dollars per mile; on second class roads, one hundred dollars per mile; and on third class roads, fifty dollars per mile; the amount of compensation to be determined by the importance and value of the services to be performed: *Provided*, That if one-half of the services on any railroad is required to be performed in the night time, it shall be lawful for the Postmaster General to pay twenty-five per cent. in addition to the above named maximum rates of pay: *Provided, further*, That the agents, messengers, and other traveling employees of the post-office department shall pass free of charge over such roads, respectively; and this act shall take effect and be of force from and after its passage.

APPROVED May 9, 1861.

No. 113.]

AN ACT

Relative to Telegraph Lines of the Confederate States.

SECTION 1. *The Congress of the Confederate States of America do enact*, That during the existing war, the President be and he is hereby authorized and empowered to take such control of such of the lines of telegraph in the Confederate States, and of such of the offices connected therewith, as will enable him effectually to supervise the communications passing through the same, to the end that no communications shall be conveyed of the military operations of the Government to endanger the success of such operations, nor any communication calculated to injure the cause of the Confederate States, or to give aid and comfort to their enemies.

SEC. 2. The President shall appoint trustworthy agents in such offices, and at such points on the various lines as he may think fit, whose duty it shall be to supervise all communications sent or passing through said lines, and to prevent the transmission of any communication deemed to be detrimental to the public service.

SEC. 3. In case the owners and managers of said lines shall refuse to permit such supervision, or shall fail or refuse to keep up and continue the business on said lines, the President is hereby empowered to take possession of the same for the purposes aforesaid.

SEC. 4. The President shall from time to time issue instructions to the agents so appointed, and to the operators of the various lines, to regulate the transmission of communications touching the operations of the Government, or calculated to affect the public welfare.

SEC. 5. That the President, at his discretion, may employ the operators of the lines as the agents of the Government, so that in this as in all other respects there may be as little interference with the business and management of such lines as may be compatible with the public interest.

SEC. 6. That the compensation of the agents appointed under this act, where such agents are not officers of the company, and the expense attending the execution of the provisions of this act, shall be paid out of the Treasury.

SEC. 7. That no communications in cypher, nor enigmatical, or other doubtful communication, shall be transmitted, unless the person sending the same shall be known to the agent of the Government to be trustworthy, nor until the real purport of such communication shall be explained to such agent.

SEC. 8. That the President is hereby authorized, whenever it may be found necessary or advisable for the successful prosecution of the war, to extend existing lines of telegraph, or make connections between the same, the expense of contracting such additional lines to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 9. That all present and future officers of the telegraph lines engaged in receiving and transmitting intelligence within the Confederate States shall, as soon as practicable after the passage of this act or after their appointment, take and subscribe before any judicial officer of any one of the Confederate States, the following oath: "I, A. B., do solemnly swear that I will support and maintain the Constitution of the Confederate States of America, and will not, knowingly, directly or indirectly, transmit through the telegraph any communication or information calculated to injure the cause of the Confederate States, or to give aid or comfort to their enemies."

SEC. 10. That if any person shall knowingly send or transmit any message or communication touching the military operations of the Government, without the same being first submitted to the inspection of the agent of the Government, or any message calculated to aid and promote the cause of the enemies of the Confederate States, he shall be subject to indictment in the district court of the Confederate States, and on conviction shall be fined in a sum not less than five hundred dollars, and imprisoned for a term not less than one year.

APPROVED May 11, 1861.

No. 114.]

A RESOLUTION

In regard to the military expenditures made by the State of South Carolina.

Resolved by the Congress of the Confederate States of America, That the expenditures made by the State of South Carolina for the pay and maintainance of the troops employed in the defence of the Charleston harbor, under the command of Brigadier General Beauregard, were intended to be provided for by an act making appropriations for the support of three thousand men, for twelve months, to be called into service at Charleston, South Carolina, under the third and fourth sections of an act of the Congress, to raise provisional forces for the Confederate States of America, and for other purposes; and that the amount of such expenditures be audited by the proper officer of the Treasury Department, and that the amount which shall be found due, be paid to the State of South Carolina, from the appropriation made by the Act aforesaid.

APPROVED May 10, 1861.

No. 115.]

AN ACT

To amend "An Act to Provide for the Public Defence," approved March 6, 1861.

SECTION 1. *The Congress of the Confederate States of America do enact,* That the President may receive into the service of the Confederate States any company of light artillery, which by said act he is authorized to do, with such comple-

ment of officers and men, and with such equipments as to him shall seem proper; anything in said act of the 6th of March, 1861, to the contrary, notwithstanding.

APPROVED May 10, 1861.

No. 118.]

AN ACT

To amend an act entitled "An Act to fix the pay of members of the Congress of the Confederate States of America," approved March 11, 1861.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the above entitled act, approved March 11, 1861, be so amended and construed as to provide, that in computing the mileage to which members are entitled, the distance shall be estimated by the usual route of travel from the residence of the member to the place where Congress may assemble.

SEC. 2. *Be it further enacted*, That this act shall take effect and be of force from its passage.

APPROVED May 11, 1861.

No. 119.]

AN ACT

In relation to the Confederate Loan.

WHEREAS, Under and by virtue of the act to raise money for the support of the government, and to provide for the defence of the Confederate States of America, approved February 28, 1861, the Secretary of the Treasury did proceed to offer five millions of said loan, conformably to the provisions of said act: And whereas, in many portions of the Confederate States the currency was and is composed of notes of banks which have suspended specie payment, not of necessity, but as a measure of public policy: And whereas, certain of said banks did agree to redeem in coin or its equivalent such of their notes as should be paid in by subscribers to said loan: And whereas, the Secretary of the Treasury, in view of the exigencies of the times, and with a desire to give to the people of all parts of the Confederate States the opportunity of subscribing to said loan, did au-

thorize the loan commissioners to receive the notes of the banks hereinbefore referred to; and to avoid inconvenience and the risk of transit, has authorized the said loan commissioners to deposit the moneys received by them in said banks: Now, therefore,

The Congress of the Confederate States of America do enact, That all of the acts and doings of the Secretary of the Treasury, of his subordinate officers, and of the loan commissioners, consistent with the facts recited in the foregoing preamble, are hereby confirmed and made valid, any law, usage or custom to the contrary, notwithstanding: and the said Secretary, his subordinate officers, and the loan commissioners, are hereby authorized to continue so to act in regard to the said loan, until the whole amount authorized by said act shall have been fully subscribed for, and their duties regarding the same shall have determined: and the said Secretary is authorized to make and continue the deposits of moneys received or to be received on account of the said loan in any of the said banks; and the Treasurer of the Confederate States is authorized to draw checks or warrants on said banks on account of said deposits, payable either in coin or its equivalent, or in current bank notes, as the Secretary of the Treasury may direct.

APPROVED May 11, 1861.

No. 120.]

AN ACT

To amend an Act entitled "An Act further to provide for the organization of the Post-Office Department," approved March 9, 1861.

SECTION 1. *The Congress of the Confederate States of America do enact,* That from and after the passage of this act, the annual salary of the chief of the contract bureau, the chief of the appointment bureau, and the chief of the finance bureau, shall be three thousand dollars; and that hereafter, as the office of either of them shall be vacated, the appointment of his successor shall be made by the President of the Confederate States, by and with the advice and consent of the Congress; and the clerks, draftsmen and other employees of the department shall be appointed by the Postmaster General.

SEC. 2. *And be it further enacted,* That in case of the death, resignation, absence or removal from office of the

Postmaster General, all his powers and duties shall devolve on and be performed by the chief of the contract bureau, until a successor shall be appointed and arrive at the general post-office to perform the business, or until the return of the Postmaster General: *Provided, however,* The said chief of the contract bureau shall make no permanent appointment of clerks.

SEC. 3. *And be it further enacted,* That there shall be allowed to each of the bureaus of the department, and also to the inspection office, a principal clerk, at an annual salary of fourteen hundred dollars each. And the Postmaster General is hereby authorized to employ ten additional clerks, at an annual salary of twelve hundred dollars each; also four clerks, at an annual salary of one thousand dollars each; also one watchman, at an annual salary of five hundred dollars.

SEC. 4. *And be it further enacted,* That the clerk charged with the disbursement of the contingent and salary funds of the department be allowed an additional compensation of two hundred dollars per annum; and that this act take effect and be in force from and after its passage.

APPROVED May 11, 1861.

No. 121.]

AN ACT

To amend "An Act to prescribe the Rates of Postage in the Confederate States of America, and for other purposes," approved February 23, 1861.

SECTION 1. *The Congress of the Confederate States of America do enact,* That so much of the first section of an act entitled "An act to prescribe the rates of postage in the Confederate States of America, and for other purposes," approved February 23, 1861, as relates to sealed packages containing other than printed or written matter, including money packages, be and the same is hereby so amended as to require that such packages shall be rated by weight, and charged the rates of letter postage.

SEC. 2. *And be it further enacted,* That the second section of said act be amended as follows, to-wit: That all newspapers published within the Confederate States, not exceeding three ounces in weight, and sent from the office of publication to actual and *bona fide* subscribers within the Confede-

rate States, shall be charged with postage as follows, to-wit: The postage on the regular numbers of a newspaper published weekly shall be ten cents per quarter; papers published semi-weekly, double that amount; papers published thrice a week, treble that amount; papers published six times a week, six times that amount; and papers published daily, seven times that amount. And on newspapers weighing more than three ounces there shall be charged on each additional ounce, in addition to the foregoing rates, on those published once a week, five cents per ounce or fraction of an ounce per quarter; on those published twice a week, ten cents per ounce per quarter; on those published three times a week, fifteen cents per ounce per quarter; on those published six times a week, thirty cents per ounce per quarter; and on those published daily, thirty-five cents per ounce per quarter. And periodicals published oftener than bi-monthly shall be charged as newspapers. And other periodicals, sent from the office of publication to actual and *bona fide* subscribers, shall be charged with postage as follows, to-wit: The postage on the regular numbers of a periodical published within the Confederate States, not exceeding one and a half ounces in weight, and published monthly, shall be two and a half cents per quarter, and for every additional ounce or fraction of an ounce two and a half cents additional; if published semi-monthly, double that amount; and periodicals published quarterly or bi-monthly shall be charged two cents an ounce; and regular subscribers to newspapers and periodicals shall be required to pay one quarter's postage thereon, in advance, at the office of delivery, unless paid at the office where published. And there shall be charged upon every other newspaper, and each circular not sealed, hand-bill, engraving, pamphlet, periodical and magazine, which shall be unconnected with any manuscript or written matter, and not exceeding three ounces in weight, and published within the Confederate States, two cents; and for each additional ounce or fraction of an ounce two cents additional; and in all cases the postage shall be pre-paid by stamps, or otherwise, as the Postmaster General shall direct. And books, bound or unbound, not weighing over four pounds, shall be deemedailable matter, and shall be charged with postage, to be pre-paid by stamps or otherwise, as the Postmaster General shall direct, at two cents an ounce for any distance. And upon all newspapers, periodicals and books, as aforesaid, published beyond the limits of the Confederate States, there shall be charged postage at double the foregoing specified rates. The publishers of newspapers or

periodicals within the Confederate States may send and receive to and from each other, from their respective offices of publication, one copy of each publication free of postage. All newspapers, unsealed circulars, or other unsealed printed transient matter, placed in any post-office not for transmission but for delivery only, shall be charged postage at the rate of one cent each.

SEC. 3. *And be it further enacted*, That the third section of the above recited act be and the same is hereby so amended as to authorize the Postmaster General to provide and furnish ten cent stamps and stamped envelopes; and that the provisions, restrictions and penalties prescribed by said section of said act for violations of the same in relation to two, five, and twenty cent stamps and stamped envelopes, shall, in all respects, apply to the denomination of stamps and stamped envelopes herein provided for.

SEC. 4. *And be it further enacted*, That the proviso contained in the fifth section of the said act be so amended as to extend to the chiefs of the contract, appointment and finance bureaus of the Post-Office Department the privilege therein conferred upon the Postmaster General, his chief clerk, and the auditor of the treasury for the Post-Office Department, of transmitting through the mails, free of postage, any letters, packages, or other matters relating exclusively to their official duties or to the business of the Post-Office Department, subject to the restrictions and penalties prescribed by the said proviso; and that this act take effect and be of force from and after its passage.

APPROVED May 13, 1861.

No. 122.]

AN ACT

To suspend the operations of the Mints.

SECTION 1. *The Congress of the Confederate States of America do enact*, That from and after the first day of June ensuing, the operations of the several mints in the Confederate States be suspended; and that all officers therein shall cease to exercise their functions or to receive any salaries; and that all moneys and bullion in the hands of any officer shall forthwith be transferred to the Treasurer of the Confederate States.

SEC. 2. That the mint at New Orleans, with the tools, implements and all appurtenances, be placed by the superintendent in charge of some fit person, to be approved by the Secretary of the Treasury; and that the said Secretary be authorized to accept the superintendent as such custodian, and to allow him, or such other person as may be appointed, the use and occupation of the portion heretofore used as a dwelling, in consideration of his undertaking the charge and safe-keeping of the whole establishment.

SEC. 3. That the Secretary of the Treasury, until otherwise directed by law, be authorized to take the same course in relation to the mint and public property connected with it at Dahlonega.

APPROVED May 14, 1861.

No. 123.]

AN ACT

To organize further the Bureau of Superintendent of Public Printing.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the salary of the Superintendent of Public Printing shall be three thousand dollars, payable as other salaries of heads of bureaus in the several departments.

SEC. 2. The Superintendent of Public Printing shall be entitled to a messenger, who shall receive a salary of three hundred dollars per annum.

SEC. 3. The publication of the laws and journals of Congress shall be exclusively under the direction of the Superintendent of Public Printing, subject to the supervision and control of the Attorney-General. And the Superintendent may contract with publishers of newspapers as to the terms of publication of the laws and journals, not exceeding in compensation the rates usually paid by other advertisers for similar work.

SEC. 4. The Superintendent shall have authority to contract, by advertising for sealed proposals, for all paper necessary to do all the printing ordered by Congress or either one of the executive departments. In all cases the contractor shall furnish the paper at such times and in such quantities as the Superintendent shall require, and shall give

bond, with two good sureties, for the faithful performance of the contract.

SEC. 5. All orders for printing by Congress or any of the executive departments shall be sent to the Superintendent of Public Printing, to be by him delivered to the printer or contractor: and the printing, when completed, shall be returned to the Superintendent, to be received or rejected, and by him delivered according to the order.

SEC. 6. All laws and parts of laws militating against this act be and the same are hereby repealed.

APPROVED May 14, 1861.

No. 124.]

AN ACT

To authorize the transfer of Appropriations.

SECTION 1. *The Congress of the Confederate States of America do enact*, That during the recess of Congress the President of the Confederate States may and he is hereby authorized—on the application of the secretary of the proper department, and not otherwise—to direct, if in his opinion necessary for the public service, that a portion of the moneys appropriated for a particular branch of expenditure in that department be applied to another branch of expenditure in the same department; in which case a special account of moneys thus transferred shall be laid before Congress during the first week of the next ensuing session.

SEC. 2. This act shall continue and be of force until the end of the existing war, and no longer.

APPROVED May 14, 1861.

No. 125.]

AN ACT

To define the Limits of the Port of New Orleans, and for other purposes.

The Congress of the Confederate States of America do enact, That the port of New Orleans, in the State of Louisiana, shall embrace and include all the waters, inlets and shores on both sides of the river Mississippi, within the whole parish of Orleans, that part of the parish of Jefferson on the

right bank of said river to the upper line of the Destrehan canal, and that portion of the said parish of Jefferson on the left bank of the Mississippi river to the upper limits of the town or faubourg of Hurtsville. That the ports of delivery known as bayou St. John's, Lake Port, and Port Pontchartrain, and the customs officers authorized therefor, be and the same are hereby abolished and discontinued, and all the waters, inlets and shores embraced within the limits of said ports be added to and included in the port of New Orleans.

APPROVED May 14, 1861.

No. 126.]

AN ACT

Regulating the sale of Prizes, and the distribution thereof.

SECTION 1. *The Congress of the Confederate States of America do enact*, That all prizes of vessels and property captured by private armed ships, in pursuance of the act passed by Congress recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes and prize goods, which may be condemned in any court of the Confederate States, shall be sold at public auction by the marshal of the district in which the same shall be condemned, within sixty days after the condemnation thereof—sufficient notice of the time and place and condition of sale being first given—on such day or days, on such terms of credit, and in such lots or proportions as may be designated by the owner or owners, or agent of the owner or owners, of the privateer which may have captured the same: *Provided*, That the term of such credit shall not exceed ninety days. And the said marshal is hereby directed to take and receive from the purchaser or purchasers of such prize vessel and property, the money therefor, or his, her or their promissory notes, with endorsers, to be approved by the owner or owners of the privateer, to the amount of the purchase, payable according to the terms thereof.

SEC. 2. That upon all duties, costs and charges being paid according to law, the said marshal shall, on demand, deliver and pay over to the owner or owners of the privateer, or to the agent of such owner or owners of the privateer which may have captured such prize vessel and property,

a just and equal proportion of the funds received on account of the sale thereof, and of the promissory notes directed to be taken as aforesaid, to which the said owner or owners may be entitled, according to the articles of agreement between the said owner or owners and the officers and crew of the said privateer; and a just and equal proportion of the proceeds of the sale as aforesaid, shall, on demand, be also paid over by the said marshal to the officers and crew of the said privateer, or to their agent or agents. And if there be no written agreement, it shall be the duty of the marshal to pay over, in manner as aforesaid, one moiety of the proceeds of the sale of such prize vessel and property to the owner or owners of the privateer which may have captured the same, and the other moiety of the said proceeds to the agent or agents of the officers and crew of the said privateer, to be distributed according to law, or to any agreement by them made: *Provided*, The said officers and crew, or their agent or agents, shall have first refunded to the owner or owners, or to the agent of the owner or owners of the privateer aforesaid, the full amount of advances which shall have been made by the owner or owners of the privateer to the officers and crew thereof.

SEC. 3. That for the selling prize property and receiving and paying over the proceeds as aforesaid, the marshal shall be entitled to a commission of one per cent. and no more, first deducting all duties, costs and charges which may have accrued on said property: *Provided*, That on no case of condemnation and sale of any one prize vessel and cargo shall the commissions of the marshal exceed two hundred and fifty dollars.

SEC. 4. That it shall be the duty of the marshal, within fifteen days after any sale of prize property, to file in the office of the clerk of the district court of the district wherein such sale may be made, a just and true account of the sales of such prize property, and of all duties and charges thereon, together with a statement thereto annexed of the promissory notes taken on account thereof, which account shall be verified by the oath of the said marshal; and if the said marshal shall wilfully neglect or refuse to file such account, he shall forfeit and pay the sum of five hundred dollars for each omission or refusal as aforesaid, to be recovered in an action of debt by any person interested in such sale, and suing for the said penalty, on account of the party or parties interested in the prize vessel or property sold as aforesaid, in any court having cognizance thereof.

SEC. 5. That the owner or owners of any private armed

vessel or vessels, or their agent or agents, may, at any time before a libel shall be filed against any captured vessel or her cargo, remove the same from any port into which such prize vessel or property may be first brought, to any other port in the Confederate States, to be designated at the time of the removal as aforesaid, subject to the same restrictions and complying with the same regulations with respect to the payment of duties which are provided by law in relation to other vessels arriving in port with cargoes subject to the payment of duties : *Provided*, That before such removal the said captured property shall not have been attached at the suit of any adverse claimant, or a claim against the same have been interposed in behalf of the Confederate States.

APPROVED May 14, 1861.

No. 128.]

AN ACT

To provide for Auditing the Accounts of the Post-Office Department.

SECTION 1. *The Congress of the Confederate States of America do enact*, That it shall be the duty of the First Auditor of the Treasury to receive all accounts arising in the Post-Office Department or relative thereto; to audit and settle the same and certify their balances to the Postmaster General: *Provided*, That if either the Postmaster General, or any person whose account shall be settled, be dissatisfied therewith, he may within twelve months appeal to the Comptroller of the Treasury, whose decision shall be final and conclusive. The said Auditor shall report to the Postmaster General, when required, the official forms of papers to be used by postmasters and other officers and agents of the department concerned in its receipts and payments, and the manner and form of keeping and stating its accounts. He shall keep and preserve all accounts, with the vouchers, after settlement. He shall promptly report to the Postmaster General all delinquencies of postmasters in paying over the proceeds of their offices. He shall close the accounts of the Department quarterly, and transmit to the Secretary

of the Treasury quarterly statements of its receipts and expenditures. He shall register, charge and countersign all warrants upon the treasury for receipts and payments issued by the Postmaster General, when warranted by law. He shall perform such other duties in relation to the financial concerns of the department as shall be assigned to him by the Secretary of the Treasury or the Postmaster General and shall make to them, respectively, such reports as either of them may require respecting the same. He shall state and certify quarterly to the Postmaster General accounts of the moneys paid pursuant to appropriations, in each year, by postmasters, out of the proceeds of their offices, towards the expenses of the department, under each of the heads of the said expenses specified in the appropriations; upon which the Postmaster General shall issue warrants to the Treasurer of the Confederate States, in order that the same may be carried to the credit and debit of the appropriation for the service of the Post-Office Department, on the books of the Auditor of the Treasury. He shall superintend the collection of all debts due to the department, and all penalties and forfeitures imposed on postmasters for failing to make returns, or to pay over the proceeds of their offices, and he shall direct suits and legal proceedings, and take all such measures as may be authorized by law to enforce the prompt payment of moneys due to the department.

SEC. 2. *And be it further enacted,* That the said Auditor shall have charge of all lands and other property which shall be assigned, set off or conveyed to the Confederate States in payment of debts, and of all trusts created for the use of the Confederate States in payment of debts due them on account of the Post-Office Department; and to sell and dispose of lands or other property assigned or set off to the Confederate States in payment of debts, or being vested in them by mortgage or other security for the payment of debts due to the said department, under such rules and regulations as may be prescribed by the Postmaster General.

SEC. 3. The Secretary of the Treasury shall appoint a chief Clerk to aid the First Auditor of the Treasury in auditing the accounts of the Post-Office Department, who shall receive a salary of two thousand dollars per annum; and shall appoint fifteen additional clerks, with salaries of twelve hundred dollars each, and fourteen other clerks, with salaries of one thousand dollars each, to aid the First Auditor of the Treasury in auditing the accounts of the Post-Office Department. And he shall appoint one messenger for

the Treasury Department, who shall be allowed a salary of five hundred dollars per annum.

SEC. 4. *Be it further enacted*, That the said Auditor of the Treasury shall be allowed to send through the mail all communications, relating exclusively to the Post-Office business, free of charge, under the same rules, regulations and restrictions, and subject to the same penalties as are now prescribed with respect to transmission free of charge by the heads of bureaus of the Post-Office Department. And this act shall go into effect from and after its passage.

APPROVED May 16, 1861.

No. 106.]

AN ACT

Recognizing the existence of War between the United States and the Confederate States; and concerning Letters of Marque, Prizes and Prize Goods.

WHEREAS, The earnest efforts made by this Government to establish friendly relations between the Government of the United States and the Confederate States, and to settle all questions of disagreement between the two Governments upon principles of right, justice, equity and good faith, have proved unavailing by reason of the refusal of the Government of the United States to hold any intercourse with the commissioners appointed by this Government for the purposes aforesaid, or to listen to any proposals they had to make for the peaceful solution of all causes of difficulty between the two Governments: and whereas the President of the United States of America has issued his proclamation making requisition upon the States of the American Union for seventy-five thousand men for the purpose, as therein indicated, of capturing forts and other strongholds within the jurisdiction of and belonging to the Confederate States of America, and has detailed naval armaments upon the coasts of the Confederate States of America, and raised, organized and equipped a large military force to execute the purpose aforesaid, and has issued his other proclamation announcing his purpose to set on foot a blockade of the ports of the Confederate States: and whereas, the State of Virginia has seceded from the Federal Union and

entered into a convention of alliance offensive and defensive with the Confederate States, and has adopted the Provisional Constitution of the said States, and the States of Maryland, North Carolina, Tennessee, Kentucky, Arkansas and Missouri, have refused, and it is believed that the State of Delaware and the inhabitants of the territories of Arizona and New Mexico, and the Indian territory South of Kansas, will refuse to co-operate with the Government of the United States in these acts of hostilities and wanton aggression, which are plainly intended to overawe, oppress and finally subjugate the people of the Confederate States: and whereas, by the acts and means aforesaid, war exists between the Confederate States and the Government of the United States, and the States and territories thereof, except the States of Maryland, North Carolina, Tennessee, Kentucky, Arkansas, Missouri and Delaware, and the territories of Arizona and New Mexico, and the Indian territory South of Kansas: Therefore,

SECTION 1. *The Congress of the Confederate States of America do enact*, That the President of the Confederate States is hereby authorized to use the whole land and naval force of the Confederate States to meet the war thus commenced, and to issue to private armed vessels commissions, or letters of marque and general reprisal, in such form as he shall think proper, under the seal of the Confederate States, against the vessels, goods and effects of the government of the United States, and of the citizens or inhabitants of the states and territories thereof: *Provided, however*, That property of the enemy (unless it be contraband of war) laden on board a neutral vessel, shall not be subject to seizure under this act. *And provided further*, That vessels of the citizens or inhabitants of the United States now in the ports of the Confederate States, except such as have been since the 5th of April last, or may hereafter be, in the service of the government of the United States, shall be allowed thirty days after the publication of this act to leave said ports and reach their destination; and such vessels and their cargoes, excepting articles contraband of war, shall not be subject to capture under this act during said period, unless they shall have previously reached the destination for which they were bound on leaving said ports.

SEC. 2. That the President of the Confederate States shall be and he is hereby authorized and empowered to revoke and annul, at pleasure, all letters of marque and reprisal which he may at any time grant pursuant to this act.

SEC. 3. That all persons applying for letters of marque and reprisal, pursuant to this act, shall state in writing the name and a suitable description of the tonnage and force of the vessel, and the name and place of residence of each owner concerned therein, and the intended number of the crew; which statement shall be signed by the person or persons making such application, and filed with the Secretary of State, or shall be delivered to any other officer or person who shall be employed to deliver out such commissions, to be by him transmitted to the Secretary of State.

SEC. 4. That before any commission or letters of marque and reprisal shall be issued as aforesaid, the owner or owners of the ship or vessel for which the same shall be requested, and the commander thereof for the time being, shall give bond to the Confederate States, with at least two responsible sureties not interested in such vessel, in the penal sum of five thousand dollars, or if such vessel be provided with more than one hundred and fifty men, then in the penal sum of ten thousand dollars, with condition that the owners, officers and crew who shall be employed on board such commissioned vessel, shall and will observe the laws of the Confederate States, and the instructions which shall be given them according to law for the regulation of their conduct, and will satisfy all damages and injuries which shall be done or committed contrary to the tenor thereof, by such vessel during her commission, and to deliver up the same when revoked by the President of the Confederate States.

SEC. 5. That all captures and prizes of vessels and property shall be forfeited and shall accrue to the owners, officers and crews of the vessels by whom such captures and prizes shall be made, and on due condemnation had shall be distributed according to any written agreement which shall be made between them; and if there be no such written agreement, then one moiety to the owners and the other moiety to the officers and crew, as nearly as may be according to the rules prescribed for the distribution of prize money by the laws of the Confederate States.

SEC. 6. That all vessels, goods and effects, the property of any citizen of the Confederate States, or of persons resident within and under the protection of the Confederate States, or of persons permanently within the territories and under the protection of any foreign prince, government or state in amity with the Confederate States, which shall have been captured by the United States, and which shall be recaptured by vessels commissioned as aforesaid, shall be restored to the lawful owners, upon payment by them of a

just and reasonable salvage, to be determined by the mutual agreement of the parties concerned, or by the decree of any court having jurisdiction, according to the nature of each case, agreeably to the provisions established by law. And such salvage shall be distributed among the owners, officers and crews of the vessels commissioned as aforesaid, and making such captures, according to any written agreement which shall be made between them; and in case of no such agreement, then in the same manner and upon the principles hereinbefore provided in cases of capture.

SEC. 7. That before breaking bulk of any vessel which shall be captured as aforesaid, or other disposal or conversion thereof, or of any articles which shall be found on board the same, such captured vessel, goods or effects shall be brought into some port of the Confederate States, or of a nation or state in amity with the Confederate States, and shall be proceeded against before a competent tribunal; and after condemnation and forfeiture thereof shall belong to the owners, officers and crew of the vessel capturing the same, and be distributed as before provided; and in the case of all captured vessels, goods and effects which shall be brought within the jurisdiction of the Confederate States, the district courts of the Confederate States shall have exclusive original cognizance thereof, as the civil causes of admiralty and maritime jurisdiction; and the said courts, or the courts, being courts of the Confederate States, into which such cases shall be removed, and in which they shall be finally decided, shall and may decree restitution in whole or in part, when the capture shall have been made without just cause. And if made without probable cause, may order and decree damages and costs to the party injured, for which the owners and commanders of the vessels making such captures, and also the vessels, shall be liable.

SEC. 8. That all persons found on board any captured vessels, or on board any re-captured vessel, shall be reported to the collector of the port in the Confederate States in which they shall first arrive, and shall be delivered into the custody of the marshal of the district, or some court or military officer of the Confederate States, or of any state in or near such port who shall take charge of their safe keeping and support, at the expense of the Confederate States.

SEC. 9. That the President of the Confederate States is hereby authorized to establish and order suitable instructions for the better governing and directing the conduct of the vessels so commissioned, their officers and crews, copies of which shall be delivered by the collector of the customs

to the commanders, when they shall give bond as provided.

SEC. 10. That a bounty shall be paid by the Confederate States of \$20 for each person on board any armed ship or vessel belonging to the United States at the commencement of an engagement, which shall be burnt, sunk or destroyed by any vessel commissioned as aforesaid, which shall be of equal or inferior force, the same to be divided as in other cases of prize money; and a bounty of \$25 shall be paid to the owners, officers and crews of the private armed vessels commissioned as aforesaid, for each and every prisoner by them captured and brought into port, and delivered to an agent authorized to receive them, in any port of the Confederate States; and the Secretary of the Treasury is hereby authorized to pay or cause to be paid to the owners, officers and crews of such private armed vessels commissioned as aforesaid, or their agent, the bounties herein provided.

SEC. 11. That the commanding officer of every vessel having a commission or letters of marque and reprisal, during the present hostilities between the Confederate States and the United States, shall keep a regular journal, containing a true and exact account of his daily proceedings and transactions with such vessel and the crew thereof; the ports and places he shall put into or cast anchor in; the time of his stay there and the cause thereof; the prizes he shall take and the nature and probable value thereof; the times and places when and where taken, and in what manner he shall dispose of the same; the ships or vessels he shall fall in with; the times and places when and where he shall meet with them, and his observations and remarks thereon; also, of whatever else shall occur to him or any of his officers or marines, or be discovered by examination or conference with any marines or passengers of or in any other ships or vessels, or by any other means touching the fleets, vessels and forces of the United States, their posts and places of station and destination, strength, numbers, intents and designs; and such commanding officer shall, immediately on his arrival in any port of the Confederate States, from or during the continuance of any voyage or cruise, produce his commission for such vessel, and deliver up such journal so kept as aforesaid, signed with his proper name and hand-writing, to the collector or other chief officer of the customs at or nearest to such port; the truth of which journal shall be verified by the oath of the commanding officer for the time being. And such collector or other chief officer of the customs shall, immediately on the arrival of such vessel, order the proper officer of the customs to go on board and take an

account of the officers and men, the number and nature of the guns, and whatever else shall occur to him on examination material to be known; and no such vessel shall be permitted to sail out of port again until such journal shall have been delivered up, and a certificate obtained under the hand of such collector or other chief officer of the customs that she is manned and armed according to her commission; and upon delivery of such certificate, any former certificate of a like nature which shall have been obtained by the commander of such vessel shall be delivered up.

SEC. 12. That the commanders of vessels having letters of marque and reprisal as aforesaid, neglecting to keep a journal as aforesaid, or wilfully making fraudulent entries therein, or obliterating the record of any material transaction contained therein, where the interest of the Confederate States is concerned, or refusing to produce and deliver such journal, commission or certificate, pursuant to the preceding section of this act, then and in such cases the commissions or letters of marque and reprisal of such vessels shall be liable to be revoked; and such commanders respectively shall forfeit for every such offence the sum of \$1,000, one moiety thereof to the use of the Confederate States, and the other to the informer.

SEC. 13. That the owners or commanders of vessels having letters of marque and reprisal as aforesaid, who shall violate any of the acts of Congress for the collection of the revenue of the Confederate States, and for the prevention of smuggling, shall forfeit the commission or letters of marque and reprisal, and they and the vessels owned or commanded by them shall be liable to all the penalties and forfeitures attaching to merchant vessels in like cases.

SEC. 14. That on all goods, wares and merchandise captured and made good and lawful prizes of war, by any private armed ship having commission or letters of marque and reprisal under this act, and brought into the Confederate States, there shall be allowed a deduction of 33 1-3 per cent. on the amount of duties imposed by law.

SEC. 15. That five per centum on the net amount (after deducting all charges and expenditures) of the prize money arising from captured vessels and cargoes, and on the net amount of the salvage of vessels and cargoes re-captured by private armed vessels of the Confederate States, shall be secured and paid over to the collector or other chief officer of the customs, at the port or place in the Confederate States at which such captured or re-captured vessels may arrive, or to the consul or other public agent of the Confederate

States residing at the port or place not within the Confederate States at which such captured or re-captured vessel may arrive. And the moneys arising therefrom shall be held and are hereby pledged by the government of the Confederate States as a fund for the support and maintenance of the widows and orphans of such persons as may be slain, and for the support and maintenance of such persons as may be wounded and disabled on board of the private armed vessels commissioned as aforesaid, in any engagement with the enemy, to be assigned and distributed in such manner as shall hereafter be provided by law.

APPROVED May 6, 1861.

No. 129.]

AN ACT

To increase the Military establishment of the Confederate States, and to amend the "Act for the establishment and organization of the Army of the Confederate States of America."

SECTION 1. *The Congress of the Confederate States of America do enact*, That the President shall be authorized to raise and organize, in addition to the present military establishment, one regiment of cavalry and two regiments of infantry, whenever in his judgment the public service may require such an increase, to be organized in accordance with existing laws for the organization of cavalry and infantry regiments, and to be entitled to the same pay and allowances provided for the same respectively.

SEC. 2. That the five general officers provided by existing laws for the Confederate States, shall have the rank and denomination of "General," instead of "Brigadier General," which shall be the highest military grade known to the Confederate States. They shall be assigned to such commands and duties as the President may specially direct, and shall be entitled to the same pay and allowances as are provided for brigadier generals, and to two aids-de-camp, to be select-

ed as now provided by law. Appointments to the rank of general, after the army is organized, shall be made by selection from the army.

SEC. 3. That the President be authorized, whenever in his judgment the public service may require the increase, to add to the corps of engineers one lieutenant colonel, who shall receive the pay and allowances of a lieutenant colonel of cavalry, and as many captains, not exceeding five, as may be necessary.

SEC. 4. That there be added to the quartermaster general's department one assistant quartermaster general with the rank of lieutenant colonel, and two quartermasters, with the rank of major; and to the commissary general's department, one assistant commissary, with the rank of major, and one assistant commissary, with the rank of captain; and to the medical department, six surgeons and fourteen assistant surgeons.

SEC. 5. That the President be authorized to appoint as many military store-keepers, with the pay and allowances of a first lieutenant of infantry, as the safe-keeping of the public property may require, not to exceed in all six store-keepers.

SEC. 6. That there be added to the military establishment one quartermaster sergeant for each regiment of cavalry and infantry, and one ordnance sergeant for each military post, each to receive the pay and allowances of a sergeant major, according to existing laws.

SEC. 7. That there may be enlisted for the medical department of the army, for the term already provided by law for other enlisted men, as many hospital stewards as the service may require, to be determined by the Secretary of War, under such regulations as he may prescribe, and who shall receive the pay and allowances of a sergeant major.

SEC. 8. That until a military school shall be established for the elementary instruction of officers for the army, the President shall be authorized to appoint cadets from the several states, in number proportioned to their representation in the House of Representatives, and ten in addition, to be selected by him at large from the Confederate States, who shall be attached to companies in service in any branch of the army, as supernumerary officers, with the rank of cadet, who shall receive the monthly pay of forty dollars, and be

competent for promotion at such time and under such regulations as may be prescribed by the President, or hereafter established by law.

SEC. 9. That the President be authorized to assign officers of the army of the Confederate States to staff duty with volunteers or provisional troops, and to confer upon them, whilst so employed, the rank corresponding to the staff duties they are to perform.

SEC. 10. There shall be allowed and paid to every able-bodied man who shall be duly enlisted to serve in the army of the Confederate States, a bounty of ten dollars; but the payment of five dollars of the said bounty shall be deferred until the recruit shall have been mustered into the regiment in which he is to serve.

SEC. 11. That the provision of the third section of the act of the Congress of the United States, making appropriations for the legislative, executive and judicial expenses of the government for the year ending the thirtieth day of June, A. D. eighteen hundred and sixty-one, approved June twenty-third, eighteen hundred and sixty, which declares that no arms nor military supplies whatever, which are of a patented invention, shall be purchased, nor the right of using or applying any patented invention, unless the same shall be authorized by law, and the appropriation therefor explicitly set forth, that it is for such patented invention, (if of force within the Confederate States, shall be suspended in its operation for and during the existing war.

APPROVED May 16, 1861.

No. 130.]

AN ACT

To provide a Compensation for the Disbursing Officers of the several Executive Departments.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the Secretaries of the State, Treasury, War and Navy Departments, and of the Department of Justice, and of the Post Office Department, shall appoint one of their clerks as a disbursing clerk; and such clerk shall be allowed, in addition to his compensation as clerk, the additional sum of two hundred dollars per annum, for disbursing the funds of said departments which may be required to pass through their hands. And that all laws and parts of laws now in force relating to this subject be repealed; and that this act take effect and be of force from and after its passage.

APPROVED May 16, 1861.

In relation to Marine Hospital.

No. 131.]

AN ACT

Resolved by the Congress of the Confederate States of America, That the expenses of the marine hospitals in the Confederate States be limited to the amounts received for their support; and that the Secretary of the Treasury be authorized to place any such hospitals as may be practicable under the charge of any corporate or State authority which will undertake to keep open the same as a hospital for the sick, and to receive therein such seamen as the funds allowed by law for their support will enable them to provide for.

APPROVED May 16, 1861.

No. 132.]

AN ACT

To amend an Act entitled "An Acts to provide for the appointment of Chaplains to the Army," approved May third, eighteen hundred and sixty-one.

SECTION 1. *The Congress of the Confederate States of America do enact*, That so much of the second section of the above

recited act as fixes the pay of chaplains in the army at eighty-five dollars be repealed, and that the pay of said chaplains be fifty dollars per month.

APPROVED May 16, 1861.

No. 133.]

AN ACT

To authorize the President to continue the Appointments made by him in the Military and Naval service during the recess of Congress or the present session, and to submit them to Congress at its next session.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the President be authorized to continue the appointments made by him in the military and naval service during the recess of Congress or the present session, and to submit them to Congress at its next session.

APPROVED May 16, 1861.

No. 134.]

AN ACT

To authorize a Loan and the issue of Treasury Notes; and to prescribe the punishment for forging the same, and for forging Certificates of Stock and Bonds.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the Secretary of the Treasury may, with the assent of the President of the Confederate States, issue fifty millions of dollars in bonds, payable at the expiration of twenty years from their date, and bearing a rate of interest not exceeding eight per cent. per annum until they become payable, the said interest to be paid semi-annually. The said bonds, after public advertisement in three newspapers within the Confederate States for six weeks, to be sold for specie, military stores, or for the proceeds of sales of raw produce or manufactured articles, to be paid in the form of specie or with foreign bills of exchange, in such manner and under such regulations as may be prescribed by the Secretary of the Treasury, with the assent of the President. But

it shall be the duty of the Secretary of the Treasury to report, at its next ensuing session, to the Congress of the Confederate States, a precise statement of his transactions under this law. Nor shall the said bonds be issued in fractional parts of the hundred, or be exchanged by the said Secretary for Treasury notes, or the notes of any bank, corporation or individual, but only in the manner herein prescribed: *Provided*, That nothing herein contained shall be so construed as to prevent the Secretary of the Treasury from receiving foreign bills of exchange in payment of these bonds.

SEC. 2. *And be it further enacted*, That in lieu of bonds, to an amount not exceeding twenty millions of dollars, the Secretary of the Treasury, with the assent of the President, may issue treasury notes to the same amount, without interest, and in denominations of not less than five dollars—the said notes to be receivable in payment of all debts or taxes due to the Confederate States, except the export duty on cotton, or in exchange, for the bonds herein authorized to be issued. The said notes shall be payable at the end of two years from the date of their issue, in specie. The holders of the said notes may at any time demand in exchange for them bonds of the Confederate States, payable at the end of ten years, and bearing an interest of eight per centum per annum, to be paid semi-annually. The Secretary of the Treasury is hereby authorized to issue the said bonds, but not in fractional parts of the hundred. But if after the expiration of two years, when the treasury notes shall be due, the Secretary of the Treasury shall advertise that he will pay the same, then the privilege of funding shall cease after six months from the date of the advertisement, unless there shall be a failure to pay the same on their presentation.

SEC. 3. *And be it further enacted*, That in lieu of the notes authorized by this act, which may be redeemed, other notes may be issued within the period of ten years as aforesaid: *Provided, however*, That the amount of such notes outstanding, together with the stock in which the said treasury notes may have been funded under the provisions of this act, shall not exceed the sum of twenty millions of dollars. But the Secretary of the Treasury may, upon application of the holder of a bond thus funded, redeem it by giving in exchange treasury notes issued under the provisions of this act, to such extent as that the entire amount of notes then issued, together with the amount of the bonds in which they may have been funded, shall not exceed twenty millions of dollars.

SEC. 4. *And be it further enacted,* That the faith of the Confederate States is hereby pledged to provide and establish sufficient revenues for the regular payment of the interest, and for the redemption of the said stock and treasury notes. And the principal sum borrowed under the provisions of this act and the interest thereon, as the same shall from time to time become due and payable, shall be paid out of any money in the treasury not otherwise appropriated.

SEC. 5. *And be it further enacted,* That this act shall be deemed to contain all the provisions, limitations and penalties of the act entitled an act to authorize the issue of treasury notes, and to prescribe the punishment for forging the same, and for forging certificates of stocks, bonds, or coupons and approved March ninth, 1861, which shall be considered as parts of this act, save the first, second and tenth sections, and save so much as relates to interest upon treasury notes.

SEC. 6. *And be it further enacted,* That for the purpose of raising ten millions of dollars within the present calendar year, and of providing for the ultimate redemption of the debt herein authorized to be contracted, the Secretary of the Treasury is hereby directed to collect information in regard to the value of the property, the revenue system, and the amount collected during the last fiscal year in each of the Confederate States, and to report the same to Congress at its next session, so as to enable it to lay a fair, equal and convenient system of internal taxation, for the purpose of securing the payment of the interest and principal of the debt hereby authorized to be created, in such manner as may fully discharge the obligation herein contracted by the pledge of the faith of the Confederate States to pay the principal and interest of the said debt when due.

SEC. 7. *And be it further enacted,* That any State may pay into the treasury, in anticipation of the tax aforesaid, any sum not less than one hundred thousand dollars, in specie or its equivalent; and if the same be paid on or before the first day of July next, the said State shall be allowed to set off the same with ten per cent. additional from the quota to be assessed upon the said State.

APPROVED May 16, 1861.

No. 135.]

AN ACT

To admit the State of North Carolina into the Confederacy,
on a certain condition.

The State of North Carolina having adopted measures looking to an early withdrawal from the United States, and to becoming in the future a member of this Confederacy, which measures may not be consummated before the approaching recess of Congress: Therefore,

The Congress of the Confederate States of America do enact, That the State of North Carolina shall be admitted a member of the Confederate States of America, upon an equal footing with the other States, under the Constitution for the Provisional Government of the same, upon the condition that the convention of said State, soon to assemble, shall adopt and ratify said Constitution for the Provisional Government of the Confederate States, and shall transmit to the President of the Confederate States, before the re-assembling of Congress, through the Governor of said State, or some other proper organ, an authentic copy of the act or ordinance of said convention so adopting and ratifying said Provisional Constitution; upon the receipt whereof the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of said State into this Confederacy, under said Constitution for the Provisional Government, shall be considered as complete, and the laws of this Confederacy shall thereby be extended over said State as fully and completely as over the other States now composing the same.

APPROVED May 17, 1861.

No. 137.]

A RESOLUTION

In relation to Imports from the States of Virginia, North Carolina, Tennessee, and Arkansas.

Resolved, That all imports from the States of Virginia, North Carolina, Tennessee, and Arkansas, be exempted from the payment of duties; and that this exemption extend to imports from the said States now in warehouse.

APPROVED May 17, 1861.

No. 138.]

AN ACT

To admit the State of Tennessee into the Confederacy, on a certain condition.

The State of Tennessee having adopted measures looking to an early withdrawal from the United States, and to becoming, in the future, a member of this Confederacy, which measures may not be consummated before the approaching recess of Congress: Therefore,

The Congress of the Confederate States of America do enact, That the State of Tennessee shall be admitted a member of the Confederate States of America, upon an equal footing with the other States, under the Constitution for the Provisional Government of the same: upon the condition that the said Constitution for the Provisional Government of the Confederate States shall be adopted and ratified by the properly and legally constituted authorities of said State; and the Governor of said State shall transmit to the President of the Confederate States, before the re-assembling of Congress, after the recess aforesaid, an authentic copy of the proceedings touching said adoption and ratification by said State of said Provisional Constitution; upon the receipt whereof the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of said State of Tennessee into the Confederacy, under said Constitution for the Provisional Government of the Confederate States, shall be considered as complete; and the laws of this Confederacy shall be thereby extended over said State, as fully and completely as over the other States now composing the same.

APPROVED May 17, 1861.

No. 139.]

AN ACT

To authorize the extension of the Mail Service of the Confederate States in certain cases and upon certain conditions.

SECTION 1. *The Congress of the Confederate States of America do enact,* That the Postmaster-General be and he is hereby authorized to extend the mail service of the Confederate States over all such States and territories as shall, by their

legislative or executive authority, request the same to be done, between this and the meeting of the next session of the Congress; and that this act take effect and be in force from and after its passage.

APPROVED May 20, 1861.

No. 140.]

AN ACT

To establish a Mail Route from Vermillionville, in the State of Louisiana, to Orange, in the State of Texas, and for other purposes.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the following mail route be and the same is hereby established, to-wit: From Vermillionville, in the State of Louisiana, to Orange, in the State of Texas.

SEC. 2. *And be it further enacted*, That the Postmaster-General be and he is hereby authorized to make the first contract for carrying the mail over said route without the necessity of advertising for bids for said contract, as required by existing law; and that this act take effect and be in force from and after its passage.

APPROVED May 17, 1861.

No. 141.]

AN ACT

To provide an Additional Company of Sappers and Bombardiers for the Army.

SECTION 1. *The Congress of the Confederate States of America do enact*, That there be added to the military establishment of the Confederate States one company of sappers and bombardiers, to consist of one captain, two first lieutenants, one second lieutenant, ten sergeants or master-workmen, ten corporals or overseers, two musicians, thirty-nine privates of the first class, and thirty-nine privates of the second class, who shall be instructed in and perform all the duties of sappers and bombardiers, and shall, moreover, under the orders of the chief engineer, be liable to serve, by detachments, in overseeing and aiding laborers upon fortifications or other works under the engineer department, and in supervising finished fortifications, as fort-keepers, preventing injury and making repairs.

SEC. 2. That it shall be the duty of the colonel of the engineer corps, subject to the approval of the Secretary of War, to prescribe the number, quantity, form, dimensions, &c., of the necessary vehicles, arms, pontoons, tools, implements, and other supplies for the service of said company as a body of sappers and bombardiers.

SEC. 3. That the monthly pay of the captain of said company shall be one hundred and forty dollars; of each first lieutenant, one hundred dollars; of the second lieutenant, ninety dollars; of the sergeants, thirty-four dollars; of the corporals, twenty dollars; of the musicians, thirteen dollars; of the first class privates, seventeen dollars; and of the second class privates, thirteen dollars. And the said commissioned officers shall be entitled to the same allowances as all other commissioned officers of the army, and the same right to draw forage for horses as is accorded to officers of like rank in the engineer corps; and the enlisted men shall receive the same rations and allowances as are granted to all other enlisted men in the army.

APPROVED May 17, 1861.

No. 142.]

AN ACT

To admit the State of Arkansas into the Confederacy.

The people of the State of Arkansas, in sovereign convention, having passed an ordinance dissolving their political connection with the United States, and another ordinance adopting and ratifying the Constitution for the Provisional Government of the Confederate States of America: Therefore,

The Congress of the Confederate States of America do enact, That the State of Arkansas be and is hereby admitted into this Confederacy, upon an equal footing with the other States, under the Constitution for the Provisional Government of the same.

APPROVED May 20, 1861.

No. 145.]

AN ACT

Amendatory of an Act to provide for the organization of the Navy.

SECTION 1. *The Congress of the Confederate States of America do enact*, That from and after the passage of this act, the corps of marines shall consist of one colonel, one lieutenant colonel, one major, one quartermaster with the rank of major, one paymaster with the rank of major, one adjutant with the rank of major, one sergeant major, one quartermaster sergeant, ten captains, ten first lieutenants, twenty second lieutenants, forty sergeants, forty corporals, and eight hundred and forty privates, ten drummers and ten fifers and two musicians.

SEC. 2. The pay and emoluments of the officers and enlisted men shall be the same as that of the officers and enlisted men of like grade in the infantry of the army, except that the paymaster and the adjutant shall receive the same pay as the quartermaster, and the adjutant shall be taken from the captains and subalterns of the corps and separated from the line. The rations of enlisted marines shall be the rations allowed by law to seamen. All acts inconsistent with the provisions of this act are hereby repealed.

APPROVED May 20, 1861.

No. 146.]

AN ACT

To amend an Act to provide for the organization of the Navy, approved March sixteenth, eighteen hundred and sixty-one.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the President be and he is hereby authorized to nominate, and by and with the advice and consent of Congress to appoint all officers of the navy of the United States, who have resigned or may hereafter resign their commissions on account of the secession of any or all of the Confederate States, and who may be fit for active service, to the same rank and position in the navy of the Confederate States which they held in that of the United States: *Provided, however*, That no officer shall be so appointed who may at any time have committed any act of hostility against the Confederate States or any one thereof.

SEC. 2. That the President be authorized to assign officers of the navy to any duty connected with the defence of the country, and suitable to their rank, which he may deem proper.

SEC. 3. That the President be authorized to appoint six assistant paymasters of the navy, each to receive a salary of one thousand dollars when employed at sea, and seven hundred dollars when not thus employed; and all paymasters of the navy shall be taken from the grade of assistant paymasters.

APPROVED May 20, 1861.

No. 147.]

AN ACT

To establish a separate Port of Entry at Sabine Pass, in the County of Jefferson, in the State of Texas, and to provide for the appointment of a Collector therein.

SECTION 1. *The Congress of the Confederate States of America do enact*, That all that part of the collection district for the District of Texas included in the county of Jefferson in the State of Texas, embracing all the waters, islands, bays, harbors, inlets, shores and rivers in the same, shall be a collection district, to be called the District of Sabine Pass, and Sabine Pass shall be the port of entry for said district.

SEC. 2. A collector for the said district of Sabine Pass shall be appointed by the President, with the advice and consent of Congress, who shall reside at Sabine Pass, and hold his office for the terms and the time prescribed by law for the like office in other districts, and who shall be entitled to a salary not exceeding seventeen hundred and fifty dollars per annum, including in that sum the fees allowed by law; and the amount he shall collect in any one year for fees, exceeding the said sum of seventeen hundred and fifty dollars, shall be accounted for and paid into the treasury of the Confederate States of America.

SEC. 3. That all laws and parts of laws now in force, contravening the provisions of this act, be and the same are hereby repealed, and that this act take effect from and after its passage.

APPROVED May 21, 1861.

To put in operation the Government under the Permanent Constitution of the Confederate States of America.

SECTION 1. *The Congress of the Confederate States of America do enact*, That an election shall be held in the several states of this Confederacy, on the first Wednesday in November, eighteen hundred and sixty-one, for members of the House of Representatives in the Congress of the Confederate States under the permanent constitution, which election shall be conducted in all respects according to said Constitution and the laws of the several states in force for that purpose; and in states which may not have provided by law for such election, according to the laws heretofore existing in such states for the election of members of the House of Representatives in the Congress of the United States. And on the same day the several states shall elect or appoint Electors for President and Vice President of the Confederate States of America, according to said Constitution, and in the manner prescribed by the laws of the several States made for that purpose; and in states where no such laws may exist, according to the laws heretofore in force in such states for the election or appointment of Electors for President and Vice President of the United States.

SEC. 2. The Electors for President and Vice President shall meet in their respective states on the first Wednesday in December, eighteen hundred and sixty-one, and proceed to vote for President and Vice President, and make out lists, certify the same, and forward the same to the President of the Senate; all as directed by the said Constitution in that behalf.

SEC. 3. The members of the House of Representatives so elected, and the Senators who may be elected by the several states according to the provisions of said Constitution, shall assemble at the seat of government of the Confederate States, on the eighteenth day of February, eighteen hundred and sixty-two; and the said members of the House of Representatives shall proceed to organize by the election of a Speaker, and the Senators by the election of a President of the Senate for the time being; and the President of the Senate shall, on the nineteenth day of February, eighteen hundred and sixty-two, open all the certificates; and the votes for President and Vice President shall then be counted, as directed by said Constitution.

SEC. 4. The President of the Confederate States shall be inaugurated on the twenty-second day of February, eighteen hundred and sixty-two.

SEC. 5. *Be it further enacted*, That in case the State of Virginia shall adopt and ratify the Constitution for the permanent government of the Confederate States of America before the elections in this act provided for, she shall be entitled to elect sixteen members to the House of Representatives; and the State of North Carolina, in like case, ten members; the State of Tennessee, in like case, eleven; and the State of Arkansas, in like case, four members; the same being upon the basis of one member for every ninety thousand representative population, and one additional member for a fraction over one half of the ratio aforesaid, in each of said states, under the census of the United States taken in eighteen hundred and sixty, and being the same basis of representation fixed for the seven original states in said Constitution for permanent government.

SEC. 6. *Be it further enacted*, That the same rules and principles shall be observed as to the number of Presidential Electors in the states aforesaid as in the other seven original states.

APPROVED May 21, 1861.

No. 149.]

AN ACT

Making Appropriations in addition to those already made for the Military Service of the Confederate States of America, for the fiscal year ending the eighteenth day of February, one thousand eight hundred and sixty-two.

SECTION 1. *The Congress of the Confederate States of America do enact*, That there be appropriated for the pay of the officers and privates of one hundred regiments of infantry, and for quartermaster's supplies of all kinds for the same, and transportation, including horses, wagons, harness, ambulances and other necessary expenses, for the fiscal year ending the eighteenth of February, one thousand eight hundred and sixty-two, twenty-seven millions nine hundred and thirty-two thousand four hundred and ninety-three dollars and twelve cents.

SEC. 2. That there be appropriated for the pay, quartermaster's supplies of all kinds, transportation and other necessary expenses for one regiment of legionary formation, composed of one company of artillery, four companies of cavalry, and six companies of voltigeurs, five hundred and fifty thousand four hundred and eighty-five dollars.

SEC. 3. That there be appropriated for the purchase of subsistence stores and commissary property for one hundred thousand troops, for the fiscal year ending the eighteenth of February, one thousand eight hundred and sixty-two, five millions four hundred and sixty-four thousand two hundred and fifty-eight dollars and eighty cents.

SEC. 4. That there be appropriated for the ordnance service, for the fiscal year ending the eighteenth of February, one thousand eight hundred and sixty-two—for the preservation of public buildings, quarters, barracks, &c., at the arsenals, armories, and depots; for the repairs and preservation of ordnance stores; for the pay of clerks, draughtsmen, colorers, superintendents, overseers, &c.; for the purchase of horses, mules, forage, stationery, and contingencies of ordnance service; for the purchase of heavy ordnance and carriages, with shot and shell for the same; for sixteen field batteries of six pieces each, with harness, implements and ammunition; for fifty thousand stands of small arms; for five thousand pistols and holsters; for sabres, swords, carbines and pistols; for five thousand sets of cavalry equipments: for five thousand sets of cavalry accoutrements; for one hundred thousand sets infantry accoutrements; knapsacks, haversacks and canteens; for two and one-half million pounds of powder; for materials for the same; for lead, copper and materials for percussion caps and for friction tubes; for additional shops and storehouses at Mount Vernon Arsenal, Alabama, and Augusta Arsenal, Georgia; for machinery, steam engine and tools; for cap machine; for bullet machine; for repairs of buildings and machines at Harper's Ferry—four millions four hundred and forty thousand dollars.

SEC. 5. That there be appropriated for medical and hospital supplies, for the year ending eighteenth of February, one thousand eight hundred and sixty-two, the sum of three hundred and fifty thousand dollars.

SEC. 6. That there be appropriated for the contingent service of the War Department, for the year ending the eighteenth of February, one thousand eight hundred and sixty-two, the sum of three hundred thousand dollars.

SEC. 7. That there be appropriated for contingent expenses of the Adjutant and Inspector General's Department, including office furniture, stationery, printed blanks for the use of the army, record books, postage, telegraphic despatches, &c., for the year ending the eighteenth February, one thousand eight hundred and sixty-two, the sum of eight thousand dollars.

SEC. 8. That there be appropriated for the pay of surgeons, assistant surgeons, and chaplains, for the year ending the eighteenth day of February, one thousand eight hundred and sixty-two, the sum of three hundred and twenty-nine thousand nine hundred and one dollars.

APPROVED May 21, 1861.

No. 150.]

AN ACT

To amend an act relative to Telegraphic Lines of the Confederate States, approved May eleventh, one thousand eight hundred and sixty-one.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the sixth section of the "act relative to telegraph lines of the Confederate States" be and the same is hereby so amended as to authorize the President to allow such compensation as may be reasonable and proper, in addition to what may be allowed by the telegraph companies, to such of the agents of said companies as he may charge with special and important duties, where such agents are deemed trustworthy and acceptable both to him and the companies concerned.

APPROVED May 21, 1861.

No. 151.]

AN ACT

Making appropriations for the Legislative and Executive expenses of Government for the year ending eighteenth of February, eighteen hundred and sixty-two.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the following sums be and the same are hereby appropriated, out of any money in the treasury not otherwise appropriated, for the objects hereafter expressed,

for the year ending the eighteenth of February, eighteen hundred and sixty-two :

Legislative—For compensation and mileage of members of Congress, twenty-five thousand dollars. For compensation of officers of Congress, six thousand dollars. For contingent expenses of Congress including printing, five thousand dollars.

Department of State—For compensation of two additional clerks, two thousand dollars. For the publication and printing of acts and resolutions of Congress, twenty-two thousand five hundred dollars. For necessities and exigencies under laws already passed, or which may be passed, or from causes which now exist or may hereafter arise, and unforeseen emergencies, forty thousand dollars—to replace same amount in State Department.

Treasury Department—For this amount to pay interest on loan of February 28, 1861, five hundred thousand dollars. For additional expenses under the act “to raise money for the support of the Government and to provide for the defence of the Confederate States of America,” approved February 28, 1861, thirty thousand dollars. For incidental and contingent expenses of the Treasury Department, twenty thousand dollars.

Miscellaneous—For compensation of two watchmen to guard the executive buildings, at four hundred dollars each, and for lighting the same, sixteen hundred dollars. For rent of executive building corner of Bibb and Commerce streets, three thousand dollars. For rent of executive building on Bibb street, between Coosa and Commerce streets, two thousand dollars. For rent of building of Noble & Brother and others, three thousand dollars. For furniture for executive mansion, nine hundred and eighty-seven dollars and fifty-eight cents. For furniture of executive offices and halls, six hundred and twenty-seven dollars and twenty-one cents. For work done on executive buildings by order of committee of Congress, six hundred and thirty-five dollars and fifty-two cents.

APPROVED May 21, 1861.

To provide for certain Deficiencies in the Appropriations for the Post-Office Department for the year ending February 18, 1862.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the following sums shall be and are hereby appropriated, out of any money in the treasury not otherwise appropriated, for the service of the Post-Office Department for the year ending February 18th, 1862: For increased compensation of the chiefs of the contract, appointment and finance bureaus, one thousand one hundred and six dollars and one cent. For compensation of disbursing clerk, one hundred and forty-seven dollars and forty-seven cents. For compensation of watchmen, three hundred and sixty-eight dollars and sixty-seven cents. For compensation of four principal clerks, at fourteen hundred dollars each, four thousand and thirty-six dollars eighty cents. For compensation of ten clerks, at twelve hundred dollars each, eight thousand seven hundred and forty-nine dollars and twenty cents. For compensation of four clerks at one thousand dollars, two thousand nine hundred and sixteen dollars and forty cents. To supply deficiency in the appropriation for the compensation of the Postmaster General, clerks and messengers in his office, made by the act approved 9th day of March, 1861, and entitled "an act further to provide for the organization of the Post-Office Department," ten thousand dollars. For the compensation of agents, and for cost of materials, and constructing, repairing, and operating telegraph lines, and for other expenses which may be incurred under said act, thirty thousand dollars; *Provided*, That the Postmaster General is hereby authorized, with the approval of the President, to employ officers of the telegraph companies as agents to perform the services specified in the act entitled "an act relative to telegraph lines of the Confederate States," approved 11th day of May, 1861. But the compensation allowed to such agents shall in no case exceed that provided for other agents by said act, and shall be fixed by the Postmaster General, with the approbation of the President.

APPROVED May 21, 1861.

Concerning the transportation of Soldiers and allowance for Clothing of Volunteers, and amendatory of the Act for the establishment and organization of the Army of the Confederate States.

SECTION 1. *The Congress of the Confederate States of America do enact*, When transportation cannot be furnished in kind, the discharged soldier shall be entitled to receive ten cents per mile in lieu of all travelling pay, subsistence, forage, and undrawn clothing, from the place of discharge to the place of his enlistment or enrollment, estimating the distance by the shortest mail route, and if there is no mail route, by the shortest practicable route. The foregoing to apply to all officers, non-commissioned officers, musicians, artificers, farriers, blacksmiths and privates of volunteers, when disbanded, discharged or mustered out of service of the Confederate States; and it shall also apply to all volunteer troops, as above designated, when travelling from the place of enrollment to the place of general rendezvous or point where mustered into service: *Provided*, That nothing herein contained shall be so construed as to deprive the mounted volunteers of the allowance of forty cents a day for the use and risk of his horse, which allowance is made from the date of his enrollment to the date of his discharge, and also for every twenty miles travel from the place of his discharge to the place of his enrollment.

SEC. 2. That the fourth section of the act of March 6, 1861, "To provide for the public defence," be amended as follows, viz: There shall be allowed to each volunteer, to be paid to him on the first muster and pay rolls after being received and mustered into the service of the Confederate States, the sum of twenty-one dollars, in lieu of clothing for six months; and thereafter the same allowance in money at every subsequent period of service for six months in lieu of clothing; *Provided*, That the price of all clothing in kind received by said volunteers from the Confederate States government shall be deducted first from the money thus allowed; and if that sum be not sufficient; the balance shall be charged for stoppage on the muster and pay rolls; and that all accounts arising from contracts, agreements, or arrangements for furnishing clothing to volunteers, to be duly certified by the company commander, shall be paid out of the said semi-annual allowance of money.

SEC. 3. That the twenty-first section of the act for the organization of the army of the Confederate States be so amended as to allow to aids-de-camp and to adjutants forage for the same number of horses as allowed to officers of the same grade in the mounted service.

APPROVED May 21, 1861.

No. 154.]

AN ACT

To be entitled an Act to amend "An Act to raise an additional Military Force to serve during the War."

SECTION 1. *The Congress of the Confederate States of America do enact*, That so much of the second section of the act entitled an act to raise an additional military force to serve during the war, passed May eighth, eighteen hundred and sixty-one, be so amended as to authorize the President, on the application of any commanding officer of a regiment or battalion authorized by said act, to assign a subaltern of the line of the army to the duties of adjutant of said regiment or battalion.

APPROVED May 21, 1861.

No. 155.]

AN ACT

To authorize the President to confer temporary rank and command, for service with volunteer troops, on Officers of the Confederate army.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the President shall be authorized to confer temporary rank and command, for service with volunteer troops, on officers of the Confederate army; the same to be held without prejudice to their positions in said army, and to have effect only to the extent and according to the assignment made in general order.

APPROVED May 21, 1861.

No. 156.]

AN ACT

To provide for the Incidental Expenses of the Public Service within the Indian tribes.

The Congress of the Confederate States do enact. That the sum of one hundred thousand dollars be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to meet the incidental expenses of the public service within the Indian tribes, for the year ending February the eighteenth, eighteen hundred and sixty-two. But a particular and specific account of the expenditures under this act shall be made and reported to Congress at its next session after the expiration of the period herein named.

APPROVED May 21, 1861.

No. 158.]

A RESOLUTION

In relation to certain Accounts.

Resolved by the Congress of the Confederate States of America, That the Secretary of the Treasury be authorized to pay, out of the contingent fund of the Treasury Department, all accounts contracted for work done or furniture provided for the use of the executive office, or in the executive buildings, not properly chargeable to the contingent fund of either of the other departments.

APPROVED May 21, 1861.

No. 159.]

AN ACT

To divide the State of Texas into two Judicial Districts, and to provide for the appointment of Judges and officers in the same.

SECTION 1. *The Congress of the Confederate States of America do enact,* That the State of Texas be and the same is hereby divided into two judicial districts, in the following manner, to wit: all the territory of the State of Texas within and West of the following named counties shall compose one district, to be called the Western District, to wit: Matagorda, Wharton, Colorado Fayette, Washington, Burleson,

Milan, Fall, McLellan, Hill, Johnson, Tarrant, Wise, Montague; and all the territory East of said counties shall constitute the Eastern District of Texas.

SEC. 2. There shall be appointed a judge and marshal for said Western District. The said judge shall hold two terms each year of said court, at the city of Austin, and at Brownsville, in the county of Cameron, at the times prescribed by the laws of the United States for the holding of the district courts of the United States, at said places.

SEC. 3. All the laws of the United States relative to the district courts of Texas, and the powers and jurisdiction of the same, so far as they are consistent with the Constitution and the laws of the Confederate States, are hereby re-enacted and continued in full force.

APPROVED May 21, 1861.

No. 162.]

AN ACT

To provide Revenue from Commodities Imported from Foreign Countries.

SECTION 1. *The Congress of the Confederate States of America do enact*, That from and after the 31st day of August next, a duty shall be imposed on all goods, products, wares and merchandize imported from abroad into the Confederate States of America, as follows:

On all articles enumerated in schedule A, an ad valorem duty of twenty-five per centum. On all articles enumerated in schedule B, an ad valorem duty of twenty per centum. On all articles enumerated in schedule C, an ad valorem duty of fifteen per centum. On all articles enumerated in schedule D, an ad valorem duty of ten per centum. On all articles enumerated in schedule E, an ad valorem duty of five per centum. And that all articles enumerated in schedule F, a specific duty as therein named. And that all articles enumerated in schedule G, shall be exempt from duty, to wit:

SCHEDULE A, (twenty-five per centum ad valorem.)

Alabaster and spar ornaments; anchovies, sardines and all other fish preserved in oil.

Brandy and other spirits distilled from grain or other materials, not otherwise provided for; billiard and bagatelle tables, and all other tables or boards on which games are played.

Composition tops for tables, or other articles of furniture; confectionary, comfits, sweetmeats, or fruits preserved in sugar, molasses, brandy or other liquors; cordials, absynthe, arrack, curacoa, kirschenwesser, liquors, maraschino, ratafia, and all other spirituous beverages of a similar character.

Glass, cut.

Manufactures of cedar-wood, granadilla, ebony, mahogany, rosewood and satin-wood.

Scagliola tops, for tables or other articles of furniture; segars, snuff, paper segars, and all other manufactures of tobacco.

Wines—Burgundy, champagne, clarets, madeira, port, sherry, and all other wines or imitations of wines.

SCHEDULE B, (twenty per centum ad valorem.)

Almonds, raisins, currants, dates, figs, and all other dried or preserved fruits, not otherwise provided for; argentine, alabata, or German silver, manufactured or unmanufactured; articles embroidered with gold, silver or other metal, not otherwise provided for.

Balsams, cosmetics, essences, extracts, pastes, perfumes and tinctures, used for the toilet or for medicinal purposes; bay rum, beads of amber, composition or wax, and all other beads; benzoates; bracelets, braids, chains, curls or ringlets composed of hair, or of which hair is a component part, not otherwise provided for; brooms and brushes of all kinds.

Camphor, refined; canes and sticks, for walking, finished or unfinished; capers, pickles, and sauces of all kinds, not otherwise provided for; card cases, pocket-books, shell boxes, souvenirs, and all similar articles, of whatever material composed, not otherwise provided for; compositions of glass, set or unset; coral, cut or manufactured.

Feathers and flowers, artificial or ornamental, and parts thereof, of whatever material composed; fans and fire screens of every description, of whatever material composed.

Grapes, plums, and prunes, and other such fruit, when put up in bottles, cases, or cans, not otherwise provided for.

Hair, human, cleansed or prepared for use.

Manufactures of gold, platina or silver, not otherwise provided for; manufactures of papier mache; molasses.

Paintings on glass; pepper, pimento, cloves, nutmegs, cinnamon, and all other spices; perfumes and perfumery, of all sorts, not otherwise provided for; plated and gilt ware of all kinds, not otherwise provided for; playing cards; prepared vegetables, fruits, meats, poultry and game, sealed or enclosed in cans or otherwise.

Silver plated metals, in sheets or other form; soap, castile, perfumed, Windsor, and other toilet soaps; sugar of all kinds; syrup of sugar.

Epauettes, galloons, laces, knots, stars, tassels, tresses, and wings of gold or silver, or imitations thereof.

SCHEDULE C, (fifteen per cent. ad valorem.)

Alum; arrow-root; articles of clothing or apparel, including hats, caps, gloves, shoes and boots of all kinds, worn by men, women or children, of whatever material composed, not otherwise provided for.

Baizes, blankets, bockings, flannels and floor-cloths, of whatever material composed, not otherwise provided for; baskets, and all other articles composed of grass, osier, palm-leaf, straw, whalebone or willow, not otherwise provided for; beer, ale and porter, in casks or bottles; beeswax; berries and vegetables of all sorts used for food, not otherwise provided for; blue or roman vitrol, or sulphate of copper; bologna sausages; braces, suspenders, webbing, or other fabrics composed wholly or in part of Indian rubber, not otherwise provided for; breechia; burgundy pitch; buttons and button moulds of all kinds.

Cables and cordage, of whatever material made; cadmium; calamine; calomel and all other mercurial preparations; carbonate of soda; castor beans; castor oil; candles and tapers of spermaceti, stearine, parafine, tallow or wax, and all other candles; caps, hats, muffs and tippets, and all other manufactures of fur, or of which fur shall be a component part; caps, gloves, leggins, mits, socks, stockings, wove shirts and drawers, and all similar articles worn by men, women and children, and not otherwise provided for; carpets, carpeting, hearth-rugs, bed-sides, and other portions of carpeting, being either Aubusson, Brussels, ingrain, Saxony, Turkey, Venetian, Wilton, or any other similar fabric, not otherwise provided for; carriages and parts of carriages; castorum; chains, of all sorts; cider and other beverages not containing alcohol, and not otherwise provi-

ded for; chocolate; chromate of lead; chromate, bi-chromate, hydriodate, and prussiate of potash; clocks and parts of clocks; coach and harness furniture of all kinds; cobalt; combs of all kinds; copper bottoms; copper rods, bolts, nails, and spikes; copper in sheets or plates, called brazier's copper, and other sheets of copper, not otherwise provided for; copperas, or green vitriol, or sulphate of iron; corks; cotton cords, gimps, and galloons; cotton laces, cotton insertings, cotton trimming, laces, cotton laces and braids; court plaster; coral, manufactured; crayons of all kinds; cubebs; cutlery of all kinds.

Delaines; dolls and toys of all kinds; dried pulp; drugs, medicinal.

Earthen, china, and stone ware, and all other wares composed of earthy and mineral substances not otherwise provided for; encaustic tiles; ether.

Felspar; fig-blue; fire-crackers, sky-rockets, Roman candles, and all similar articles used in pyrotechnics; fish, whether fresh, smoked, salted, dried or pickled, not otherwise provided for; fruits, preserved in their own juice, or pie fruits; fish glue, or isinglass; fish skins; flats, braids, plaits, sparterre and willow squares, used for making hats or bonnets; floss silks, feather beds, feathers for beds, and downs of all kinds; frames and sticks for umbrellas, parasols, and sunshades, finished or unfinished; Frankford black; fulminates, or fulminating powders; furniture, cabinet and household, not otherwise provided for; furs, dressed on the skin.

Ginger, dried, green, ripe, ground, preserved or pickled; glass, colored, stained or painted; glass, window; glass crystals for watches; glasses or pebbles for spectacles; glass tumblers, plain, moulded and pressed, bottles, flasks, and all other vessels of glass not cut, and all glass not otherwise provided for; glue; grass cloth; green turtle; gum benzoin or benjamin; guns, except muskets and rifles, fire-arms, and all parts thereof not intended for military purposes; gunny cloth and India baggings, and India mattings of all sorts, not otherwise provided for.

Hair, curled, moss, seaweed, and all other vegetable substances used for beds or mattresses; hair pencils; hat bodies of cotton or wool; hats and bonnets, for men, women and children, composed of straw, satin-straw, chip, grass, palm-leaf, willow, or any other vegetable substance, or of hair,

whalebone, or other materials, not otherwise provided for; hatter's plush, of whatever material composed; honey.

Ink and ink powder; ipecacuanha; iridium; iris or orris root; iron castings; iron liquor; iron in bars, bolts, rods, slabs, and railroad rails, spikes, fishing plates and chairs used in constructing railroads; ivory black.

Jalap; japanned ware of all kinds not otherwise provided for; jet, and manufactures of jet, and imitations thereof; jewelry, or imitations thereof; juniper berries.

Laces of cotton, of thread, or other materials not otherwise provided for; lampblack; lastings, cut in strips or other patterns, of the size or shape for shoes, boots, bootees, slippers, gaiters or buttons, of whatever material composed; lead pencils; leaden pipes; leather, japanned; leeches; linens of all kinds; liquorice, paste, juice or root; litharge.

Maccaroni, vermicelli, gelatine, jellies, and all other similar preparations not otherwise provided for; machinery of every description not otherwise provided for; malt; magnesia; manganese; manna; manufactures of the bark of the cork tree; manufactures of silk; manufactures of wool of all kinds, or worsted, not otherwise provided for; manufactures of hair of all kinds not otherwise provided for; manufactures of cotton of all kinds not otherwise provided for; manufactures of flax of all kinds not otherwise provided for; manufactures of hemp of all kinds not otherwise provided for; manufactures of bone, shell, horn, pearl, ivory, or vegetable ivory, not otherwise provided for; manufactures, articles, vessels and wares, not otherwise provided for, of brass, copper, iron, steel, lead, pewter, tin, or of which either of these metals shall be a component part; manufactures, articles, vessels and wares of glass, or of which glass shall be a component material, not otherwise provided for; manufactures and articles of leather, or of which leather shall be a component part, not otherwise provided for; manufactures and articles of marble; marble paving tiles, and all other marble more advanced in manufacture than in slabs or blocks in the rough not otherwise provided for; manufactures of paper, or of which paper is a component material, not otherwise provided for; manufactures of wood, or of which wood is a component part, not otherwise provided for; matting, china or other floor matting, and mats made of flags, jute, or grass; medicinal preparations, drugs, roots and leaves in a crude state, not otherwise provided for; morphine; metallic pens; mineral waters; musical instruments of all kinds, and strings for musical instruments, of

whip-gut, cat-gut, and all other strings of the same material; mustard in bulk or in bottles; mustard seed.

Needles of all kinds, for sewing, darning and knitting. nitrate of lead.

Ochres and ochrey earths; oil-cloths of every description, of whatever material composed; oils of every description, animal, vegetable and mineral, not otherwise provided for; olives; opium; orange and lemon peel; osier or willow, prepared for basket-makers' use.

Paints, dry or ground in oil, not otherwise provided for; paper, antiquarian, demy, drawing, elephant, foolscap, imperial, letter, and for printing newspapers, hand-bills and other printing, and all other paper, not otherwise provided for; paper boxes, and all other fancy boxes; paper envelopes; paper hangings, paper for walls, and paper for screens or fire-boards; parchment; parasols and sun-shades, and umbrellas; patent mordant; paving and roofing tiles, and bricks, and roofing slates, and fire-brick; periodicals and other works, in course of printing and re-publication in the Confederate States; pitch; plaster of paris, calcined; plumbago; potassium; putty.

Quicksilver; quills; quasia, manufactured or unmanufactured.

Red chalk pencils; rhubarb; roman cement.

Saddlery of all kinds, not otherwise provided for; saffron and saffron cake; sago; salts, epsom, glauber, rochelle, and all other salts and preparations of salts not otherwise provided for; sarsaparilla; screws of all kinds; sealing wax; scines; seppia; sewing silk, in the gum and purified; shadlocks; skins of all kinds, tanned, dressed or japanned; slate pencils; smaltz; soap of every description not otherwise provided for; spirits of turpentine; spunk; squills; starch; stereotype plate; still bottoms; sulphate of barytes, crude or refined; sulphate of quinine, and quinine in all its various preparations.

Tapioca; tar; textile fabrics of every description, not otherwise provided for; twine and pack thread, of whatever material composed; thread lacings and insertings; types, old or new, and type metals.

Umbrellas; vandyke brown; vanilla beans; varnish of all kinds; vellum; venetian red; velvet in the piece, composed wholly of cotton, or of cotton and silk, but of which cotton

is the component material of chief value; verdigris; vermillion; vinegar.

Wafers; water colors; whalebone; white and red lead; white vitriol, or sulphate of zinc; whiting, or Paris white; window glass, broad, crown or cylinder; woolen and worsted yarns, and woolen listings; shot of lead, not otherwise provided for; wheel-barrows and hand-barrows; wagons and vehicles of every description, or parts thereof.

SCHEDULE D, (ten per centum ad valorem.)

Acids of every description, not otherwise provided for; alcornoque; aloes; ambergris; amber; ammonia and sal ammonia; anatto, roucon, or orleans; angora Thibit, and other goats' hair, or mohair, unmanufactured, not otherwise provided for; annis-seed; antimony, crude or regulus of; argol, or crude tartar; arsenic; ashes, pot, pearl and soda; asphaltum; assafœtida.

Bananas, cocoa nuts, pine apples, plantains, oranges, and all other West India fruits in their natural state; barilla; bark of all other kinds, not otherwise provided for; bark, Peruvian; bark, guilla; bismuth; bitter apples; bleaching powder of chloride of lime; bones, burnt; boards, planks, staves, shingles, laths; scantling, and all other sawed lumber; also spars and hewn timber of all sorts, not otherwise provided for; bone-black, or animal carbon, and bone-dust; bolting cloths; books, printed, magazines, pamphlets, periodicals, and illustrated newspapers, bound or unbound, not otherwise provided for; books, blank, bound or unbound; borate of lime; borax, crude or tincal; borax, refined; buchu leaves; box-wood, unmanufactured; Brazil paste; Brazil wood, braziletto, and all dye-woods in sticks; bristles; bronze and Dutch metal in leaf, bronze liquor and bronze powder; building stones; butter; burr stones, wrought or unwrought.

Cabinets of coins, medals, gems, and collection of antiquities; camphor, crude; cantharides; cassia and cassia buds; chalk; cheese; chickory root; chronometers, box or ship, and parts thereof; clay, burnt or unburnt bricks, paving and roofing tiles, gas retorts, and roofing slates; coal, coke and culm of coal; cochineal; cocoa nuts, cocoa and cocoa shells; coculus indicus; coir tarn; codilla, or tow of hemp or flax; cowhade down; cream of tartar; cudbear.

Diamonds, cameos, mosaics, gems, pearls, rubies, and other precious stones, and imitations thereof, when set in gold or silver, or other metal; diamond glaziers, set or not set; dragon's blood.

Engravings, bound or unbound; extract of indigo, extracts and decoctions of log-wood and other dye-wood, not otherwise provided for; extract of madder; ergot.

Flax, unmanufactured; flax seed and linseed; flints and flint ground; flocks, waste or shoddy; French chalk; furs, hatters', dressed or undressed, not on the skin; furs, undressed, when on the skin.

Glass, when old and fit only to be re-manufactured; gamboge; gold and silver leaf; gold-beaters' skin; grindstones; gums—Arabic, Barbary, copal, East Indies, Senegal, substitute, tragacanth, and all other gums and resins, in a crude state, not otherwise provided for.

Hair, of all kinds, uncleaned and unmanufactured; hemp, unmanufactured; hemp seed, and rape seed; hops, horns, horn-tips, bone, bone-tips, and teeth, unmanufactured.

Ivory, unmanufactured, ivory nuts, or vegetable ivory.

Jute, sisal grass, coir, and other vegetable substances, unmanufactured, not otherwise provided for.

Kelp; kermes.

Lac spirits, lac sulphur, and lac dye; leather, tanned, hand sole, and upper of all kinds, not otherwise provided for; lemons and limes, and lemon and lime juice, and juices of all other fruits without sugar; lime.

Madder, ground or prepared; madder root; marble, in the rough slab or block, unmanufactured; metals, unmanufactured, not otherwise provided for; mineral kermes; mineral and bituminous substances in a crude state, not otherwise provided for; moss, iceland; music, printed with lines, bound or unbound.

Natron; nickel; nuts, not otherwise provided for; nut galls; nux vomica.

Oakum; oranges, lemons, and limes, orpiment.

Palm leaf, unmanufactured; pearl, mother of; pine apples; plantains; platina, unmanufactured; polishing stones; potatoes; prussian blue; pumice and pumice stone.

Rattans and reeds, unmanufactured; red chalk; rotten stone.

Safflower; sal soda, and all carbonates and sulphates of soda, by whatever names designated, not otherwise provided

for; seedlac; shellac; silk, raw, not more advanced in manufacture than singles, tram and thrown, or organzine; sponges; steel, in bars, sheets and plates, not further advanced in manufacture than by rolling, and cast steel in bars; sumac; sulphur, flour of.

Tallow, marrow, and all other grease or soap stock and soap stuffs, not otherwise provided for.

Tea; terne tin, in plates or sheets; teazle, *terrea japonica*, catechu; tin, in plates or sheets, and tin foil; tortoise and other shells, unmanufactured; trees, shrubs, bulbs, plants and roots, not otherwise provided for: turmeric.

Watches and parts of watches; woad or pastel; woods, viz: cedar, box, ebony, *lignum-vitæ*, granadilla, mahogany, rose-wood, satin-wood, and all other woods, unmanufactured.

Iron ore, and iron in bloom, loops and pigs.

Maps and charts.

Paintings and statuary not otherwise provided for.

Wool, manufactured, of every description, and hair of the Alpaca goat and other like animals.

Specimens of natural history, mineralogy, or botany, not otherwise provided for.

Yams.

Leaf and unmanufactured tobacco.

SCHEDULE E. (five per centum ad valorem.)

Articles used in dyeing and tanning not otherwise provided for.

Brass, in bars or pigs, old and fit only to be re-manufactured; bells, old; bell metal.

Copper, in pigs or bars; copper ore; copper, when old and fit only to be re-manufactured; cutch.

Diamonds, cameos, mosaics, pearl, gems, rubies, and other precious stones, and imitations thereof, when not set.

Emery, in lump or pulverized.

Felt, adhesive, for sheathing vessels; Fuller's earth.

Gums of all sorts not otherwise provided for; gutta percha, unmanufactured.

Indigo; India rubber, in bottle, slabs or sheets, unmanufactured; India rubber, milk of.

Junk, old.

Plaster of Paris or sulphate of lime, ground or unground; raw hides and skins of all kind undressed.

Sheathing copper—but no copper to be considered as such, except in sheets forty-eight inches long and fourteen inches wide, and weighing from eleven to thirty-four ounces; sheathing or yellow metal not wholly or part of iron; sheathing or yellow metal; nails expressly for sheathing vessels; sheathing paper; stave bolts and shingle bolts.

Tin ore, and tin in pigs or bars; type, old and fit only to be remanufactured.

Wool.

Zinc, spelter, or tentenegue, unmanufactured.

SCHEDULE F. (Specific Duties.)

Ice—one dollar and fifty cents per ton.

Salt—ground, blown, or rock—two cents per bushel, of fifty six pounds per bushel.

SCHEDULE G. (Exempt from Duty.)

Books, maps, charts, mathematical and nautical instruments, philosophical apparatus, and all other articles whatever, imported for the use of the Confederate States; books, pamphlets, periodicals, and tracts, published by religious associations.

All philosophical apparatus, instruments, books, maps and charts; statues, statuary, busts and casts, of marble, bronze, alabaster, or plaster of paris; paintings and drawings; etchings; specimens of sculpture; cabinets of coins; medals, gems, and all collections of antiquities; *Provided*, The same be specially imported in good faith for the use of any society incorporated or established for philosophical and literary purposes or for the encouragement of the fine arts, or for the use or by the order of any church, college, academy, school or seminary of learning in the Confederate States.

Bullion, gold and silver.

Coins, gold, silver and copper; coffee; cotton; copper, when imported for the mint of the Confederate States.

Garden seeds, and all other seeds for agricultural and horticultural purposes; goods, wares and merchandise, the growth, produce or manufacture of the Confederate States, exported to a foreign country and brought back to the Confederate States in the same condition as when exported, upon which no drawback has been allowed: *Provided*, That all

regulations to ascertain the identity thereof, prescribed by existing laws, or which may be prescribed by the Secretary of the Treasury, shall be complied with. Guano, manures, and fertilizers of all sorts.

Household effects, old and in use, of persons or families from foreign countries, if used abroad by them, and not intended for any other purpose or purposes, or for sale.

Models of inventions or other improvements in the arts: *Provided*, That no article or articles shall be deemed a model which can be fitted for use.

Paving stones; personal and household effects, not merchandise, of citizens of the Confederate States dying abroad.

Specimens of natural history, mineralogy, or botany; provided the same be imported in good faith for the use of any society incorporated or established for philosophical, agricultural or horticultural purposes, or for the use or by the order of any college, academy, school or seminary of learning in the Confederate States.

Wearing apparel, and other personal effects not merchandise; professional books, implements, instruments, and tools of trades, occupation or employment, of persons arriving in the Confederate States: *Provided*, That this exemption shall not be construed to include machinery, or other articles imported for use in any manufacturing establishment, or for sale.

Bacon, pork, hams, lard, beef, wheat, flour and bran of wheat, flour and bran of all other grains, Indian corn and meal, barley, rye, oats and oat meal, and living animals of all kinds, not otherwise provided for; also all agricultural productions, including those of the orchard and garden, in their natural state, not otherwise provided for.

Gunpowder, and all the materials of which it is made.

Lead, in pigs or in bars, in shot or balls, for cannon, muskets, rifles or pistols.

Rags, of whatever material composed.

Arms of every description, for military purposes, and parts thereof, munitions of war, military accoutrements, and percussion caps.

Ships, steamers, barges, dredging vessels, machinery, screw pile jetties, and articles to be used in the construction of harbors, and for dredging and improving the same.

SEC. 2. *And be it further enacted,* That there shall be levied, collected and paid on each and every non-enumerated article which bears a similitude, either in material, quality, texture, or the uses to which it may be applied, to any enumerated article chargeable with duty, the same rate of duty which is levied and charged on the enumerated article by the foregoing schedules, which it most resembles in any of the particulars before mentioned; and if any non-enumerated article equally resembles two or more enumerated articles on which different rates of duty are chargeable, there shall be levied, collected and paid on such non-enumerated article the same rate of duty as is chargeable on the article which it resembles, paying the highest duty: *Provided,* That on all articles manufactured from two or more materials, the duty shall be assessed at the highest rates at which any of its component parts may be chargeable: *Provided further,* That on all articles which are not enumerated in the foregoing schedules and cannot be classified under this section, a duty of ten per cent. ad valorem shall be charged.

SEC. 3. *And be it further enacted,* That all goods, wares and merchandise which may be in the public stores as unclaimed, or in warehouse under warehousing bonds, on the 31st day of August next, shall be subject, on entry thereof for consumption, to such duty as if the same had been imported, respectively after that date.

SEC. 4. *And be it further enacted,* That on the entry of any goods, wares or merchandise, imported on or after the 31st day of August aforesaid, the decision of the collector of the customs at the port of importation and entry, as to their liability to duty or exemption therefrom, shall be final and conclusive against the owner, importer, consignee or agent of any such goods, wares and merchandise, unless the owner, importer, consignee or agent shall, within ten days after such entry, give notice to the collector, in writing, of his dissatisfaction with such decision, setting forth therein distinctly and specially his ground of objection thereto, and shall, within thirty days after the date of such decision, appeal therefrom to the Secretary of the Treasury, whose decision on such appeal shall be final and conclusive; and the said goods, wares and merchandise shall be liable to duty or exemption therefrom accordingly, any act of Congress to the contrary notwithstanding, unless suit shall be brought within thirty days after such decision, for any duties that may have been paid, or may thereafter be paid on said goods, or within thirty days after the duties shall have been paid in cases where such goods shall be in bond.

SEC. 5. *And be it further enacted,* That it shall be lawful for the owner, consignee, or agent of imports which have been actually purchased or procured otherwise than by purchase, on entry of the same, to make such addition in the entry to the cost or value given in the invoice as, in his opinion, may raise the same to the true market value of such imports in the principal markets of the country whence the importations shall have been made, and to add thereto all costs and charges which, under existing laws, would form part of the true value at the port where the same may be entered, upon which the duty should be assessed. And it shall be the duty of the collector within whose district the same may be imported or entered, to cause the dutiable value of such imports to be appraised, estimated and ascertained, in accordance with the provisions of existing laws; and if the appraised value thereof shall exceed by ten per centum, or more, the value so declared on entry, then in addition to the duties imposed by law on the same, there shall be levied, collected and paid a duty of twenty per centum ad valorem, on such appraised value: *Provided, nevertheless,* That under no circumstances shall the duty be assessed upon an amount less than the invoice or entered value, any law of Congress to the contrary notwithstanding.

SEC. 6. *And be it further enacted,* That so much of all acts or parts of acts as may be inconsistent with the provisions of this act, shall be and the same are hereby repealed.

APPROVED May 21, 1861.

No. 163.]

AN ACT

To define with more certainty the meaning of an Act entitled "An Act to fix the duties on articles therein named," approved March the fifteenth, eighteen hundred and sixty-one.

SECTION 1. *The Congress of the Confederate States of America do enact,* That the above recited act shall be so construed as to embrace all railroad rails, spikes, fishing plates and chairs, used in the construction of railroads, which were imported and were in bond at the date of its passage.

SEC. 2. *Be it further enacted,* That the Secretary of the Treasury is hereby directed to refund to such railroad com-

panies as have, since the passage of said act, paid on any of the above enumerated articles imported as aforesaid a greater rate of duty than is prescribed by said act, the amount over and above said rate.

APPROVED May 21, 1861.

No. 164.]

A RESOLUTION

Rescinding a Resolution providing for a Digest of Laws, approved March twelfth, eighteen hundred and sixty-one.

1. *Resolved by the Congress of the Confederate States of America*, That the resolution approved March twelfth, eighteen hundred and sixty-one, providing for a digest of laws, be and the same is hereby rescinded.

2. *Resolved*, That W. P. Chilton and John Hemphill, committee of this Congress appointed under the resolution rescinded, be allowed eight dollars per day for their attendance as said committee during the recess of Congress, to be ascertained and paid at the per diem of members of Congress in session.

3. *Resolved*, That the committee aforesaid be and they are hereby required to deposit in the office of the Attorney General the digest, so far as it has progressed, with the materials collected by them, with a statement or report explanatory thereof.

APPROVED May 21, 1861.

No. 165.]

AN ACT

To establish a Patent Office, and to provide for the Granting and Issue of Patents for New and Useful Discoveries, Inventions, Improvements and Designs.

SECTION 1. *The Congress of the Confederate States of America do enact*, That there shall be established and attached to the Department of Justice, an office to be denominated the Patent Office, the chief officer of which shall be called the Commissioner of Patents, to be appointed by the President, by and with the consent of the Congress, whose duty it shall be, under the direction of the Attorney General, to

superintend, execute and perform all such acts and things touching and respecting the issue of patents for new and useful discoveries, inventions and improvements, as are herein provided for, or shall hereafter be by law directed to be done and performed, and shall have the charge and custody of all books, records, papers, models, machines and other things belonging to said office.

SEC. 2. *Be it further enacted*, That there shall be in said office an inferior officer, to be appointed by said commissioner, with the approval of the Attorney General, to be called the chief clerk of the patent office, who in all cases during the absence of the commissioner, or when the said principal office shall become vacant, shall have the charge and custody of the seal and of the records, books, papers, machines, models, and all other things belonging to the said office, and shall perform the duties of the commissioner during such vacancy. And the said commissioner may also, with like approval, appoint such examiners of patents and other clerks as may be necessary. And said commissioner, and every other person appointed and employed in said office, shall be disqualified or interdicted from acquiring or taking, except by inheritance, during the period for which they shall hold their appointments respectively, any right or interest, directly or indirectly, in any patent for an invention or discovery which has been or may hereafter be granted. And said commissioner, and all others employed in said office, shall receive a compensation to be ascertained and fixed by law.

SEC. 3. *And be it further enacted*, That the said principal officer, and every other person to be appointed in said office, shall, before he enters upon the duties of his office or appointment, make oath or affirmation truly and faithfully to execute the trust committed to him. And the said commissioner and chief clerk shall also, before entering upon their duties, severally give bonds, with sureties, to the Treasurer of the Confederate States, the former in the sum of ten thousand dollars, and the latter in the sum of five thousand dollars, with condition to render a true and faithful account to him or his successor in office, quarterly, of all moneys which shall be by them respectively received for duties on patents, and for copies of records and drawings, and all other moneys received by virtue of said office.

SEC. 4. *And be it further enacted*, That the said commissioner shall cause a seal to be made and provided for the said office, with such device as the President of the Confed-

crats States shall approve ; and copies of any records, books, papers or drawings belonging to the said office, under the signature of said commissioner, or when the office shall be vacant, under the signature of the chief clerk, with the said seal affixed, shall be competent evidence in all cases in which the original records, books, papers or drawings could be evidence. And any person making application therefor may have certified copies of the records, drawings and other papers deposited in the said office, on paying for the written copies the sum of ten cents for every page of one hundred words, and for copies of drawings, the reasonable expenses of making the same.

SEC. 5. *And be it further enacted,* That all patents issuing from the said office shall be issued in the name of the Confederate States, and under seal of said office, and be signed by the Attorney General, and countersigned by the commissioner of said office, and shall be recorded, together with the descriptions, specifications and drawings, in the said office, in books to be kept for that purpose. Every patent shall contain a short description or title of the invention or discovery, correctly indicating its nature and design, and in its terms grant to the applicant or applicants, his or their heirs, administrators, executors or assigns, for a term of not exceeding fourteen years, the full and exclusive right and liberty of making, using and vending to others to be used, the said invention or discovery, referring to the specifications for the particulars thereof, a copy of which shall be annexed to the patent, specifying what the patentee claims as his invention or discovery.

SEC. 6. *And be it further enacted,* That any person or persons having discovered or invented any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement on any art, machine, manufacture, or composition of matter, not known or used by others before his or their discovery or invention thereof, and not at the time of his application for a patent in public use or for sale, with his consent or allowance, as the inventor or discoverer, and shall desire to obtain an exclusive property therein, may make application in writing to the commissioner of patents, expressing such desire ; and the commissioner, on due proceedings had, may grant a patent therefor. But before any inventor shall receive a patent for any such new invention or discovery, he shall deliver a written description of his invention or discovery, and of the manner

and process of making, constructing, using and compounding the same, in such full, clear, and exact terms, avoiding unnecessary prolixity, as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound and use the same; and in case of any machine, he shall fully explain the principle, and the several modes in which he has contemplated the application of that principle or character by which it may be distinguished from other inventions; and shall particularly specify and point out the part, improvement, or combination which he claims as his own invention or discovery. He shall, furthermore, accompany the whole with a drawing or drawings, and written references, where the nature of the case admits of drawings; or with specimens of ingredients, and of the composition of matter, sufficient in quantity for the purpose of experiment, where the invention or discovery is of a composition of matter; which descriptions and drawings, signed by the inventor, and attested by two witnesses, shall be filed in the Patent Office; and he shall moreover furnish a model of his invention, in all cases which admit of a representation by model, of a convenient size to exhibit advantageously its several parts. The applicant shall make oath or affirmation that he does verily believe that he is the original and first inventor or discoverer of the art, machine, composition, or improvement, for which he solicits a patent; and that he does not know or believe that the same was ever before known or used; and also of what country he is a citizen; which oath or affirmation may be made before any person authorized by law to administer oaths.

SEC. 7. *And be it further enacted,* That on the filing of any such application, description and specification, and the payment of the duty hereinafter provided, the commissioner shall make, or cause to be made, an examination of the alleged new invention or discovery, and if, on any such examination, it shall not appear to the commissioner that the same had been invented or discovered by any other person in this country, prior to the alleged invention or discovery thereof by the applicant, or that it had been patented or described in any printed publication, in this or in any foreign country, or had been in public use or on sale, with the applicant's consent or allowance, prior to the application, if the commissioner shall deem it to be sufficiently useful and important, it shall be his duty to issue a patent therefor. But whenever, on such examination, it shall appear to the com-

missioner that the applicant was not the original and first inventor or discoverer thereof, or that any part of that which is claimed as new had before been invented or discovered, or patented or described in any printed publication in this or any foreign country as aforesaid, or that the description is defective and insufficient, he shall notify the applicant thereof, giving him briefly such information and references as may be useful in judging of the propriety of renewing his application, or of altering his specification to embrace only that part of the invention or discovery which is new. But if the applicant in such case shall persist in his claim for a patent, with or without any alterations of his specifications, he shall be required to make oath or affirmation anew, in manner as aforesaid; and if the specification and claim shall not have been so modified as in the opinion of the commissioner shall entitle the applicant to a patent, he may, on appeal, and upon request in writing, have the decision of the Attorney General, who shall be furnished with a certificate in writing, with the opinion and decision of the commissioner, stating the particular grounds of his objection, and the part or parts of the invention which he considers as not entitled to be patented, and the Attorney General shall give reasonable notice to the applicant, as well as to the commissioner, of the time and place of hearing such appeal, that they may have an opportunity of furnishing him with such facts and evidence as they may deem necessary to a just decision; and it shall be the duty of the commissioner to furnish to the Attorney General such information as he may possess, relative to the matter under consideration. And on an examination and consideration of the matter by the Attorney General, it shall be in his power to reverse the decision of the commissioner, either in whole or in part; and his opinion being certified to the commissioner, he shall be governed thereby in the further proceedings to be had on such application: *Provided, however,* That before an appeal shall be had in any such case the applicant shall pay to the credit of the treasury, as provided in the twenty-third section of this act, the sum of twenty-five dollars.

SEC. 8. *And be it further enacted,* That whenever an application shall be made for a patent, which in the opinion of the commissioner would interfere with any other patent for which an application may be pending, or with any unexpired patent which shall have been granted, it shall be the duty of the commissioner to give notice thereof to such applicants

or patentees, as the case may be; and if either shall be dissatisfied with the decision of the commissioner on the question of priority of right or invention, on a hearing thereof, he may appeal from such decision, on the like terms and conditions as are provided in the preceding section of this act, and the like proceedings shall be had to determine which or whether either of the applicants is entitled to receive a patent as prayed for. But nothing in this act contained shall be construed to deprive an original and true inventor of the right to a patent for his invention by reason of his having previously taken out letters patent therefor in a foreign country, and the same having been published at any time within six months next preceding the filing of his specifications and drawings. And whenever the applicant shall request it, the patent shall take date from the time of filing of the specifications and drawings; not, however, exceeding six months prior to the actual issuing of the patent; and on like request, and the payment of the duty herein required, by any applicant, his specification and drawings shall be filed in the secret archives of the office, until he shall furnish the model and the patent be issued, not exceeding the term of two years—the applicant being entitled to notice of interfering application.

SEC. 9. *And be it further enacted,* That where any person hath made or shall have made any new invention, discovery or improvement, on account of which a patent might by virtue of this act be granted, and such person shall die before any patent shall be granted therefor, the right of applying for and obtaining such patent shall devolve on the executor or administrator of such person, in trust for the heirs-at-law of the deceased, in case he shall have died intestate, but if otherwise, then in trust for his devisees, in as full and ample manner, and under the same conditions, limitations and restrictions as the same was held or might have been claimed or enjoyed by such person in his or her lifetime; and when application for a patent shall be made by such legal representatives, the oath or affirmation provided in the sixth section of this act shall be so varied as to be applicable to them.

SEC. 10. *And be it further enacted,* That every patent shall be assignable in law, either as to the whole interest or any undivided part thereof, by any instrument in writing; which assignment, and also every grant and conveyance of the exclusive right, under any patent, to make and use and to

grant to others to make and use the thing patented, within and throughout any specified part or portion of the Confederate States, shall be recorded in the patent office within three months from the execution thereof.

SEC. 11. *And be it further enacted,* That any person who shall have invented any new art, machine, or improvement thereof, and shall desire further time to mature the same, may, on paying to the credit of the treasury, in manner as provided in the twenty-third section of this act, the sum of ten dollars, file in the patent office a caveat setting forth the design and purpose thereof, and its principal and distinguishing characteristics, and praying protection of his right till he shall have matured his invention. And such caveat shall be filed in the confidential archives of the office, and preserved in secrecy. And if application shall be made by any other person, within one year from the time of filing of such caveat, for a patent of any invention with which it may in any respect interfere, it shall be the duty of the Commissioner to deposit the description, specifications, drawings and model in the confidential archives of the office, and to give notice (by mail) to the person filing the caveat of such application, *who shall, within three months* after receiving the notice, if he would avail himself of the benefit of his caveat, file his description, specifications, drawings and model; and if, in the opinion of the Commissioner, the specifications of claim interfere with each other, like proceedings may be had in all respects as are in this act provided in the case of interfering applications: *Provided, however,* That no opinion or decision of the commissioner or examiners, under the provisions of this act, shall preclude any persons interested in favor of or against the validity of any patent which has been or may hereafter be granted from the right to contest the same in any judicial court, in any action in which its validity may come in question.

SEC. 12. *And be it further enacted,* That whenever any patent which has heretofore been granted or which shall hereafter be granted shall be inoperative and invalid, by reason of a defective or insufficient description or specification, or by reason of the patentee claiming in his specifications as his own invention more than he had or shall have a right to claim as new, if the error has or shall have arisen by inadvertency, accident or mistake, and without any fraudulent or deceptive intention, it shall be lawful for the com-

missioner, upon the surrender to him of such patent, *and the payment of the further duties of twenty dollars*, to cause a new patent to be issued to its head inventor, for the same invention, for the residue of the period then unexpired for which the original patent was granted, in accordance with the patentee's corrected description and specification. And in case of his death, or any assignment by him made of the original patent, a similar right shall vest in his executors, administrators or assigns. And the patent so reissued, together with the corrected description and specifications, shall have the same effect and operation in law, on the trial of all actions hereafter commenced for causes subsequently accruing, as though the same had been originally filed in such corrected form before the issuing of the original patent. And in all cases where any new improvement of the original invention or discovery may have been invented or discovered by the original patentee subsequent to the date of his patent, for which a patent is desired by him, an independent patent for such improvement or discovery may be applied for; and no annexing to such original patent of the description and specification on such additional improvement or improvements shall be allowed.

SEC. 13. *And be it further enacted*, That the defendant in any such action shall be permitted to plead the general issue, and to give this act and any special matter in evidence of which notice in writing may have been given to the plaintiff or his attorney thirty days before trial, tending to prove that the description and specification filed by the plaintiff does not contain the whole truth relative to his invention or discovery, or that it contains more than is necessary to produce the described effect; which concealment or addition shall fully appear to have been made for the purpose of deceiving the public, or that the patentee was not the first and original inventor or discoverer of the thing patented, or of a substantial and material part thereof claimed as new, or that it has been described in some public work anterior to the supposed discovery thereof by the patentee, or had been in public use or on sale with the consent and allowance of the patentee before his application for a patent, or that he had surreptitiously or unjustly obtained the patent for that which was in fact invented or discovered by another, who was using reasonable diligence in adapting and perfecting the same; or that the patentee, if an alien at the time the patent was granted, had failed and neglected, for the space of eighteen months from the date of the patent, to put and

continue on sale to the public, on reasonable terms, the invention or discovery for which the patent was issued; and whenever the defendant relies in his defence on the fact of a previous invention, knowledge or use of the thing patented, he shall state in his notice of special matters the names and places of residence of those whom he intends to prove to have possessed a prior knowledge of the thing, and where the same had been used; in either of which cases judgment shall be rendered for the defendant with costs: *Provided, however,* That whenever it shall satisfactorily appear that the patentee, at the time of making his application for the patent, believed himself to be the first inventor or discoverer of the thing patented, the same shall not be held to be void on account of the invention or discovery, or any part thereof having been before known or used in any foreign country—it not appearing that the same or any substantial part thereof had before been patented or described in any printed publication: *And provided, also,* That whenever the plaintiff shall fail to sustain his action on the ground that in his specification or claim is embraced more than that of which he was the first inventor, if it shall appear that the defendant had used or violated any part of the invention justly and truly specified and claimed as new, it shall be in the power of the court to adjudge and award, as to costs, as may appear to be just and equitable.

SEC. 14. *And be it further enacted,* That whenever there shall be two interfering patents, or whenever a patent or application shall have been refused on an adverse decision of the Attorney General, on the ground that that patent applied for would interfere with an unexpired patent previously granted, any person interested in such patent either by assignment or otherwise in the one case, and any such applicant in the other case may have remedy in equity; and the court having cognizance thereof, on notice to adverse parties, and other due proceedings had, may adjudge and declare either the patents void in the whole or in part, or inoperative and invalid in any particular part or portion of the Confederate States, according to the interest which the parties to such suit may possess in the patent or the invention patented; and may also adjudge that such applicant is entitled, according to the principles and provisions of this act, to have and receive a patent for his invention, as specified in his claim, or for any part thereof, as the fact of priority or right or invention shall, in any such case, be made to ap-

pear. And such adjudication, if it be in favor of the right of such applicant, shall authorize the commissioner to issue such patent, on his filing a copy of the adjudication and otherwise complying with the requisitions of this act: *Provided, however,* That no such judgment or adjudication shall affect the rights of any person except the parties to the action and those deriving title from and under them subsequent to the rendition of such judgment.

SEC. 15. *And be it further enacted,* That all actions, suits, controversies and cases arising under any law of the Confederate States, granting or confirming to inventors the exclusive right to their inventions or discoveries, shall be originally cognizable, as well in equity as at law, by the district courts of the Confederate States, which courts shall have power in any such case to grant injunctions according to the course and principles of courts of equity, to prevent the violation of the rights of any inventor as secured to him by any law of the Confederate States, on such terms and conditions as said courts may deem reasonable: *Provided, however,* That from all judgments and decrees from any such court rendered in the premises, a writ of error or appeal, as the case may require, shall lie to the Supreme Court of the Confederate States, in the same manner and under the same circumstances as is now provided by law in other judgments and decrees of district courts, and in all other cases in which the court shall deem it reasonable to allow the same.

SEC. 16. *And be it further enacted,* That it shall be the duty of the commissioner to cause to be classified and arranged, in such rooms or galleries as may be provided for that purpose, in suitable cases, when necessary for their preservation, and in such manner as shall be conducive to a beneficial and favorable display thereof, the models and specimens of compositions and fabrics, and other manufactures and works of art, patented or unpatented, which have been or shall hereafter be deposited in said office. And said rooms or galleries shall be kept open during suitable hours for public inspection.

SEC. 17. *And be it further enacted,* That whenever a patent shall be returned for correction and reissue, under this act, and the patentee shall desire several patents to be issued for distinct and separate parts of the thing patented,

he shall first pay, in manner and in addition to the sum provided by this act, the sum of twenty dollars for each additional patent so to be issued; nor shall any new patent be issued for an improvement made in any machine, manufacture or process, to the original inventor, assignee or possessor of a patent therefor, nor any disclaimer be admitted to record, until a duplicate model or drawing of the same shall have been deposited in the patent office, if the commissioner shall require the same; nor shall any patent be granted for an invention, improvement or discovery, the model or drawing of which shall have been lost, until another model or drawing, if required by the commissioner, shall in like manner be deposited in the patent office. And in all such cases the question of compensation for such models and drawings shall be subject to the judgment and decision of the commissioner, under the same limitations and restrictions as are herein prescribed.

SEC. 18. *And be it further enacted,* That any patent, hereafter to be issued, may be made and issued to the assignee or assignees of the inventor or discoverer, the assignment thereof being first entered of record, and the application therefor being duly made, and the specification duly sworn to by the inventor. And in all cases hereafter the applicant for a patent shall be held to furnish duplicate drawings, whenever the case admits of drawings, one of which to be deposited in the office, and the other to be annexed to the patent and considered a part of the specification.

SEC. 19. *And be it further enacted,* That whenever any patentee shall have, through inadvertence, accident or mistake, made his specification of claim too broad, claiming more than that of which he was the original or first inventor, some material and substantial part of the thing patented being truly and justly his own, any such patentee, his administrators, executors and assigns, whether of a whole or of a sectional interest therein, may make disclaimer of such parts of the thing patented as the disclaimant shall not claim to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent, which disclaimer shall be in writing, attested by one or more witnesses, and recorded in the patent office, on payment by the person claiming, in manner as other patent duties are required by law to be paid, of the sum of ten dollars. And

such disclaimer shall thereafter be taken and considered as part of the original specification, to the extent of the interest which shall be possessed in the patent or right secured thereby by the disclaimant, and by those claiming by or under him, subsequent to the record thereof. But no such disclaimer shall affect any action pending at the time of its being filed, except so far as may relate to the question of unreasonable neglect or delay in filing the same.

SEC. 20. *And be it further enacted,* That whenever application shall be made to the commissioner for a patent for a newly discovered improvement to be made to an existing patent, or whenever a patent shall be returned for correction and re-issue, the specification of claim annexed to every such patent shall be subject to revision and restriction, in the same manner as are original applications for patents; the commissioner shall not add any such improvement to the patent in the one case, nor grant the re-issue in the other case, until the applicant shall have entered a disclaimer or altered his specification of claim in accordance with the decision of the commissioner; and in all such cases the applicant, if dissatisfied with such decision, shall have the same remedy and be entitled to the benefit of the same privileges and proceedings as are provided by law in the case of original applications for patents.

SEC. 21. *And be it further enacted,* That whenever, by mistake, accident or inadvertence, and without any wilful default or intent to defraud or mislead the public, any patentee shall have in his specification, claimed to be the original and first inventor or discoverer of any material or substantial part of the thing patented, of which he was not the original and first inventor, and shall have no legal or just right to claim the same, in every such case the patent shall be deemed good and valid for so much of the invention or discovery as shall be truly and *bona fide* his own: *Provided,* It shall be a material and substantial part of the thing patented, and be definitely distinguishable from the other parts so claimed, without right as aforesaid. And every such patentee, his executors, administrators and assigns, whether of a whole or of a sectional interest therein, shall be entitled to maintain a suit at law or in equity on such patent for any such infringement of such part of the invention or discovery as shall be *bona fide* his own as aforesaid, notwithstanding the specification may embrace more than he shall have any legal right to claim. But in every such case in which a judgment

or verdict shall be rendered for the plaintiff, he shall not be entitled to recover costs against the defendant, unless he shall have entered at the patent office, prior to the commencement of the suit, a disclaimer of all that part of the thing patented which was so claimed without right: *Provided, however,* That no person bringing any such suit shall be entitled to the benefits of the provisions contained in this section, who shall have unreasonably neglected or delayed to enter at the patent office a disclaimer as aforesaid.

SEC. 22. *And be it further enacted,* That in all cases in which an oath is required by this act, if the person of whom it is required shall be conscientiously scrupulous of taking an oath, affirmation may be substituted therefor.

SEC. 23. *And be it further enacted,* That all moneys paid into the treasury of the Confederate States for patents, and for fees for copies furnished by the commissioner, shall be carried to the credit of the patent fund created by this act; and the money constituting said fund shall be and the same are hereby appropriated for the payment of the salaries of the officers and clerks provided by this act, and all other expenses of the patent office, including all the expenditures provided for by this act; and also for such other purposes as are or may be hereafter specially provided for by law. And the commissioner is hereby authorized to draw upon such fund, from time to time, for such sums as shall be necessary to carry into effect the provisions of this act, governed, however, by the several limitations herein contained. And it shall be his duty to lay before Congress, in the month of January, annually, a list of all patents which shall have been granted during the preceding year, designating under proper heads the subjects of such patents, and furnishing an alphabetical list of the patentees, with their places of residence; and shall also furnish a list of all patents which shall have become public property during the same period, together with such other information of the state of the patent office as may be useful to Congress or to the public.

SEC. 24. *And be it further enacted,* That the commissioner is authorized to employ temporary clerks to do any necessary transcribing, whenever the current business of the office requires it: *Provided, however,* That instead of salary a compensation shall be allowed, at a rate not greater than is charged for copies now furnished by the office.

SEC. 25. *And be it further enacted,* That the commissioner is hereby authorized to publish a classical and alphabetical list of all patents granted by the patent office previous to said publication, and retain one hundred copies for the patent office and five hundred copies to be deposited in the library of Congress, for such distribution as may hereafter be directed; and that one thousand dollars, if necessary, be appropriated out of the patent fund, to defray the expenses of the same.

SEC. 26. *And be it further enacted,* That the sum of five hundred dollars be appropriated from the patent fund, to be expended under the direction of the commissioner, for the purchase of necessary books for the library of the patent office.

SEC. 27. *And be it further enacted,* That all applications by aliens to obtain patents for inventions which have already been patented in foreign countries, shall be made within six months from the date of such foreign letters patent. Nor shall letters patent be granted to any alien whose government is at war with the Confederate States.

SEC. 28. *And be it further enacted,* That every person or corporation who has, or shall have purchased or constructed any newly invented machine, manufacture or composition of matter, prior to the application by the inventor or discoverer for a patent, shall be held to possess the right to use and vend to others to be used, the specific machine, manufacture or composition of matter so made or purchased, without liability therefor to the inventor, or any other person interested in such invention; and no patent shall be held to be invalid by reason of such purchase, sale or use, prior to the application for a patent as aforesaid, except on proof of abandonment of such invention to the public, or that purchase, sale or prior use has been for more than two years prior to such application for a patent.

SEC. 29. *And be it further enacted,* That the provisions of the 14th section of this act, shall extend to all cases where patents are refused for any reason whatever, either by the commissioner of patents or by the Attorney General, upon appeals from the decision of said commissioner, as well as where the same shall have been refused on account of, or by reason of, interference with a previously existing patent; and in all cases where there is no opposing party a copy of the bill shall be served upon the commissioner of patents,

when the whole of the expenses of the proceeding shall be paid by the applicant, whether the final decision shall be in his favor or otherwise.

SEC. 30. *And be it further enacted*, That the Treasurer of the Confederate States be and he hereby is authorized to pay back, out of the patent fund, any sum or sums of money to any person who shall have paid the same into the treasury, or to any receiver or depositary to the credit of the treasurer, as for fees accruing at the patent office through mistake, and which are not provided to be paid by existing laws, certificate thereof being made to the said treasurer by the commissioner of patents.

SEC. 31. *And be it further enacted*, That the oath required for applicants for patents may be taken, when the applicant is not for the time being residing in the Confederate States, before any minister plenipotentiary, charge d'affaires, consul, or commercial agent holding commission under the government of the Confederate States, or before any notary public of the foreign country in which such applicant may be: *Provided*, Such foreign State shall have recognized the independence of the Confederate States, and shall be at the time in amity with them.

SEC. 32. *And be it further enacted*, That all patentees wishing to make payments for patents to be issued, may pay all such moneys to the Treasurer of the Confederate States, or to the treasurer of either of the mints within the Confederate States, or to such other depositary as shall be designed by the Secretary of the Treasury or commissioner of patents, in other parts of the Confederate States, to receive such payments and give receipts or certificates of deposit therefor.

SEC. 33. *And be it further enacted*, That from all judgments and decrees of any district court rendered in any action, suit, controversy or case at law or in equity, arising under any law of the Confederate States granting or confirming to inventors or discoverers a writ of error or appeal, as the case may require, shall lie, at the instance of either party, to the Supreme Court of the Confederate States, in the same manner and under the same circumstances as is now provided by law in other judgments and decrees of such district courts, without regard to the sum or value in controversy in the action.

SEC. 34. *And be it further enacted*, That the commissioner of patents may establish rules for taking affidavits and depositions required in cases pending in the patent office, and

such affidavits and depositions may be taken before any justice of the peace or other officer authorized by law to take depositions to be used in the courts of the Confederate States, or in the State courts of any State where such officer shall reside; and in any contested case pending in the patent office it shall be lawful for any clerk of any court of the Confederate States for any district or territory, and he is hereby required, upon the application of any party to such contested case, or the agent or attorney of such party, to issue subpoenas for any witnesses residing or being within the said district or territory, commanding such witnesses to appear and testify before any justice of the peace, or other officer as aforesaid residing within the said district or territory, at any time and place in the subpoena to be stated; and if any witness, after being duly served with such subpoena, shall refuse or neglect to appear, or after appearing shall refuse to testify, (not being privileged from giving testimony,) such refusal or neglect being proved to the satisfaction of any judge of the court whose clerk shall have issued such subpoena, said judge may thereupon proceed to enforce obedience to the process, or to punish the disobedience in like manner as any court of the Confederate States may do in case of disobedience to process of *subpœna ad testificandum* issued by such court; and witnesses in such cases shall be allowed the same compensation as is allowed to witnesses attending the courts of the Confederate States: *Provided*, That no witness shall be required to attend at any place more than forty miles from the place where the subpoena shall be served upon him to give a deposition under this law: *Provided, also*, That no witness shall be deemed guilty of contempt for refusing to disclose any secret invention made or owned by him: *And provided further*, That no witness shall be deemed guilty of contempt for disobeying any subpoena directed to him by virtue of this act, unless his fees for going to, returning from, and one day's attendance at the place of examination shall be paid or tendered to him at the time of the service of the subpoena.

SEC. 35. *And be it further enacted*, That no appeal shall be allowed to the Attorney General from the decisions of the examiners, except interference cases, until after the application shall have been twice rejected; and the second examination of the application by the primary examiner shall not be had until the applicant, in view of the references given on the first rejection, shall have renewed the oath of invention as provided for in this act.

SEC. 36. *And be it further enacted*, That the salary of the Commissioner of Patents, from and after the passage of this act, shall be three thousand dollars per annum: that of the chief clerk eighteen hundred dollars per annum; that of each examiner of patents two thousand dollars per annum, and that of each regularly employed record or other clerk, one thousand dollars per annum.

SEC. 37. *And be it further enacted*, That the Commissioner of Patents is authorized to restore to the respective applicants, or when not removed by them to otherwise dispose of, such of the models belonging to rejected applicants as he shall not think necessary to be preserved. The same authority is also given in relation to all models accompanying applications of designs and inventions. He is further authorized to dispense with models of designs, when the design can be sufficiently represented by a drawing.

SEC. 38. *And be it further enacted*, That the commissioner may require all papers filed in the patent office, if not correctly, legibly and plainly written, to be printed at the cost of the parties filing such papers; and for gross misconduct he may refuse to recognize any person as a patent agent, either generally or in any particular case; but the reasons of the commissioner for such refusal shall be duly recorded, and subject to the approval of the President of the Confederate States.

SEC. 39. *And be it further enacted*, That no money paid as a fee on any application for a patent after the passage of this act shall be withdrawn or refunded, nor shall the fee paid on filing a caveat be considered as part of the sum required to be paid on filing a subsequent application for a patent for the same invention. That the three months' notice given to any caveator, in pursuance of the requirements of the 11th section of this act, shall be computed from the day on which such notice is deposited in the post-office at the seat of Government of this Confederacy, with the regular time for transmission of the same added thereto, which time shall be endorsed on the notice.

SEC. 40. *And be it further enacted*, That the following shall be the rates of fees in all cases, respectively:

On filing a caveat, ten dollars.

On filing each original application for a patent, except for a design, twenty dollars.

On issuing each original patent, twenty dollars.

On every appeal to the Attorney General, twenty-five dollars.

On every application for the re-issue of a patent, thirty dollars.

On filing each disclaimer, ten dollars.

For recording patents, as provided for in section 49, ten cents for every hundred words.

For certified copies of patents and other papers, ten cents per hundred words.

For recording every assignment, agreement, power of attorney, and other papers, of three hundred words or under, one dollar.

For recording every assignment and other paper, over three hundred words and under one thousand words, two dollars.

For recording every assignment and other writing, if over one thousand words, three dollars.

For copies of drawings, the reasonable cost of making the same.

SEC. 41. *And be it further enacted*, That any person or persons who, by his, her or their own industry, genius, efforts and expense, may have invented or produced any new and original design for a manufacture, whether of metal or other material or materials, an original design for a bust, statue or bass-relief, or composition in basso or alto relievo, or any new or original impression or ornament, or to be placed on any article of manufacture, the same being formed in marble or other material, or any new and useful pattern, or print, or picture, to be either worked into or worked on, or printed, or painted, or cast, or otherwise fixed upon any article of manufacture, or any new and original shape or configuration of any article of manufacture not known or used by others before his, her or their invention or production thereof, and prior to the time of his, her or their application for a patent therefor, and who shall desire to obtain an exclusive property or right therein, to make, use, sell and vend the same, or copies of the same, to others, by them to be made, used and sold, may make application in writing to the Commissioner of Patents expressing such desire; and the commissioner, on due proceedings had, may grant a patent therefor, as in the case now of application

for a patent, for the term of three and one-half years, or for the term of seven years, or for the term of fourteen years, as the said applicant may elect in his application: *Provided*, That the fee to be paid in such application shall be for the term of three years and six months, ten dollars; for seven years, fifteen dollars; and for fourteen years, twenty dollars.

SEC. 42. *And be it further enacted*, That all applications for patents shall be completed and prepared for examination within two years after the filing of the petition, and in default thereof they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the commissioner of patents that such delay was unavoidable; and all applications now pending shall be treated as if filed after the passage of this act.

SEC. 43. *And be it further enacted*, That in all cases where an article is made or vended by any person under the protection of letters patent, it shall be the duty of such person to give sufficient notice to the public that said article is so patented, either by fixing thereon the word patented, together with the day and year the patent was granted, or when, from the character of the article patented, that may be impracticable, by enveloping one or more of the said articles and affixing a label to the package, or otherwise attaching thereto a label, on which the notice, with the date, is printed; on failure of which, in any suit for the infringement of letters patent by the party failing so to mark the article the right to which is infringed upon, no damage shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued, after such notice, to make or vend the article patented.

SEC. 44. *And be it further enacted*, That the commissioner of patents be and he is hereby authorized to print, or in his discretion to cause to be printed, ten copies of the description and claims of all patents which may hereafter be granted, and ten copies of the drawings of the same, when drawings shall accompany the patent: *Provided*, The cost of printing the text of said description and claims shall not exceed, exclusive of stationery, the sum of two cents per hundred words for each of said copies, and the cost of the drawing shall not exceed fifty cents per copy; one copy of the above number shall be printed on parchment, to be affixed to the letters patent. The work shall be under the direction and subject to the approval of the commissioner of patents, and the expense of the said copies shall be paid for out of the patent fund.

SEC. 45. *And be it further enacted*, That printed copies of the letters patent of the Confederate States, with the seal of the patent office affixed thereto, and certified and signed by the commissioner of patents, shall be legal evidence of the contents of said letters patent in all cases.

SEC. 46. *And be it further enacted*, That no discrimination shall be made between the inhabitants of the Confederate States and those of other countries which shall not discriminate against the inhabitants of the Confederate States in regard to patent office fees; and should any country discriminate against the Confederate States, the same fees shall be charged against the inhabitants of said country as are charged by it against the inhabitants of the Confederate States.

SEC. 47. *And be it further enacted*, That at the expiration of three years from the date of any patent hereafter to be issued, there shall be paid to the commissioner, by the patentee or assignee of such patent, a fee of ten dollars, and the same amount at the expiration of seven years; and if such fees are not paid, such patent shall be deemed abandoned and shall be null and void.

SEC. 48. *And be it further enacted*, That all money received by the commissioner under this act shall be by him paid into the treasury, and shall constitute a fund for the payment of the salaries of officers and clerks herein provided for, and all other expenses of the patent office, and to be called a patent fund.

SEC. 49. *And be it further enacted*, That all patents heretofore granted and issued by the United States to any person or persons now a citizen or citizens of either of the states of this Confederacy, or of the states of Tennessee, Arkansas and North Carolina, or now held by assignment by any such citizen or citizens, shall continue in force for the term for which they were issued yet unexpired, and if assigned in part only to any citizen of this Confederacy, or of the states aforesaid, shall continue in force for such part: *Provided*, Said assignment was *bona fide* made prior to the fourth day of February, 1861: *Provided further*, Nothing contained in this act shall be construed to recognize any renewal or extension of a patent by the United States heretofore made: *Provided further*, That patents or the deed of assignment therefor provided for in this section, shall be recorded in the patent office of the Confederate States, and there also shall be deposited in said office such models or descriptive drawings as may be necessary to identify and explain the subject matter of said patents; and all persons claiming the benefit

of this section shall pay to the commissioner of patents the sum of twenty dollars for the use of the patent fund, unless such patents are so filed for record, with such drawings or models as aforesaid, within nine months from the date of publication of this act, they shall be considered as abandoned, and shall be null and void. And it shall be the duty of the commissioner to endorse on each patent so filed for record the date of such filing, and also a certificate under the seal of his office that said patent has been recorded, which certificate shall be evidence of the fact in any court of justice, whether of the state or of the Confederacy, and of the rights of the owner thereof to use said patent; and such patents shall, after they are recorded, be returned to the owner thereof.

SEC. 50. *And be it further enacted,* That in case the original inventor or discoverer of the art, machine or improvement for which a patent is solicited is a slave, the master of such slave may take an oath that the said slave was the original inventor; and on complying with the requisites of the law, shall receive a patent for said discovery or invention, and have all the rights to which a patentee is entitled by law.

SEC. 51. That all patents issued by the government of the United States, in favor of citizens or subjects of foreign countries, prior to the eighth day of February last, shall have the same force and effect in these Confederate States as if issued under the authority of these states: *Provided,* That this section shall not take effect in favor of any alien enemy, holder or assignee of such patent as aforesaid.

SEC. 52. *And be it further enacted,* That this act shall take effect and be in force from and after its passage.

APPROVED May 21, 1861.

No. 166.]

AN ACT

To establish the Judicial Courts of the Confederate States of America in the State of Virginia.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the State of Virginia shall constitute two judicial districts, the territorial boundaries of which shall be the same as those existing by force of the laws of the United States, when the said State of Virginia seceded from the United States, and shall be known and designated as the Eastern and Western Judicial Districts of the Confederate States of America in Virginia.

SEC. 2. *Be it further enacted*, That a judge and marshal and attorney shall be appointed by the President of the Confederate States for each of said districts; and that the jurisdiction exercised by the said district courts and the judges thereof shall be the same in all respects as that exercised by the other district courts of the Confederate States and the judges of such courts, respectively: and that the said courts shall in all respects be subject to the provisions of the act entitled "An act to establish the judicial courts of the Confederate States of America."

APPROVED May 21, 1861.

No. 167.]

AN ACT

To prescribe the mode of publishing the Laws and Treaties of the Confederate States.

SECTION 1. *The Congress of the Confederate States of America do enact*, That it shall be the duty of the Attorney General to select from the laws and resolutions passed at each session, such as may be of a public nature and which in his judgment require immediate publication, and cause the same to be inserted weekly, for one month, in one public gazette published at the seat of government in each state, and also in two gazettes published at the capital of the Confederate States.

SEC. 2. All treaties entered into by the Confederate States shall be published in the same manner: but the President may, in his discretion, order the publication of particular treaties in other gazettes published at other places.

SEC. 3. The compensation for publication of the laws in

the gazettes shall not exceed one dollar and a half per page, estimated according to Little & Brown's edition of the laws of the United States.

APPROVED May 21, 1861.

No. 168.]

AN ACT

To prescribe the Salary of the Private Secretary of the President of the Confederate States.

SECTION 1. *The Congress of the Confederate States do enact,* That from and after the passage of this act, the salary of the private secretary of the President of the Confederate States shall be at the rate of fifteen hundred dollars per annum.

SEC. 2. All laws and parts of laws mitigating against this act, be and the same are hereby repealed.

APPROVED May 21, 1861.

No. 169.]

AN ORDINANCE

Of the Convention of the Congress of the Confederate States.

Be it ordained by the Congress of the Confederate States of America, That the second paragraph of the first section of the third Article of the Constitution of the Confederate States of America, be so amended in the first line of said paragraph, as to read, "Each state shall, until otherwise enacted by law, constitute a district;" and in the sixth line, after the word "judge," add "or judges."

APPROVED, May 21, 1861.

No. 170.]

AN ACT

To amend an act entitled "An Act recognizing the existence of war between the United States and the Confederate States, and concerning Letters of Marque, Prizes and Prize Goods, approved May 6th, one thousand eight hundred and sixty-one.

SECTION 1. *The Congress of the Confederate States do enact,* That the tenth section of the above entitled act be so

amended that, in addition to the bounty therein mentioned, the government of the Confederate States will pay to the cruiser or cruisers of any private armed vessel commissioned under said act, twenty per centum on the value of each and every vessel of war belonging to the enemy, that may be sunk or destroyed by such private armed vessel or vessels, the value of the armament to be included in the estimate. The valuation to be made by a board of naval officers appointed, and their award to be approved by the President, and the amount found to be due to be payable in eight per cent. bonds of the Confederate States.

SEC. 2. That if any person who may have invented or may hereafter invent any new kind of armed vessel, or floating battery, or defence, shall deposit a plan of the same, accompanied by suitable explanations or specifications, in the navy department, together with an affidavit setting forth that he is the inventor thereof, such deposit and affidavit (unless the facts set forth therein shall be disproved) shall entitle such inventor or his assigns to the sole and exclusive enjoyment of the rights and privileges conferred by this act, reserving, however, to the government, in all cases, the right of using such invention.

APPROVED May 21, 1861.

No. 171.]

AN ACT

To provide for the pay of additional officers, non-commissioned officers, musicians and privates of the Marine Corps, to constitute a Regiment, and for the additional clothing and subsistence of the non-commissioned officers, musicians and privates, for the year ending February the eighteenth, eighteen hundred and sixty-two.

The Congress of the Confederate States of America do enact, That the sum of ninety-five thousand two hundred and forty dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the pay of additional officers, musicians and privates of the marine corps, and subsistence for the same for and during the year ending February the eighteenth, eighteen hundred and sixty-two, said sum to be appropriated as follows: One colonel, (for nine months,) two thousand dollars; lieutenant colonel, (for nine months,) eighteen hundred dollars; quar-

termaster, (additional,) five hundred dollars; paymaster, (additional,) five hundred dollars; adjutant, (additional,) five hundred dollars; four captains, five thousand two hundred dollars; four first lieutenants, three thousand six hundred dollars; fourteen second lieutenants, ten thousand and eighty dollars; additional non-commissioned officers and musicians, four thousand eight hundred dollars; two hundred and forty additional privates at eleven dollars per month, twenty-three thousand seven hundred and sixty dollars; additional clothing for non-commissioned officers, musicians and privates, fifteen thousand dollars; additional rations for non-commissioned officers, musicians and privates, sixty six thousand rations at sixteen thousand five hundred dollars; additional expenses of recruiting, transportation of officers and men, five thousand dollars; pay of armories and purchase of small arms, ordnance stores, accoutrements, flags, &c., four thousand dollars; contingencies, including freight, cartage, &c., two thousand dollars.

APPROVED May 21, 1861.

No. 172.]

AN ACT

To increase the Clerical Force of the Treasury Department.
in the Bureau of Second Auditor.

The Congress of the Confederate States of America do enact, That the clerical force in the office of Second Auditor of the Treasury Department shall consist as follows: One chief clerk, at a salary of fourteen hundred dollars per annum; five clerks at salaries each of twelve hundred dollars per annum; and five clerks with salaries each of one thousand dollars per annum: *Provided,* That the Secretary of the Treasury shall have the same power to distribute said clerks among the other bureaus of the Treasury Department, if in his judgment the public interest requires, as is given to him by the act "To create the clerical force of the several executive departments of the Confederate States of America," approved March seventh, eighteen hundred and sixty-one.

APPROVED May 21, 1861.

No. 173.] A RESOLUTION

In regard to the Clerical Department of Congress.

Resolved by the Congress of the Confederate States of America, That the Secretary of the Congress be authorized to employ such additional clerical force as may be necessary to dispatch the business of his office during the remainder of the session, at six dollars per day each.

APPROVED May 21, 1861.

No. 174.] A RESOLUTION.

To provide for the Removal of the Seat of Government.

Resolved by the Congress of the Confederate States of America, That this Congress will adjourn on Tuesday next, to meet again on the twentieth day of July, at Richmond, Virginia; and that a committee of three members of this Congress be appointed to make suitable arrangements for the accommodation of Congress, and of the several executive departments. *Resolved, further,* That the President be and is hereby authorized to cause the several executive departments, with the archives thereof, to be removed at such time between this and the twentieth day of July next, as he may determine, to Richmond: *Provided, however,* That in case of any public emergency which may, in the judgment of the President, render it impolitic to meet in Richmond, the President shall have power by proclamation to call the Congress together at some other convenient place to be selected by him.

APPROVED May 21, 1861.

No. 175.] AN ACT

To authorize certain Debtors to pay the amounts due by them into the Treasury of the Confederate States.

SECTION 1. *The Congress of the Confederate States of America do enact,* That all persons in any manner indebted to individuals or corporations in the United States of America, (except the States of Delaware, Maryland, Kentucky and Missouri, and the District of Columbia,) be and are hereby

prohibited from paying the same to their respective creditors, or their agents or assignees, pending the existing war waged by that government against the Confederate States, or any one of the slaveholding States before named.

SEC. 2. Any person indebted as aforesaid shall be and is hereby authorized to pay the amount of his indebtedness into the treasury of the Confederate States, in specie or treasury notes, and shall receive from the treasurer a certificate, countersigned by the register, showing the amount paid and on what account, and the rate of interest which the same was bearing.

SEC. 3. Such certificate shall bear like interest with the original contract, and shall be redeemable, at the close of the war and the restoration of peace, in specie or its equivalent, on presentation of the original certificate.

SEC. 4. All laws and parts of laws militating against this act be and the same are hereby repealed.

APPROVED May 21, 1861.

No. 176.]

AN ACT

To transfer the Testimony taken by Commission, in certain suits therein named, brought in the Circuit and District Courts of the United States of America to the State Courts of the Confederate States, and to authorize the same to be read in said State Courts.

SECTION 1. *The Congress of the Confederate States of America do enact*, That in all cases where suits have been instituted in the circuit or district courts of the United States of America, whether at law or in equity, by a citizen or citizens of one of the Confederate States of America, against a citizen or citizens of another of the said Confederate States, and said suits or any of them shall be re-commenced in the State courts of any of the Confederate States, the evidence taken, in such suits whilst pending in the circuit or district courts of the United States, by commission, shall be read upon the trial of such suits so re-commenced in the State courts aforesaid, under such rules and regulations as obtain respectively in the State courts of the Confederate States; except that no objection shall be good and available to the execution and return of the commissions for taking testimony which would not be good and available in the cir-

cuit or district courts of the United States from which they issued, and that all consents between parties or their attorneys entered into touching the return and execution of the commissions for taking testimony and as to the admissibility of evidence, entered into in the said suits whilst pending in the said courts of the United States, shall be valid, and obtain in the said suits so re-commenced in the State courts of the Confederate States.

SEC. 2. That upon the application of either party, his agent or attorney, it shall be the duty of the clerk of the district courts of the Confederate States to transmit under his hand and seal, duly certified, all the testimony taken by commission in any case so brought as aforesaid in any of the circuit or district courts of the United States, to the clerk of the State court where the same may be re-commenced, as well as all consents as aforesaid touching the execution and return of commissions and the admissibility of testimony. That he shall receive for such service the sum of one dollar, to be paid by the party applying for the same, which sum shall be taxed in the bill of cost in the State courts, and abide the result of the suit as other costs in like cases.

SEC. 3. *Be it further enacted*, That the State of Arkansas shall constitute two judicial districts, the limits and boundaries of which, and the officers thereof, shall be the same as existed by force of the laws of the United States when the State of Arkansas seceded from the United States, and such districts shall be known and designated as the eastern and western judicial districts of the Confederate States of America in Arkansas.

SEC. 4. *Be it further enacted*, That the judges, marshals and attorneys for said districts shall be appointed by the President, and that the jurisdiction exercised by said district courts and the judges thereof shall be the same in all respects as that exercised by the other district courts of the Confederate States and judges thereof, and that the said courts shall in all respects be subject to the provisions of the act entitled "an act to establish the judicial courts of the Confederate States of America."

APPROVED May 21, 1861.

No. 177.]

AN ACT

To prohibit the Exportation of Cotton from the Confederate States, except through the seaports of said States; and to punish persons offending therein.

SECTION 1. *The Congress of the Confederate States of America do enact*, That from and after the first day of June next, and during the existence of the blockade of any of the ports of the Confederate States of America by the government of the United States, it shall not be lawful for any person to export any raw cotton or cotton yarn from the Confederate States of America, except through the seaports of the said Confederate States; and it shall be the duty of all the marshals and revenue officers of the said Confederate States to prevent all violations of this act.

SEC. 2. If any person shall violate, or attempt to violate or evade the provisions of the foregoing section, he shall forfeit all the cotton or cotton yarn thus attempted to be illegally exported, for the use of the Confederate States; and, in addition thereto, he shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding five thousand dollars, or else imprisoned in some public jail or penitentiary for a period not exceeding six months, at the discretion of the court, after conviction upon trial by a court of competent jurisdiction.

SEC. 3. Any person informing as to a violation, or attempt to violate the provisions of this act, shall be entitled to one-half the proceeds of the articles forfeited by reason of his information.

SEC. 4. Any justice of the peace, on information under oath from any person, of a violation or attempt to violate this act, may issue his warrant and cause the cotton or cotton yarn specified in the affidavit to be seized and retained until an investigation can be had before the courts of the Confederate States.

SEC. 5. Every steamboat or railroad car which shall be used with the consent of the owner or person having the same in charge, for the purpose of violating this act, shall be forfeited in like manner to the use of the Confederate States. But nothing in this act shall be so construed as to prohibit exportation of cotton to Mexico through its co-terminous frontier.

APPROVED May 21, 1861.

No. 178.]

AN ACT

To provide for the Pay of the Officers who have resigned from the United States Navy, and whom it is proposed to add to the Confederate States Navy.

Be it enacted by the Congress of the Confederate States of America, That the sum of three hundred and fifty-two thousand six hundred dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to be expended in the pay of the officers who have resigned from the United States Navy, and whom it is proposed to add to that of the Confederate States, said sum to be appropriated as follows: For the pay of twelve captains, on and off duty, \$40,000; twenty-nine commanders, on and off duty, \$71,000; eighty lieutenants, \$139,400; twenty-five surgeons, including passed assistant surgeons, \$56,200; twelve assistant surgeons, \$14,400; sixteen paymasters, \$31,600. To pay Captains Lawrence Rousseau, Josiah Tatnall, Victor M. Randolph, and Duncan M. Ingraham, and Commander Raphael Semmes certain travelling expenses, as per resolution of March 15th, 1861, (\$593,) five hundred and ninety-three dollars.

APPROVED May 21, 1861.

No. 179.]

AN ACT

To make Temporary Disposition of certain Railroad Iron.

WHEREAS, In furtherance of a contract between Thomas C. Bates, an alien enemy residing in the State of New York, and the Memphis, El Paso and Pacific Railroad Company, a large quantity of railroad iron is on deposit at New Orleans and on the Mississippi and Red rivers, intended by said contract for said road, and said alien being now incapable of carrying on his contract,

The Congress of the Confederate States do enact, That said Memphis, El Paso and Pacific Railroad Company be and is hereby authorized to take possession of said iron, upon payment of duty and lawful charges, if any, and lay the same on their road, upon giving bond to the Secretary of the Treasury to respond for the payment of said iron, as Con-

gress may hereafter direct, the ultimate rights of all persons being hereby reserved until such legislation.

APPROVED May 21, 1861.

No. 180.]

AN ACT

To provide for the cession, on the part of the State of Arkansas, of the Arsenal at Little Rock, and of Fort Smith at the city of Fort Smith, in the State of Arkansas, to the Confederate States of America, and the acceptance of the same by the said Confederate States.

WHEREAS, By ordinance of the Convention of the State of Arkansas, passed the 11th day of May, 1861, herewith submitted, authority was conferred upon the delegation of the State of Arkansas to cede to the Confederate States the arsenal at Little Rock, and Fort Smith at the city of Fort Smith, in the State of Arkansas, and the grounds, buildings and appurtenances attached to each, in accordance with the terms of said ordinance, Therefore

The Congress of the Confederate States of America do enact, That the cession as hereinbefore recited is hereby accepted, and it is now made the duty of the Secretary of War to accept a deed of cession of the said arsenal and other property to be executed by the said delegation, and to take charge of and hold the same in the name of the government of the Confederate States of America.

APPROVED May 21, 1861.

No. 181.]

AN ACT

Relative to Prisoners of War.

SECTION 1. *The Congress of the Confederate States of America do enact*, That all prisoners of war taken, whether on land or at sea, during the pending hostilities with the United States, shall be transferred by the captors, from time to time and as often as convenient, to the Department of War; and it shall be the duty of the Secretary of War, with the approval of the President, to issue such instructions to the

Quartermaster General and his subordinates as shall provide for the safe custody and sustenance of prisoners of war; and the rations furnished prisoners of war shall be the same in quantity and quality as those furnished to enlisted men in the army of the Confederacy.

SEC. 2. That the eighth section of the act entitled "An Act recognizing the existence of war between the United States and the Confederate States, and concerning Letters of Marque, Prizes and Prize Goods," shall not be so construed as to authorize the holding as prisoners of war the officers or crew of any unarmed vessel, nor any passenger on such vessels, unless such passengers be persons employed in the public service of the enemy.

SEC. 3. That the tenth section of the above recited act shall not be so construed as to allow a bounty for prisoners captured on vessels of the enemy and brought into port, unless such prisoners were captured on board of an armed ship or vessel of the enemy of equal or superior force to that of the private armed vessel making the capture.

APPROVED May 21, 1861.

No. 182.]

AN ACT

For the publication of the Laws.

SECTION 1. *The Congress of the Confederate States of America do enact*, That five hundred copies of the acts of this session of Congress be published in pamphlet form, to be distributed as follows: one copy to the executive of each of the Confederate States; one to each judge of the district courts of the Confederate States; one to the executive of the Confederacy; one to the head of each department and of each bureau; one to each member of Congress, and one to each clerk of the district courts, and the remainder to be kept in the office of the Department of Justice, for the further order of Congress.

APPROVED May 21, 1861.

No. 183.] A RESOLUTION

In reference to printing the Tariff Act, and other documents connected therewith.

Resolved, That five hundred copies of the tariff act be printed for the use of Congress, and also five hundred copies of a comparative statement of the rates of duty under the United States tariff of 1857, the Confederate States tariff just established, and the United States tariff now of force, be printed under the authority of the Secretary of the Treasury.

APPROVED May 21, 1861.

No. 184.] AN ACT

Making Appropriations for the support of the Navy, for the year ending eighteenth of February, eighteen hundred and sixty-two.

SECTION 1. *The Congress of the Confederate States do enact*, That the following sums be and the same are hereby appropriated, for the objects hereinafter expressed, for the year ending the eighteenth of February, eighteen hundred and sixty-two:

NAVY—For purchase of nautical instruments, books and charts for Confederate States Navy, five thousand five hundred dollars. For equipment and repair of vessels of Confederate States Navy, one hundred thousand dollars. For laboratory for safe-keeping ordnance stores, and labor in preparing them, thirty-seven thousand dollars. For ordnance and ordnance stores, eighty thousand dollars. For “contingent enumerated,” for the following purposes, viz: Freight and transportation; printing and stationery; advertising; models and drawings; repair of fire engines and hose repairs, and attending to steam engines in yards; purchase and maintenance of horses and oxen and drawing teams; carts, lumber, wheels, and the purchase and repair of workman’s tools; postage on public letters; fuel, oil and candles for navy yards and shore stations; pay of watchmen, and incidental labor not chargeable to other appropriations; wharfage, dockage and rent; travelling expenses of officers and others, under orders; funeral expenses; store and office rent; commissions and pay of navy agents and clerks; flags, awnings and packing boxes; books for libra-

ries of vessels; premiums and other expenses of recruiting; apprehending deserters; per diem pay of persons attending courts martial, courts of inquiry, and other services authorized by law; pay of judge advocate; pilotage and tonnage of vessels, and assistance to vessels in distress; and for bills of health and quarantine expenses; fifty thousand dollars. For medical supplies and surgeons' necessaries for sick of navy, engineer and marine corps, six thousand dollars.

APPROVED May 21, 1861.

No. 185.]

AN ACT

Supplemental to an Act to establish the Judicial Courts of the Confederate States of America.

SECTION 1. *The Congress of the Confederate States of America do enact*, That in all suits and actions in any district court of the Confederate States, in which the judge of such court may be interested, or may have been of counsel of either party, or is connected with or related to either party, so as to render it improper for him to sit on the trial of such suit or action, it shall be his duty to cause the fact to be entered on the records of the court; also an order that an authenticated copy thereof, and a copy of all the proceedings, orders, pleadings and papers in such suit or action, shall be forthwith certified to the most convenient district court free from like objection, which said district court, upon such record being filed with the clerk thereof, shall take cognizance thereof, in the like manner as if such suit or action had been originally commenced in said court, and shall proceed to hear and determine the same accordingly. And the jurisdiction of such district court shall extend to all such cases so removed as were recognizable in the district court from which the same were removed.

SEC. 2. When any appeal or writ of error was pending in any of the late circuit courts of the United States, from any of the late district courts of the United States, and the judge of the present district court to which such appeal or writ of error is transferred is the same person who rendered the decree of judgment from which such appeal or writ of error was taken, then such appeal or writ of error shall be trans-

ferred to the Supreme Court of the Confederate States, upon the party giving bond and surety, as required by law in case of an appeal or writ of error sued out to said Supreme Court. And an authentic copy of the record, under the seal of the district court, shall be sent along with such bond to the said Supreme Court, which court shall thereupon proceed to hear and determine the same, as in other cases.

SEC. 3. When in any case heretofore decided in any of the late district or circuit courts of the United States, either party had the right to appeal or to prosecute a writ of error, so as to suspend execution, but have been prevented from so doing within the time fixed by law, by the closing of the courts on the secession of the several States, in all such cases a further period of six months from the time of holding the first term of the district court of the Confederate States in such district shall be allowed such party, within which to take an appeal or sue out a writ of error; and such appeal or writ of error shall have the same effect as if sued out or taken within the time prescribed by the former laws.

SEC. 4. The official bonds of all clerks and marshals of the courts of the Confederate States shall be deposited in the Department of Justice. In case of any suit thereon, in favor or for the use either of the government or of an individual or a corporation, such suit may be maintained on a copy of such bond, authenticated by said department under its seal, in the same manner as upon the original. But if the execution of such bond shall be desired by any party thereto, by a plea of *non est factum*, supported by affidavit, then it shall be necessary to produce the original before the trial of such suit; and in such case, the said department shall transmit the original bond, retaining a copy thereof, to the court in which such suit is pending; but the same shall be returned to the said department, when the suit is ended.

SEC. 5. Where, in any case, there is no building provided for holding a court of the Confederate States, it shall be the duty of the Department of Justice to provide suitable accommodations for holding it, and to furnish the necessary books for records and dockets for the proper conducting of the business of the court, subject in all instances to the approval of the President.

SEC. 6. The forty-eighth section of the act to which this is a supplement shall be and the same is hereby amended, so as to permit either party to file the transcribing the record and copy of the bonds, as therein required, in the Su-

preme Court of the Confederate States, without dismissing the appeal or writ of error in the Supreme Court of the United States, where the said court refuses to dismiss the same upon motion; and that the said section be also amended so as to allow the period of twelve months from the time of the organization of the Supreme Court of the Confederate States for filing such transcript and bond, instead of the time in said section prescribed.

APPROVED May 21, 1861.

No. 186.]

AN ACT

Relative to the Library of Congress.

The Congress of the Confederate States of America do enact, That the books purchased by the committee appointed to revise the laws of the United States be delivered to the Secretary of Congress, and be retained by him for the use and benefit of the members of Congress; and the secretary sell the furniture and other effects belonging to the government, which shall be turned over to the committee on revision.

APPROVED May 21, 1861.

No. 187.]

A RESOLUTION

Regulating the Payment of Unadjusted Accounts.

Resolved by the Congress of the Confederate States of America, That any account against the Congress left unadjusted at this session by the committee on accounts, shall be paid out of the contingent fund, if found to be just, by the first Auditor of the Treasury and the Secretary of Congress, and on their joint certificates; *and,* and the secretary be required to submit a detailed statement thereof to the Congress, at its next session.

APPROVED May 21, 1861.

No. 188.]

AN ACT

For the Relief of District Attorneys of the Confederate States in the field.

SECTION 1. *The Congress of the Confederate States of America do enact*, That whenever a district attorney of the Confederate States may enter the military service of the Confederate States, he may, by the consent of the district judge, entered of record, appoint an attorney *pro tempore* during his absence.

APPROVED May 21, 1861.

No. 190.]

AN ACT

Assigning the Judge, District Attorney and Marshal for the District of Texas, to the Eastern District of said State.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the district judge, heretofore denominated the District Judge for the District of Texas, be hereafter denominated the District Judge for the Eastern District of Texas; and that the district attorney heretofore denominated the District Attorney for the District of Texas, be hereafter denominated the District Attorney for the Eastern District of Texas; and the marshal heretofore denominated the Marshal for the District of Texas, be hereafter denominated the Marshal for the Eastern District of Texas.

APPROVED May 21, 1861.

No. 191.]

AN ACT

Making Appropriation to Defray the Expenses of Removing the Seat of Government to Richmond, Virginia.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the following appropriation is made, out of any money in the treasury not otherwise appropriated, for the object hereafter expressed, for the year ending eighteenth

of February, eighteen hundred and sixty-two: For rent of executive buildings and President's house, furniture, expenses of packing books and records, railroad freight on furniture, books and records of the government, from Montgomery to Richmond, drayage and incidental and contingent expenses attending the removal, forty thousand dollars.

APPROVED May 21, 1861.

No. 192.]

A RESOLUTION

To confer certain Powers on the Secretary of the Treasury.

Resolved by the Congress of the Confederate States of America, That the Secretary of the Treasury take measures for selling the unexpired lease of the President's house and of the buildings used for the departments, or for being relieved from any portion of the rent, as soon as the seat of government shall have been removed; and that he cause all furniture no longer wanted to be sold.

APPROVED May 21, 1861.

To secure Copy-rights to Authors and Composers.

SECTION 1. *The Congress of the Confederate States of America do enact*, Any person or persons, being a citizen or citizens of the Confederate States, or resident therein, who shall be the author or authors of any book or books, map, chart or musical composition, which may be now made or composed, and not printed and published, or shall hereafter be made or composed, or who shall invent, design, etch, engrave, work or cause to be engraved, etched or worked from his own design any print or engraving, and the executors, administrators or legal assigns of such person or persons, shall have the sole right and liberty of printing, reprinting, publishing and vending such book or books, map, chart or musical composition, print, cut or engraving, in whole or in part, for the term of twenty-eight years from the time of recording the title thereof, in the manner hereinafter directed.

SEC. 2. No person shall be entitled to the benefit of this act, unless he shall, before publication, deposit a printed copy of the title of such book or books, map, chart, musical composition, print, cut or engraving, in the clerk's office of the district court of the district wherein the author or proprietor shall reside. And the clerk of such court is hereby directed and required to record the same thereof forthwith, in a book to be kept for that purpose, in the words following (giving a copy of the title, under the seal of the court, to the said author or proprietor, whenever he shall require the same): "*District of* _____, *to-wit*: Be it remembered, that on the _____ day of _____ Anno Domini _____, A B, of the said district, hath deposited in this office the title of a book (map, chart or otherwise, as the case may be), the title of which is in the words following, to-wit (here insert the title): the right whereof he claims as author (or proprietor, as the case may be), in conformity with an act of Congress entitled 'An Act to secure Copy-rights to Authors and Composers.' *C D, Clerk of the District.*" For which record the clerk shall be entitled to receive from the person claiming such right as aforesaid, fifty cents; and the like sum for every copy, under seal, actually given to such person, or his assigns. And the author or proprietor of any such book, map, chart, musical composition, print, cut or engraving, shall, within three months from the publication of said book, map, chart, musical composition, print, cut or engraving,

deliver or cause to be delivered a copy of the same to the clerk of said district. And it shall be the duty of the clerk of each district court, at least once in every year, to transmit a certified list of all such records of copy-right, including the titles so recorded, and the dates of record; and also all the several copies of books or other works deposited in his office according to this act, to the Secretary of State, to be preserved in his office.

SEC. 3. No person shall be entitled to the benefit of this act, unless he shall give information of the copy-right being secured, by causing to be inserted in the several copies of each and every edition published during the term secured, on the title page, or page immediately following, if it be a book, or if a map, chart, musical composition, print, cut or engraving, by causing to be impressed on the face thereof; or if a volume of maps, charts, music or engravings, upon the title or frontispiece thereof, the following words, viz: "Entered according to the act of Congress, in year by A B, in the clerk's office of the district court of (as the case may be).

SEC. 4. The author or proprietor of any book, map, chart, musical composition, print, cut or engraving, for which a copy-right shall be secured under the existing acts of Congress, or those which shall hereafter be enacted respecting copy-rights, shall within three months from the publication of said book, map, chart, musical composition, print, cut or engraving, deliver or cause to be delivered one copy of the same to the Department of State, for the use of Congress.

SEC. 5. If, at the expiration of the aforesaid term of years, such author, inventor, designer, engraver, or any of them, when the work had been originally composed and made by more than one person, be still living, and a citizen or citizens of the Confederate States, or resident therein, or being dead, shall have left a widow or child or children, either or all then living, the same exclusive right shall be continued to such author, designer, or engraver; or if dead, then to such widow and child or children, for the further term of fourteen years: *Provided*, That the title of the work so secured shall be a second time recorded, and all such other regulations as are herein required in regard to original copy-rights, be complied with in respect to such renewed copy-right, and that within six months before the expiration of the first term.

SEC. 6. In all cases of renewal of copy-rights under this act, such author or proprietor shall, within two months from the date of said renewal, cause a copy of the record thereof

to be published in one or more of the newspapers printed in the Confederate States, for the space of four weeks.

SEC. 7. All deeds or instruments in writing for the transfer or assignments of copy-rights, being proved or acknowledged in such manner as deeds for the conveyance of land, are required by law to be proved or acknowledged in the same state or district, shall and may be recorded in the office where the original copy-right is deposited and recorded; and every such deed or instrument that shall in any time hereafter be made and executed, and which shall not be proved or acknowledged and recorded as aforesaid, within sixty days after its execution, shall be judged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration without notice.

SEC. 8. The clerk of the district court shall be entitled to such fees for performing the services herein authorized and required, as he is entitled to for performing like services under existing laws of the Confederate States.

SEC. 4. The district courts of the Confederate States shall have original cognizance, as well in equity as at law, of all actions, suits, controversies and cases arising under any law of the Confederate States, granting or confirming to authors or inventors the exclusive right to their respective writings, inventions and discoveries; and upon any bill in equity filed by any party aggrieved in any such cases, shall have authority to grant injunctions, according to the course and principles of courts of equity to prevent the violation of the rights of any authors or inventors, secured to them by any laws of the Confederate States, on such terms and conditions as the said courts may deem fit and reasonable: *Provided, however,* That from all judgments and decrees of any district courts, rendered in the premises, a writ of error or appeal, as the case may require, shall lie to the supreme court of the Confederate States, in the same manner and under the same circumstances as is now provided by law in other judgments and decrees of such district courts, without regard to the amount of the decree, verdict or judgment appealed from.

SEC. 10. If any other person or persons, from and after the recording of the title of any book or books, according to this act, shall, within the term or terms herein limited, print, publish or import, or cause to be printed, published or imported, any copy of such book or books, without the consent of the person legally entitled to the copy-right thereof, first had and obtained in writing, signed in presence of two or more credible witnesses, or shall, knowing the same to be

so printed or imported, publish, sell or expose to sale, or cause to be published, sold or exposed to sale, any copy of such book without such consent in writing, then such offender shall forfeit every copy of such book to the person legally at the time entitled to the copy-right thereof; and shall also forfeit and pay fifty cents for every such sheet which may be found in his possession, either printed or printing, published, imported or exposed to sale, contrary to the intent of this act: the one moiety thereof to such legal owner of the copy-right as aforesaid, and the other to the use of the Confederate States; to be recovered by action of debt in any court having competent jurisdiction thereof.

SEC. 11. If any person or persons, after the recording the title of any print, cut or engraving, map, chart or musical composition, according to the provisions of this act, shall, within the term or terms limited by this act, engrave, etch or work, sell or copy, or cause to be engraved, etched, worked or sold, or copied, either in the whole, or by varying, adding to, or diminishing the main design, with intent to evade the law; or shall print or import for sale, or cause to be printed or imported for sale, any such map, chart, musical composition, print, cut or engraving, or any parts thereof, without the consent of the proprietor or proprietors of the copy-right thereof, first obtained in writing, signed in the presence of two credible witnesses; or knowing the same to be so printed or imported without such consent as aforesaid, then such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut or print shall be copied, and also all and every sheet thereof so copied or printed as aforesaid, to the proprietor or proprietors of the copy-right thereof; and shall further forfeit one dollar for every sheet of such map, chart, musical composition, print, cut or engraving, which may be found in his or their possession, printed or published, or exposed to sale, contrary to the true intent and meaning of this act: the one moiety thereof to the proprietor or proprietors, and the other moiety to the use of the Confederate States; to be recovered in any court having jurisdiction thereof.

SEC. 12. Nothing in this act shall be construed to extend to prohibit the importation or vending, printing or publishing of any map, chart, musical composition, print or engraving, written, composed or made by any person not being a citizen of the Confederate States, nor resident within the jurisdiction thereof, except as hereinafter provided for.

SEC. 13. Any person or persons who shall print or publish any manuscript whatever, without the consent of the

author or legal proprietor first obtained as aforesaid (if such author or proprietor be a citizen of the Confederate States, or resident therein), shall be liable to suffer and pay the author and proprietor all damages occasioned by such injury; to be recovered by a special action on the case founded upon this act, in any court having cognizance thereof: And the several courts of the Confederate States empowered to grant injunctions to prevent the violation of the rights of authors and inventors, are hereby empowered to grant injunctions in like manner, according to the principles of equity, to restrain such publication of any manuscript as aforesaid.

SEC. 14. Any copy-right hereafter granted under the laws of the Confederate States, to the author or proprietor of any dramatic composition, designed or suited for public representation, shall be deemed and taken to confer upon the said author or proprietor, his heirs or assigns, along with the sole right to print and publish the said composition, the sole right also to act, perform or represent the same, or cause it to be acted, performed or represented, on any stage or public place, during the whole period for which the copy-right is obtained; and any manager, actor or other person acting, performing or representing the said composition, without or against the consent of the said author or proprietor, his heirs or assigns, shall be liable for damages, to be sued for and recovered by action on the case or other equivalent remedy, with costs of suit, in any court of the Confederate States. Such damages in all cases to be rated and assessed at such sum not less than one hundred dollars for the first, and fifty dollars for every subsequent performance, as to the court having cognizance thereof shall appear to be just: *Provided, nevertheless,* That nothing herein enacted shall impair any right to act, perform or represent a dramatic composition as aforesaid, which right may have been acquired, or shall in future be acquired by any manager, actor or other person previous to the securing of the copy-right for the said composition, or to restrict in any way the right of such author to process in equity in any court of the Confederate States, for the better and further enforcement of his right.

SEC. 15. If any person or persons shall be sued or prosecuted for any matter, act or thing done under or by virtue of this act, he or they may plead the general issue, and give the special matter in evidence.

SEC. 16. If any person or persons, from and after the passing of this act, shall print or publish any book, map, chart, musical composition, print, cut or engraving, not hav-

ing legally acquired the copy-right thereof, and shall insert or impress that the same hath been entered according to act of Congress, or words purporting the same, every person so offending shall forfeit and pay one hundred dollars: one moiety thereof to the person who shall sue for the same, and the other to the use of the Confederate States; to be recovered by action of debt in any court of record having cognizance thereof.

SEC. 17. No action or prosecution shall be maintained in any case of forfeiture or penalty under this act, unless the same shall have been commenced within two years after the cause of action shall have arisen.

SEC. 18. *Be it further enacted*, That all the rights and privileges allowed by this act to authors, composers and designers, citizens of the Confederate States, be and are hereby extended to authors, composers and designers, citizens or subjects of any foreign state or power, by whose laws like rights and privileges are granted to the citizens of this Confederacy, on the following conditions, viz: *First*, that copy-rights shall be applied for in this Confederacy within four months from the time of the publication of the original in the foreign state to which the applicant owes allegiance. *Second*, that the actual and *bona fide* publication of the book or other thing for which copy-right is sought, shall be commenced within the limits of this Confederacy within six months from the date of the granting of such copy-rights. On failure to comply with either of these conditions, all the rights and privileges attaching to the copy-right granted, shall cease and be of no effect.

SEC. 19. *Be it further enacted*, That all re-prints or publications of books, maps, charts, musical and other compositions and designs, for which copy-rights may be granted under the provisions of the foregoing section, made or had in any state or country, denying the privilege of copy-right to the author, composer or designer thereof, shall not be introduced for sale into the Confederate States; and any person introducing or selling such re-prints, shall be liable to all the penalties hereinbefore prescribed for a violation of copy-rights.

SEC. 20. *Be it further enacted*, That this act take effect and be in force from and after its passage.

APPROVED May 21, 1861.

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