

## Sequestration Case Exhibit

The Confederate States of America  
Vs.  
The Property of Amy Westfeldt, A.E.

The Confederate States vs. The Property of Amy Westfeldt, A.E., Case Fil 88, C.S.A. District Court, District of Alabama Southern Division (Mobil), 1861–1865, Record Group 21, National Archives-Southeast Region, East Point, Georgia

N<sup>o</sup> 88

The Confederate States  
or  
The Property of  
Army Westfald, A.C.  
Petition for  
sequestration

Be it remembered, that the following proceedings were had in the district court of the Confederate States, for the southern division of the district of Alabama.

On the 25<sup>th</sup> day of November, 1861, the following petition was filed in the office of the clerk of said court, by J. Little Smith Esq., Receiver.

Petition

Confederate States of America } District Court  
or }  
The Property of }  
Army Westfald, }  
and Allen Company. }  
District of Alabama.  
Receiver Division for the  
City & County of Mobile.

To the Hon. William G. Jones, Judge of said Court.

The Confederate States of America, who are by the undersigned, Receiver for said division, respectfully shew to your honor, that the property & effects described below, are owned by Army Westfald, & that he is an alien enemy, domiciled at the city of New York, in the United States of America.

The property is within the jurisdiction of said court, & is described as follows, viz: ten shares of the capital stock of the Bank of Mobile, a bank chartered by the legislature of Alabama, & doing business in the city of Mobile, Ala.

Also \$40,000 dividends on said stock, unlawfully paid by said Bank, since the 25<sup>th</sup> day of July, 1861, to George Westfald & Brother, for said alien enemy.

Also 5 shares of the capital stock of the Mobile Marine R.I. & Mercantile Insurance Company, a company also chartered by said legislature, & located in the city of Mobile, & the sum of thirty dollars, dividends on said shares, declared by said Company, in July, 1861, & still in the hands of said Company, in messes, to the credit of said alien enemy. The par value of each of the shares of said Bank, & said Company, is one hundred dollars.

Your petitioner also shew, that George Westfald & Brother were the former agents of said alien enemy, to receive the dividends, & they have, since July 1861, received the said dividends declared by said Bank. The said Insurance Company is still in possession of the dividends declared by it; & said Bank & said Company, each respectively, exercises supervision over, & controls said shares, standing on stated, on their respective books, & there each is respectively in possession thereof.

Your petitioner respectfully prays a sequestration of said property, with such further order as may be necessary in the case; that said dividends may be paid to them; & that said shares may be transferred

on the respective books of said Bank & Company, to their credit; & that the same may be sold.

This the 29<sup>th</sup> day of November, A.D. 1861.

J. Little Smith.  
Receiver for said Division.

Notice

On the 28<sup>th</sup> day of November, 1861, the following notice was issued.

Confederate States of America - District of Alabama.  
District Court - Southern Division.

To the Bank of Mobile, The Mobile Rail Way & Marine Insurance Company, & George Westfahl & Co.

You are hereby notified, that a petition, of which the accompanying is a copy, has been filed in the office of the clerk of said court; & that you are required, within thirty days after service of this notice, to appear in the case, & show cause, if any you can, by plea, answer, or exception, under oath, why the property stated in the petition should not be sequestered; & that in default thereof, a decree will be rendered for the sequestration of said property, & for the recovery of possession of the same.

Witness the Hon. William G. Jones, Judge of said Court;  
this 1<sup>st</sup> day of Nov. 1861.

Done, 28<sup>th</sup> day of Nov. A.D. 1861.

Attest,

John A. Culbert.

Clk.

Attest  
Returns

Whereupon the marshal made the following return.

Rec. Nov. 30<sup>th</sup>, 1861, & on the 5<sup>th</sup> day of Dec. 1861, I served copies of the within petition, also copies of the notices hereto attached, on J. J. Green, Cashier of the Bank of Mobile, & J. Emmanuel, President of the Mobile Marine Rail Way & Ins. Co. And on the 15<sup>th</sup> day of Dec. 1861, I served copies of the same on Robert W. Hallett, agent for Geo. Westfahl & Co: they not being in the State of Alabama, as I am informed.

Benjamin Patterson.  
Marshal for the District of Ala.  
By J. M. Cleveland, S. C.

Plea

On the 7<sup>th</sup> day of April, 1862, the following plea was filed.

Confederate States of America } District Court  
District of Alabama } At Mobile

Robert W. Hallett, who is a citizen of Alabama, comes, & in behalf of Amy Westfahl, who is an infant, & as agent for her father, George Westfahl, who is her guardian, defends against the petition for the sequestration of the property of the said Amy Westfahl; to wit: ten shares of the capital stock of the Bank of Mobile, & fifty dollars, dividends thereon; also five shares in the capital stock of the Mobile Marine Railway & Insurance Company, thirty dollars, dividends thereon.

And said Hallett says, that said Army Westfeldt is not an alien enemy of the Confederate States of America, & denies that her said property is subject to sequestration. He alleges, that said Army Westfeldt is an infant child of George Westfeldt, & is under his care & protection, & is domiciled with him & his family, in Canada, a British Province of North America, & said George Westfeldt is not an alien enemy. This defence & claim is made solely for the said Army Westfeldt, & no alien enemy has any interest in the property described herein, or the right or interest asserted herein, either directly or indirectly, by trust open or secret.

R.W. Hallett

Sworn to & subscribed  
this 7<sup>th</sup> day of Sept. 1862.

R.B. Given

C.J. Court for Alabama.

On the 27<sup>th</sup> day of December, 1862, the following order was made by the court.

R.W. Hallett  
admitted to  
defence.

The Confederate States,  
v  
The Property of  
Army Westfeldt, A.E.

On the petition of Robert W. Hallett, he is admitted to defend for Army Westfeldt.

Dec. 27<sup>th</sup> 1862. The parties waived a trial by jury, & agree to submit the facts to the decision of the court.

Whereupon, on the 27<sup>th</sup> day of December, 1862, the court rendered the following decision.

Judgment.

Considered having been received, & counsel having been heard, it is considered & adjudged by the court, that the said Army Westfeldt is not an alien enemy of the Confederate States; & the petition of the Confederate States is dismissed.

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The Confederate States  
v  
The Property of  
Army Westfeldt, A.E.

Petition for  
sequestration

Be it remembered, that the following proceedings were had in the district court of the Confederate States, for the southern division of the district of Alabama.

On the 3<sup>rd</sup> day of December, 1861, the following petition was filed in the office of the clerk of the district court of the Confederate States, by J. Little Smith Esq., Receiver.

Petition

Confederate States of America  
v  
The Property of  
Army Westfeldt, A.E.

District Court  
District of Alabama -  
Recovery Division for the  
City & County of Mobile.