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THE NATIONAL ARCHIVES OF THE UNITED STATES

PROVISIONAL CONSTITUTION AND ORDINANCES FOR THE PEOPLE OF THE UNITED STATES.

PREAMBLE.

Whereas, Slavery, throughout its entire existence in the United States, is none other than a most barbarous, unprovoked, and unjustifiable War of one portion of its citizens upon another portion; the only conditions of which are perpetual imprisonment, and hopeless servitude or absolute extermination; in utter disregard and violation of those eternal and self-evident truths set forth in our Declaration of Independence: Therefore,

WE, CITIZENS OF THE UNITED STATES, AND THE OPPRESSED PEOPLE, WHO, BY A RECENT DECISION OF THE SUPREME COURT ARE DECLARED TO HAVE NO RIGHTS WHICH THE WHITE MAN IS BOUND TO RESPECT; TOGETHER WITH ALL OTHER PEOPLE DEGRADED BY THE LAWS THEREOF, DO, FOR THE TIME BEING ORDAIN AND ESTABLISH FOR OURSELVES, THE FOLLOWING PROVISIONAL CONSTITUTION AND ORDINANCES, THE BETTER TO PROTECT OUR PERSONS, PROPERTY, LIVES, AND LIBERTIES; AND TO GOVERN OUR ACTIONS:

ARTICLE I.

QUALIFICATIONS FOR MEMBERSHIP.

ALL persons of mature age, whether Proscribed, oppressed and enslaved Citizens, or of the Proscribed

and oppressed races of the United States, who shall agree to sustain and enforce the Provisional Constitution and Ordinances of this organization, together with all minor children of such persons, shall be held to be fully entitled to protection under the same.

ARTICLE II.

BRANCHES OF GOVERNMENT.

The provisional government of this organization shall consist of three branches, viz: Legislative, Executive, and Judicial.

ARTICLE III.

LEGISLATIVE.

The legislative branch shall be a Congress or House of Representatives, composed of not less than five, nor more than ten members, who shall be elected by all citizens of mature age and of sound mind, connected with this organization; and who shall remain in office for three years, unless sooner removed for misconduct, inability, or by death. A majority of such members shall constitute a quorum.

ARTICLE IV.

EXECUTIVE.

The executive branch of this organization shall consist of a President and Vice President, who shall be chosen by the citizens or members of this organization, and each of whom shall hold his office for three years, unless sooner removed by death, or for inability or misconduct.

ARTICLE V.

JUDICIAL.

The judicial branch of this organization shall consist of one Chief Justice of the Supreme Court, and of four Associate Judges of said court; each constituting a Circuit Court. They shall each be chosen in the same manner as the President, and shall continue in office until their places have been filled in the same manner by election of the citizens. Said court shall

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have jurisdiction in all civil or criminal causes, arising under this constitution, except breaches of the Rules of War.

ARTICLE VI.

VALIDITY OF ENACTMENTS.

All enactments of the legislative branch shall, to become valid, during the first three years, have the approbation of the President, and of the Commander-in-Chief of the Army.

ARTICLE VII.

COMMANDER-IN-CHIEF.

A Commander-in-Chief of the army shall be chosen by the President, Vice President, a majority of the provisional congress, and of the supreme ceurt, and he shall receive his commission from the President, signed by the Vice President, the Chief Justice of the supreme court, and the Secretary of War: and he shall hold his office for three years, unless removed by death, or on proof of incapacity or misbehavior. He shall, unless under arrest, (and until his place is actually filled as provided for by this constitution) direct all movements of the army, and advise with any allies. He shall however, be tried, removed or punished, on complaint to the President, by, at least, three general officers, or a majority of the House of Representatives, or of the supreme court; which House of Representatives, (the President presiding,) the Vice President, and the members of the supreme court, shall constitute a court-martial, for his trial; with power to remove or punish, as the case may require; and to fill his place as above provided.

ARTICLE VIII.

OFFICERS.

A Treasurer, Secretary of State, Secretary of War and Secretary of the Treasury, shall each be chosen for the first three years, in the same way and manner as the Commander-in-chief; subject to trial or removal on complaint of the President, Vice President, or Commander-in-chief, to the Chief Justice of the supreme

court; or on complaint of the majority of the members of said court, or the provisional congress. The supreme court shall have power to try or punish either of those officers; and their places shall be filled as before.

ARTICLE IX.

SECRETARY OF WAR.

The Secretary of War shall be under the immediate direction of the Commander-in-chief; who may temporarily fill his place, in case of arrest, or of any inability to serve.

ARTICLE X.

CONGRESS OR HOUSE OF REPRESENTATIVES.

The House of Representatives shall make ordinances providing for the appointment (by the President or otherwise) of all civil officers, excepting those already named; and shall have power to make all laws and ordinances for the general good, not inconsistent with this constitution and these ordinances.

ARTICLE XI.

APPROPRIATION OF MONEY, &c.

The provisional congress shall have power to appropriate money or other property actually in the hands of the Treasurer, to any object calculated to promote the general good, so far as may be consistent with the provisions of this constitution; and may in certain cases, appropriate, for a moderate compensation of agents, or persons not members of this organization, for important service they are known to have rendered.

ARTICLE XII.

SPECIAL DUTIES.

It shall be the duty of Congress to provide for the instant removal of any civil officer or policeman, who becomes habitually intoxicated, or who is addicted to other immoral conduct, or to any neglect or unfaithfulness in the discharge of his official duties. Congress shall also be a standing Committee of Safety, for the

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purpose of obtaining important information; and shall be in constant communication with the Commander-in-chief; the members of which shall each, as also the President, Vice President, members of the supreme court, and Secretary of State, have full power to issue warrants returnable as Congress shall ordain, (naming witnesses, &c.,) upon their own information, without the formality of a complaint. Complaint shall be immediately made after arrest, and before trial; the party arrested to be served with a copy at once.

ARTICLE XIII.

TRIAL OF PRESIDENT AND OTHER OFFICERS.

The President and Vice President may either of them be tried, removed or punished, on complaint made to the Chief Justice of the supreme court, by a majority of the House of Representatives; which house, together with the Associate Judges of the Supreme Court, the whole to be presided over by the Chief Justice in cases of the trial of the Vice President, shall have full power to try such officers, to remove, or punish as the case may require; and to fill any vacancy so occurring, the same as in case of the Commander-in-chief.

ARTICLE XIV.

TRIAL OF MEMBERS OF CONGRESS.

The members of the House of Representatives may any and all of them be tried, and on conviction, removed or punished on complaint before the Chief Justice of the supreme court, made by any number of the members of said house, exceeding one-third; which house, with the Vice President and Associate Judges of the supreme court, shall constitute the proper tribunal, with power to fill such vacancies.

ARTICLE XV.

IMPEACHMENT OF JUDGES.

Any member of the supreme court may also be impeached, tried, convicted or punished by removal or

otherwise, on complaint to the President, who shall in such case, preside ; the Vice President, House of Representatives, and other members of the supreme court, constituting the proper tribunal : (with power to fill vacancies ;) on complaint of a majority of said house of representatives, or of the supreme court ; a majority of the whole having power to decide.

ARTICLE XVI.

DUTIES OF PRESIDENT AND SECRETARY OF STATE.

The President, with the Secretary of State, shall immediately upon entering on the duties of their office, give special attention to secure, from amongst their own people, men of integrity, intelligence and good business habits, and capacity ; and above all, of first-rate moral and religious character and influence, to act as civil officers of every description and grade, as well as teachers, chaplains, physicians, surgeons, mechanics, agents of every description, clerks and messengers. They shall make special efforts to induce at the earliest possible period, persons and families of that description, to locate themselves within the limits secured by this organization ; and shall, moreover, from time to time, supply the names and residence of such persons to the Congress, for their special notice and information, as among the most important of their duties, and the President is hereby authorized and empowered to afford special aid to such individuals, from such moderate appropriations as the Congress shall be able and may deem it advisable to make for that object. The President and Secretary of State, and in cases of disagreement, the Vice President, shall appoint all civil officers, but shall not have power to remove any officer. All removals shall be the result of a fair trial, whether civil or military.

ARTICLE XVII.

FURTHER DUTIES.

It shall be the duty of the President and Secretary of State, to find out (as soon as possible) the real

friends, as well as enemies of this organization in every part of the country ; to secure among them, innkeepers, private postmasters, private mail-contractors, messengers and agents : through whom may be obtained correct and regular information, constantly ; recruits for the service, places of deposit and sale ; together with all needed supplies : and it shall be matter of special regard to secure such facilities through the Northern States.

ARTICLE XVIII.

DUTY OF THE PRESIDENT.

It shall be the duty of the President, as well as the House of Representatives, at all times to inform the Commander-in-chief of any matter that may require his attention, or that may affect the public safety.

ARTICLE XIX.

DUTY OF PRESIDENT—CONTINUED.

It shall be the duty of the President to see that the provisional ordinances of this organization, and those made by the Congress, are promptly and faithfully executed ; and he may in cases of great urgency call on the Commander-in-chief of the army, or other officers for aid ; it being however intended that a sufficient civil police shall always be in readiness to secure implicit obedience to law.

ARTICLE XX.

THE VICE PRESIDENT.

The Vice President shall be the presiding officer of the provisional congress ; and in cases of tie shall give the casting vote.

ARTICLE XXI.

VACANCIES.

In case of the death, removal, or inability of the President, the Vice President, and next to him the Chief Justice of the supreme court shall be the President during the remainder of the term : and the place of the Chief Justice thus made vacant shall be filled by Congress from some of the members of said court ;

and the places of the Vice President and Associate Justice thus made vacant, filled by an election by the united action of the Provisional Congress and members of the supreme court. All other vacancies, not heretofore specially provided for, shall during the first three years, be filled by the united action of the President, Vice President, Supreme Court and Commander-in-chief of the Army.

ARTICLE XXII.

PUNISHMENT OF CRIMES.

The punishment of crimes not capital, except in case of insubordinate convicts or other prisoners, shall be, (so far as may be,) by hard labor on the public works, roads, &c.

ARTICLE XXIII.

ARMY APPOINTMENTS.

It shall be the duty of all commissioned officers of the army, to name candidates of merit for office or elevation to the Commander-in-chief, who, with the Secretary of War, and, in cases of disagreement, the President shall be the appointing power of the army : and all commissions of military officers shall bear the signatures of the Commander-in-chief and the Secretary of War. And it shall be the special duty of the Secretary of War to keep for constant reference of the Commander-in-chief a full list of names of persons nominated for office, or elevation, by the officers of the army, with the name and rank of the officer nominating, stating distinctly but briefly the grounds for such notice or nomination. The Commander-in-chief shall not have power to remove or punish any officer or soldier ; but he may order their arrest and trial at any time, by court-martial.

ARTICLE XXIV.

COURTS MARTIAL.

Courts-martial for Companies, Regiments, Brigades &c., shall be called by the chief officer of each com-

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mand, on complaint, to him by any officer, or any five privates, in such command, and shall consist of not less than five nor more than nine officers, non-commissioned officers and privates, one-half of whom shall not be lower in rank than the person on trial, to be chosen by the three highest officers in the command, which officers shall not be a part of such court. The chief officer of any command shall of course be tried by a court martial of the command above his own. All decisions affecting the lives of persons, or office of persons holding commission must, before taking full effect have the signature of the Commander-in-chief, who may also, on the recommendation of at least one-third of the members of the court martial finding any sentence, grant a reprieve or commutation of the same.

ARTICLE XXV.

SALARIES.

No person connected with this organization shall be entitled to any salary, pay or emolument, other than a competent support of himself and family, unless it be from an equal dividend, made of public property, on the establishment of peace, or of special provision by treaty ; which provision shall be made for all persons who may have been in any active civil or military service at any time previous to any hostile action for Liberty and Equality.

ARTICLE XXVI.

TREATIES OF PEACE.

Before any treaty of peace shall take full effect, it shall be signed by the President and Vice President, the Commander-in-chief, a majority of the House of Representatives, a majority of the supreme court, and majority of all the general officers of the army.

ARTICLE XXVII.

DUTY OF THE MILITARY.

It shall be the duty of the Commander-in-chief, and all officers and soldiers of the army, to afford special

protection when needed, to Congress, or any member thereof; to the supreme court, or any member thereof; to the President, Vice President, Treasurer, Seeretary of State, Secretary of the Treasury, and Secretary of War; and to afford general protection to all civil officers, or other persons having right to the same.

ARTICLE XXVIII.

PROPERTY.

All captured or confiscated property, and all property the product of the labor of those belonging to this organization and of their families, shall be held as the property of the whole, equally, without distinction; and may be used for the common benefit, or disposed of for the same object; and any person, officer or otherwise, who shall improperly retain, secrete, use, or needlessly destroy such property, or property found, captured or confiscated, belonging to the enemy, or shall wilfully neglect to render a full and fair statement of such property by him so taken or held, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished accordingly.

ARTICLE XXIX.

SAFITY OR INTELLIGENCE FUND.

All money, plate, watches or jewelry, captured by honorable warfare, found, taken, or confiscated, belonging to the enemy, shall be held sacred, to constitute a liberal safety or intelligence fund; and any person who shall improperly retain, dispose of, hide, use, or destroy such money or other article above named, contrary to the provisions and spirit of this article, shall be deemed guilty of theft; and on conviction thereof, shall be punished accordingly. The Treasurer shall furnish the Commander-in-chief at all times with a full statement of the condition of such fund, and its nature.

ARTICLE XXX.

THE COMMANDER-IN-CHIEF AND THE TREASURY.

The Commander-in-chief shall have power to draw

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from the treasury, the money and other property of the fund provided for in Article twenty-ninth, but his orders shall be signed also by the Secretary of War, who shall keep strict account of the same; subject to examination by any member of Congress, or general officer.

ARTICLE XXXI.

SURPLUS OF THE SAFETY OR INTELLIGENCE FUND.

It shall be the duty of the Commander-in-chief to advise the President of any Surplus of the Safety and Intelligence Fund; who shall have power to draw such Surplus, (his order being also signed by the Secretary of State,) to enable him to carry out the provisions of Article Seventeenth.

ARTICLE XXXII.

PRISONERS.

No person, after having surrendered himself or herself a prisoner, and who shall properly demean himself or herself as such, to any officer or private connected with this organization, shall afterward be put to death, or be subjected to any corporeal punishment, without first having had the benefit of a fair and impartial trial: nor shall any prisoner be treated with any kind of cruelty, disrespect, insult, or needless severity: but it shall be the duty of all persons, male and female, connected herewith, at all times and under all circumstances, to treat all such prisoners with every degree of respect and kindness the nature of the circumstances will admit of; and to insist on a like course of conduct from all others, as in the fear of Almighty God, to whose care and keeping we commit our cause.

ARTICLE XXXIII.

VOLUNTARIES.

All persons who may come forward and shall voluntarily deliver up their slaves, and have their names registered on the Books of the organization, shall, so long as they continue at peace, be entitled to the fullest protection of person and property, though not con-

nected with this organization, and shall be treated as friends, and not merely as persons neutral.

ARTICLE XXXIV.

NEUTRALS.

The persons and property of all non-slaveholders who shall remain absolutely neutral, shall be respected so far as the circumstances can allow of it; but they shall not be entitled to any active protection.

ARTICLE XXXV.

NO NEEDLESS WASTE.

The needless waste or destruction of any useful property or article, by fire, throwing open of fences, fields, buildings, or needless killing of animals, or injury of either, shall not be tolerated at any time or place, but shall be promptly and properly punished.

ARTICLE XXXVI.

PROPERTY CONFISCATED.

The entire personal and real property of all persons known to be acting either directly or indirectly with or for the enemy, or found in arms with them, or found wilfully holding slaves, shall be confiscated and taken, whenever and wherever it may be found, in either Free or Slave States.

ARTICLE XXXVII.

DESERTION.

Persons convicted, on impartial trial, of desertion to the enemy after becoming members, acting as spies, or of treacherous surrender of property, arms, ammunition, provisions, or supplies of any kind, roads, bridges, persons, or fortifications, shall be put to death and their entire property confiscated.

ARTICLE XXXVIII.

VIOLATION OF PAROLE OF HONOR.

Persons proven to be guilty of taking up arms after having been set at liberty on parole of honor, or after the same, to have taken any active part with or for the

enemy, direct or indirect, shall be put to death and their entire property confiscated.

ARTICLE XXXIX.

ALL MUST LABOR.

All persons connected in any way with this organization, and who may be entitled to full protection under it: shall be held as under obligation to labor in some way for the general good; and persons refusing, or neglecting so to do, shall on conviction receive a suitable and appropriate punishment.

ARTICLE XL.

IRREGULARITIES.

Profane swearing, filthy conversation, indecent behavior, or indecent exposure of the person, or intoxication, or quarreling, shall not be allowed, or tolerated; neither unlawful intercourse of the sexes.

ARTICLE XLI.

CRIMES.

Persons convicted of the forcible violation of any female prisoner, shall be put to death.

ARTICLE XLII.

THE MARRIAGE RELATION—SCHOOLS—THE SABBATH.

The marriage relation shall be at all times respected; and families kept together as far as possible; and broken families encouraged to re-unite, and intelligence offices established for that purpose, schools and churches established as soon as may be; for the purpose of religious and other instructions; and the first day of the week regarded as a day of rest, and appropriated to moral and religious instruction and improvement; relief of the suffering, instruction of the young and ignorant, and the encouragement of personal cleanliness; nor shall any persons be required on that day to perform ordinary manual labor, unless in extremely urgent cases.

ARTICLE XLIII.

CARRY ARMS OPENLY.

All persons known to be of good character, and of sound mind, and suitable age, who are connected with this organization, whether male or female, shall be encouraged to carry arms openly.

ARTICLE XLIV.

NO PERSON TO CARRY CONCEALED WEAPONS.

No person within the limits of the conquered territory, except regularly appointed policemen, express-officers of the army, mail carriers, or other fully accredited messengers of the Congress, President, Vice President, members of the supreme court, or commissioned officer of the army—and those only under peculiar circumstances—shall be allowed, at any time, to carry concealed weapons; and any person not specially authorized so to do, who shall be found so doing, shall be deemed a suspicious person, and may at once be arrested by any officer, soldier, or citizen, without the formality of a Complaint or Warrant, and may, at once be subjected to thorough search, and shall have his or her case thoroughly investigated; and be dealt with as circumstances, on proof, shall require.

ARTICLE XLV.

PERSONS TO BE SEIZED.

Persons within the limits of the territory holden by this organization, not connected with this organization, having arms at all, concealed or otherwise, shall be seized at once; or be taken in charge of some vigilant officer; and their case thoroughly investigated: and it shall be the duty of all citizens and soldiers, as well as officers, to arrest such parties as are named in this and the preceding Section or Article, without the formality of Complaint or Warrant; and they shall be placed in charge of some proper officer for examination, or for safe keeping.

ARTICLE XLVI.

THESE ARTICLES NOT FOR THE OVERTHROW OF GOV'MT.

The foregoing Articles shall not be construed so as in any way to encourage the overthrow of any State Government, or of the General Government of the United States: and look to no dissolution of the Union, but simply to Amendment and Repeal. And our Flag shall be the same that our Fathers fought under in the Revolution.

ARTICLE XLVII.

NO PLURALITY OF OFFICES.

No two of the offices specially provided for, by this Instrument, shall be filled by the same person, at the ame time.

ARTICLE XLVIII.

OATH.

Every officer, civil or military, connected with this organization, shall, before entering upon the duties of his office, make solemn oath or affirmation, to abide by and support this Provisional Constitution and these Ordinances. Also, every Citizen and Soldier, before being fully recognized as such, shall do the same.

SCHEDULE.

The President of this Convention shall convene, immediately, on the adoption of this instrument, a convention of all such persons as shall have given their adherence, by signature, to the constitution; who shall proceed to fill by election all offices specially named in said constitution, the President of this convention presiding, and issuing commissions to such officers elect: all such officers being thereafter elected in the manner provided in the body of this instrument.

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Harper Perry