

# CONFEDERATE STATES OF AMERICA

## CONSTITUTION FOR THE PROVISIONAL GOVERNMENT 1861

We, the deputies of the sovereign and independent States of South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, invoking the favor of Almighty God, do hereby, in behalf of these States, ordain and establish this Constitution for the Provisional Government of the same: to continue one year from the inauguration of the President, or until a permanent constitution or confederation between the said States shall be put in operation, whichever shall first occur.

### ARTICLE I

Sec. 1 – All legislative powers herein delegated shall be vested in this Congress now assembled until otherwise ordained.

Sec. 2 – When vacancies happen in the representation from any State, the same shall be filled in such manner as the proper authorities of the State shall direct.

Sec. 3 – (1) The Congress shall be the judge of the elections, returns, and qualifications of its members; any number of deputies from a majority of the States, being present, shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members; upon all questions before the Congress, each State shall be entitled to one vote, and shall be represented by any one or more of its deputies who may be present.

(2) The Congress may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

(3) The Congress shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members on any question shall, at the desire of one-fifth of those present, or at the instance of any one State, be entered on the journal.

Sec. 4 – The members of Congress shall receive a compensation their services, to be ascertained by law, and paid out of the Treasury of the Confederacy. They shall in all cases, except laws on the subject of treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of the Congress, and in going to and returning from the same; and for any speech or debate they shall not be questioned in any other place.

Sec. 5 – (1) Every bill which shall have passed the Congress shall, before it becomes a law, be presented to the President of the Confederacy; if he approve, he shall sign it; but if not, he shall return it with his objections to the Congress, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the Congress shall agree to pass the bill, it shall become a law. But in all such cases, the vote shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the journal. If

any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law. The President may veto any appropriation or appropriations and approve any other appropriation or appropriations in the same bill.

(2) Every order, resolution, or vote intended to have the force and effect of a law, shall be presented to the President, and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Congress, according to the rules and limitations prescribed in the case of a bill.

(3) Until the inauguration of the President, all bills, orders, resolutions, and votes adopted by the Congress shall be of full force without approval by him.

Sec. 6 – (1) The Congress shall have power to lay and collect taxes, duties, imposts, and excises for the revenue necessary to pay the debts and carry on the Government of the Confederacy, and all duties, imposts, and excises shall be uniform throughout the States of the Confederacy.

(2) To borrow money on the credit of the Confederacy.

(3) To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

(4) To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the Confederacy.

(5) To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

(6) To provide for the punishment of counterfeiting the securities and current coin of the Confederacy.

(7) To establish post offices and post roads.

(8) To promote the progress of science and useful arts by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries.

(9) To constitute tribunals inferior to the Supreme Court.

(10) To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

(11) To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

(12) To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

(13) To provide and maintain a navy.

(14) To make rules for the government and regulation of the land and naval forces.

(15) To provide for calling forth the militia to execute the laws of the Confederacy, suppress insurrections, and repel invasions.

(16) To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederacy, reserving to the States respectively the

appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

(17) To make all laws that shall be necessary and proper for carrying into execution the foregoing powers and all other powers expressly delegated by this Constitution to this Provisional Government

(18) The Congress shall have power to admit other States.

(19) This Congress shall also exercise executive powers, until the President is inaugurated.

Sec. 7 – (1) The importation of African negroes from any foreign country other than the slave-holding States of the United States, is hereby forbidden; and Congress are required to pass such laws as shall effectually prevent the same.

(2) The Congress shall also have power to prohibit the introduction of slaves from any State not a member of this Confederacy.

(3) The privilege of the writ of habeas corpus shall not be suspended unless, when in cases of rebellion or invasion, the public safety may require it.

(4) No bill of attainder or ex post facto law shall be passed.

(5) No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

(6) No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

(7) Congress shall appropriate no money from the treasury, unless it be asked and estimated for by the President or some one of the heads of departments, except for the purpose of paying its own expenses and contingencies.

(8) No title of nobility shall be granted by the Confederacy; and no person holding any office of profit or trust under it shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

(9) Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of such grievances as the delegated powers of this Government may warrant it to consider and redress.

(10) A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

(11) No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

(12) The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(13) No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

(14) In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

(15) In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise reexamined in any court of the Confederacy than according to the rules of the common law.

(16) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(17) The enumeration, in the Constitution, of certain rights shall not be construed to deny or disparage others retained by the people.

(18) The powers not delegated to the Confederacy by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

(19) The judicial power of the Confederacy shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the States of the Confederacy, by citizens of another State, or by citizens or subjects of any foreign state.

Sec 8 – (1) No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

(2) No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its laws; and the net, produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the Confederacy, and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II

Sec. 1 – (1) The executive power shall be vested in a President of the Confederate States of America. He, together with the Vice President, shall hold his office for one year, or until this

Provisional Government shall be superseded by a permanent government, whichever shall first occur.

(2) The President and Vice President shall be elected by ballot by the States represented in this Congress, each State casting one vote, and a majority of the whole being requisite to elect.

(3) No person, except a natural born citizen, or a citizen of one of the States of this Confederacy at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident of one of the States of this Confederacy.

(4) In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office (which inability shall be determined by a vote of two-thirds of the Congress), the same shall devolve on the Vice President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President; and such officer shall act accordingly until the disability be removed or a President shall be elected.

(5) The President shall at stated times receive for his services, during the period of the Provisional Government, a compensation at the rate of \$25,000 per annum; and he shall not receive during that period any other emolument from this Confederacy, or any of the States thereof.

(6) Before he enter on the execution of his office he shall take the following oath or affirmation:

I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States of America, and will, to the best of my ability, preserve, protect, and defend the Constitution thereof.

Sec. 2 – (1) The President shall be Commander-in-Chief of the Army and Navy of the Confederacy, and of the militia of the several States, when called into the actual service of the Confederacy; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the Confederacy, except in cases of impeachment.

(2) He shall have power, by and with the advice and consent of the Congress, to make treaties; provided two-thirds of the Congress concur; and he shall nominate, and, by and with the advice and consent of the Congress, shall appoint ambassadors, other public ministers, and consuls, judges of the courts, and all other officers of the Confederacy whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

(3) The President shall have power to fill up all vacancies that may happen during the recess of the Congress, by granting commissions, which shall expire at the end of their next session.

Sec. 3 – (1) He shall, from time to time, give to the Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene the Congress at such times as he shall think

proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the Confederacy.

(2) The President, Vice President, and all civil officers of the Confederacy shall be removed from office on conviction by the Congress of treason, bribery, or other high crimes and misdemeanors: a vote of two-thirds shall be necessary for such conviction.

### ARTICLE III

Sec. 1 – (1) The judicial power of the Confederacy shall be vested in one Supreme Court, and in such inferior courts as are herein directed, or as the Congress may from time to time ordain and establish.

(2) Each State shall constitute a district, in which there shall be a court called a district court, which, until otherwise provided by the Congress, shall have the jurisdiction vested by the laws of the United States, as far as applicable, in both the district and circuit courts of the United States, for that State; the judge whereof shall be appointed by the President, by and with the advice and consent of the Congress, and shall, until otherwise provided by the Congress, exercise the power and authority vested by the laws of the United States in the judges of the district and circuit courts of the United States, for that State, and shall appoint the times and places at which the courts shall be held. Appeals may be taken directly from the district courts to the Supreme Court, under similar regulations to those which are provided in cases of appeal to the Supreme Court of the United States, or under such regulations as may be provided by the Congress. The commissions of all the judges shall expire with this Provisional Government. (\*)

(3) The Supreme Court shall be constituted of all the district judges, a majority of whom shall be a quorum, and shall sit at such times and places as the Congress shall appoint.

(4) The Congress shall have power to make laws for the transfer of any causes which were pending in the courts of the United States, to the courts of the Confederacy, and for the execution of the orders, decrees, and judgments heretofore rendered by the said courts of the United States; and also all laws which may be requisite to protect the parties to all such suits, orders, judgments, or decrees, their heirs, personal representatives, or assignees.

Sec. 2 – (1) The judicial power shall extend to all cases of law and equity, arising under this Constitution, the laws of the United States, and of this Confederacy, and treaties made, or which shall be made, under its authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederacy shall be a party; controversies between two or more States; between citizens of different States; between citizens of the same State claiming lands under grants of different States.

(2) In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

(3) The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Sec. 3 – (1) Treason against this Confederacy shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

(2) The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

#### ARTICLE IV

Sec. 1 – (1) Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved and the effect of such proof.

Sec. 2 – (1) The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

(2) A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State' shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

(3) A slave in one State escaping to another, shall be delivered up on claim of the party to whom said slave may belong by the executive authority of the State in which such slave shall be found, and in case of any abduction or forcible rescue, full compensation, including the value of the slave and all costs and expenses, shall be made to the party, by the State in which such abduction or rescue shall take place.

Sec. 3 – (1) The Confederacy shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.

#### ARTICLE V

Sec. 1 – The Congress, by a vote of two-thirds, may, at any time, alter or amend this Constitution.

#### ARTICLE VI

Sec. 1 – This Constitution, and the laws of the Confederacy which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Confederacy, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

Sec. 2 – The Government hereby instituted shall take immediate steps for the settlement of all matters between the States forming it, and their other late confederates of the United States in relation to the public property and public debt at the time of their withdrawal from them; these States hereby declaring it to be their wish and earnest desire to adjust everything pertaining to the common property, common liability, and common obligations of that Union, upon the principles of right, justice, equity! and good faith.

Sec. 3 – Until otherwise provided by the Congress, the city of Montgomery, in the State of Alabama, shall be the seat of government.

Sec. 4 – The members of the Congress and all executive and judicial officers of the Confederacy shall be bound by oath or affirmation to support this Constitution; but no religious test shall be required as a qualification to any office or public trust under this Confederacy.

Done in the Congress, by the unanimous consent of all the said States, the eighth day of February, in the year of our Lord one thousand eight hundred and sixty-one, and of the Confederate States of America the first.

In witness whereof we have hereunto subscribed our names.

Howell Cobb, President of the Congress.

South Carolina: R. Barnwell Rhett, R. W. Barnwell, James Chesnut, Jr., C. G. Memminger, William Porcher Miles, Lawrence M. Keitt, William W. Boyce, Thomas J. Withers.

Georgia: R. Toombs, Francis S. Bartow, Martin J. Crawford, E. A. Nisbet, Benjamin H. Hill, Augustus R. Wright, Thomas R. R. Cobb, A. H. Kenan, Alexander H. Stephens.

Florida: Jackson Morton, James B. Owens, J. Patton Anderson.

Alabama: Richard W. Walker, Robert H. Smith, Colin J. McRae, John Gill Shorter, William Parish Chilton, Stephen F. Hale, David P. Lewis, Thomas Fearn, J. L. M. Curry.

Mississippi: W. P. Harris, Alex. M. Clayton, W. S. Wilson, James T. Harrison, Walker Brooke, William S. Barry, J. A. P. Campbell.

Louisiana: John Perkins, Jr., Alex. de Clouet, C. M. Conrad, Duncan F. Kenner, Edward Sparrow, Henry Marshall.

By a vote of the Congress, on the 2d day of March, in the year 1861, the deputies from the State of Texas were authorized to sign the Provisional Constitution above written.

Attest. J. J. Hooper, Secretary.

Texas: Thomas N. Waul, Williamson S. Oldham, John Gregg, John H. Reagan; W. B. Ochiltree, John Hemphill, Louis T. Wigfall.

(\* ) This paragraph was amended as follows:

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.

FONTE:

<http://www.yale.edu/lawweb/avalon/csa/csapro.htm>