

Wade-Davis Bill

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A Bill

To guaranty, to certain States, when governments have been usurped, or overthrown, a Republican form of government.

Section 1. Be it enacted by the Senate & House of Representatives of the United States of America, in Congress assembled; that in addition to the officers of the United States, now authorized by law to be appointed for the States whose governments are usurped or overthrown by persons in Rebellion against the United States; the President shall by and with the advice and consent of the Senate, appoint for each a Provisional Governor whose pay and emolument shall not exceed that of a Brigadier General of Volunteers, who shall be charged with the civil administration of such state, until a State Government therein shall be recognized as hereinafter provided.

Section 2. And be it further enacted, that so soon as the military resistance to the United States shall have been suppressed in any such State, and the people thereof shall have sufficiently returned to their obedience to the Constitution and the Laws of the United States, the Provisional Governor shall direct the Marshal of the United States, as speedily as may be to name a sufficient number of Deputies ; and to enroll all white male Citizens of the United States resident in the State, in their respective Counties, and to request each one to take the oath to support the Constitution of the United States, and in his enrolment to designate those who take ~~that oath~~, and those who refuse to take that oath; which rolls shall be forthwith returned to the Provisional Governor and if the persons taking that oath shall amount to one tenth of the persons enrolled in the State, and in each of the respective Counties entitled to elect a majority of the convention hereinafter provided for he shall by proclamation invite the loyal people of the State to elect Delegates to a Convention charged to declare the will of the people of the State relative to the re-establishment of a State Government, subject to, and in conformity with the Constitution of the United States.

Section 3. And be it further enacted, that the convention shall consist of as many members as both houses of the last Constitutional State Legislature, apportioned by the Provisional Governor among the Counties, parishes or districts of the State, in proportion to the White population returned as electors, by the Marshal in compliance with the provisions of this act.

Sect 3 The Provisional Governor shall by proclamation declare the number of Delegates to be elected by each County, parish or election district, name a day of election not less than thirty days thereafter, designate the places of voting in each County, parish or district conforming as nearly as may be convenient to the places used in the State elections next preceding the Rebellion, appoint one or more Commissioners to hold the Election at each place of voting and provide an adequate force to keep the peace during the Election.

Section 4 And be it further enacted that the Delegates shall be elected by the loyal white male Citizens of the United States of the age of twenty one years and resident at the time in the County, parish, or district in which they shall after to vote, and enrolled as aforesaid, or absent in the military service of the United States, as who shall take & subscribe the oath of allegiance to the United States in the form contained in the act of Congress of July 2, 1862 and all such Citizens of the United States, who are in the military service of the United States shall vote at the head quarters of their respective commands under such regulations as may be prescribed by the Provisional Governor for the taking and return of their votes, but no person who has held or exercised, any office civil or military, state or confederate, under the rebel usurpation or who has voluntarily borne arms against the United States, shall vote or be eligible to be elected as Delegate at such election.

Section 5. And be it further enacted, that the said Commissioners, or either of them, shall hold the Election in conformity with this act, and so far as may be consistent therewith shall proceed in the manner used in the state prior to the Rebellion. The oath of allegiance shall be taken and subscribed on the poll book by evry voter in the form above prescribed, but evry person known by, or proved to the Commissioners to have held or exercised any office, civil or military, State or confederate under the Rebel usurpation, or to have voluntarily borne arms against the United States shall be excluded though he offer to take the oath, and in any case, any person who shall have borne arms against the United States shall offer to vote, he shall be deemed to have borne arms voluntarily unless he shall prove the contrary by the testimony of a qualified voter. The poll book showing the name and oath of each voter shall be returned to the Provisional Governor by the Commissioners of Election or the one acting, and the Provisional Governor shall canvass such returns and declare the persons having the highest number of votes elected.

Section 6. And be it further enacted, that the provisional Governor shall by proclamation convene the Delegates elected as foresaid at the Capitol of the State, on a day not more than three months after the election, giving at least thirty days notice of such day. In case the said Capitol shall in his judgment be unfit, he shall in his proclamation appoint another place. He shall preside over the deliberations of the Convention, and administer to each delegate before taking his seat in the Convention, the oath of allegiance to the United States in the form above prescribed.

Section 7. And be it further enacted, that the Convention shall declare on behalf of the people of the State their submission to the Constitution and laws of the United States, and shall adopt the following provisions hereby prescribed by the United States in the execution of the Constitutional duty to guaranty a Republican form of Government to evry state in this Union and incorporate them in the Constitution of the State, that is to say:

First, No person who has held or exercised any office, civil, or military, State, or Confederate, under the usurping power, shall vote for or be a member of the Legislature, or Governor.

Second, Involuntary Servitude is forever prohibited, and the freedom of all persons is guarantied in said State.

Third, No debt, State, or Confederate, created, by, or under, or under the sanction of the usurping power shall be recognized, or paid by the State.

Section 8. And be it further enacted, that when the Convention shall have adopted those provisions, it shall proceed to re-establish a Republican form of Government, and ordain a Constitution containing those provisions, which, when adopted, the Convention shall by ordinance provide for submitting to the people of the State, entitled to vote under this law at an Election to be held in the manner prescribed by the act for the election of Delegate, but at a time and place named by the Convention, at which election, the said Electors and none other shall vote directly for or against such Constitution and form of State Government, and the returns of said election shall be made to the Provisional Governor, who shall canvass the same in the presence of the Electors, and if a majority of the votes cast shall be for the Constitution and form of Government, he shall certify the same with a copy thereof to the President of the United States, who after obtaining the assent of Congress shall by proclamation recognize the Government so established and none other, as the Constitutional Government of the state and from the date of such recognition and not before, Senators, and Representatives, and Electors for President and Vice President may be elected in such State according to the laws of the State and of the United States.

Section 9. And be it further enacted that if the Convention shall refuse to re-establish the State Government on the conditions aforesaid the Provisional Governor shall declare it dissolved; but it shall be the duty of the President whenever he shall have reason to believe that a sufficient number of the people of the State entitled to vote under this act, in number not less than one tenth of those who voted at the Presidential Election of 1860, are willing to re-establish a state government on the conditions aforesaid to direct the Provisional Governor to order another Election of Delegates to a Convention for the purpose, and in the manner prescribed in this act, and to proceed in all respects as herein before provided, either to dissolve the Convention or to certify the State Government re-established by it to the President.

Section 10. And be it further enacted, that until the United States shall have recognized a Republican form of State Government, the Provisional Governor, in each of said States, shall see that this act and the Laws of the United States, and the Laws of the State in force when the State Government was overthrown by the Rebellion, are faithfully executed within the state; but no law, or usage whereby any person was heretofore held in involuntary servitude, shall be recognized or enforced by any Court or Officer in such State and the laws for the trial and punishment of white persons shall extend to all persons, and ~~jurors shall have the qualifications of voters under this law for delegates to the Convention.~~ The President shall appoint such Officers provided for by the laws of the State when its Government was overthrown, as he may find necessary to the civil administration of the State, all which officers shall be entitled to receive the fees and emoluments provided by the State laws for such officers.

Section 11. And be it further enacted, that until the recognition of a State Government as aforesaid, the Provisional Governor shall under such regulations as he may prescribe cause to be assessed, levied & collected for the year 1864 and every year thereafter the taxes provided by the laws of such state to be levied during the fiscal year preceding the overthrow of the State Government thereof, in the manner prescribed by the laws of the State as nearly as may be and the officers appointed as aforesaid are vested with all powers of levying & collecting such taxes by distress or sale, as were vested in any officers or tribunal of the State Government aforesaid for those purposes. The proceeds of such taxes shall be accounted for to the Provisional Governor, and be by him applied to

the expenses of the administration of the laws in such state subject to the direction of the President, and the surplus shall be deposited in the Treasury of the United States to credit of such State to be paid to the State upon an appropriation therefor, to be made when a Republican form of Government shall be recognized therein by the United States.

Section 12 And be it further enacted that all persons held to involuntary servitude or labor in the States aforesaid are hereby emancipated and discharged therefrom, and they and their posterity shall be forever free, and if any such persons or their posterity shall be restrained of liberty under pretence of any claim to such service or labor, the Courts of the United States shall on habeas corpus, discharge them.

Section 13. And be it further enacted, that [[?]] any person declared free by this act or any law of the United States, or any proclamation of the President be restrained of liberty with intent to be held in, or reduced to involuntary servitude or labor, the person convicted before a court of competent jurisdiction of such act shall be punished by fine of not less than fifteen Hundred Dollars, and be imprisoned not less than five nor more than twenty years.

Section 14. And be it further enacted, that every person who shall hereafter, hold or exercise any office, civil or military in the rebel service, state or confederate, is hereby declared not to be a Citizen of the United States.

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HR 244

A Bill

To guaranty to certain States whose governments have been usurped or overthrown a Republican Form of Government

February 15, 1864 Read twice ordered to be printed [[?]] Committed to the select Committee on the rebellious states

Mr. H. Winter Davis, from the select committee on the rebellious states reported the following bill.

[[?]] H. W. Davis S. C.

Print & {recommit}