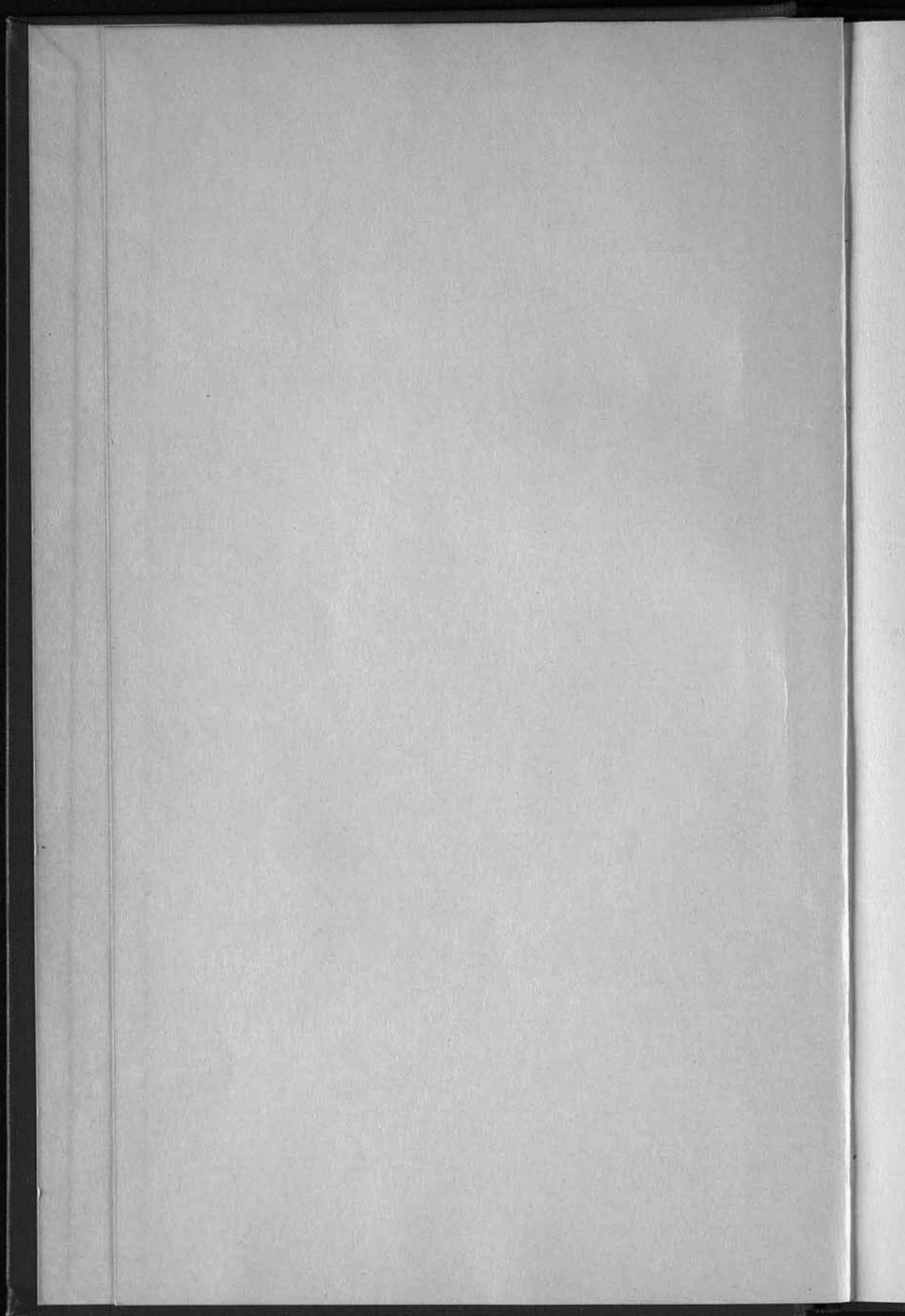
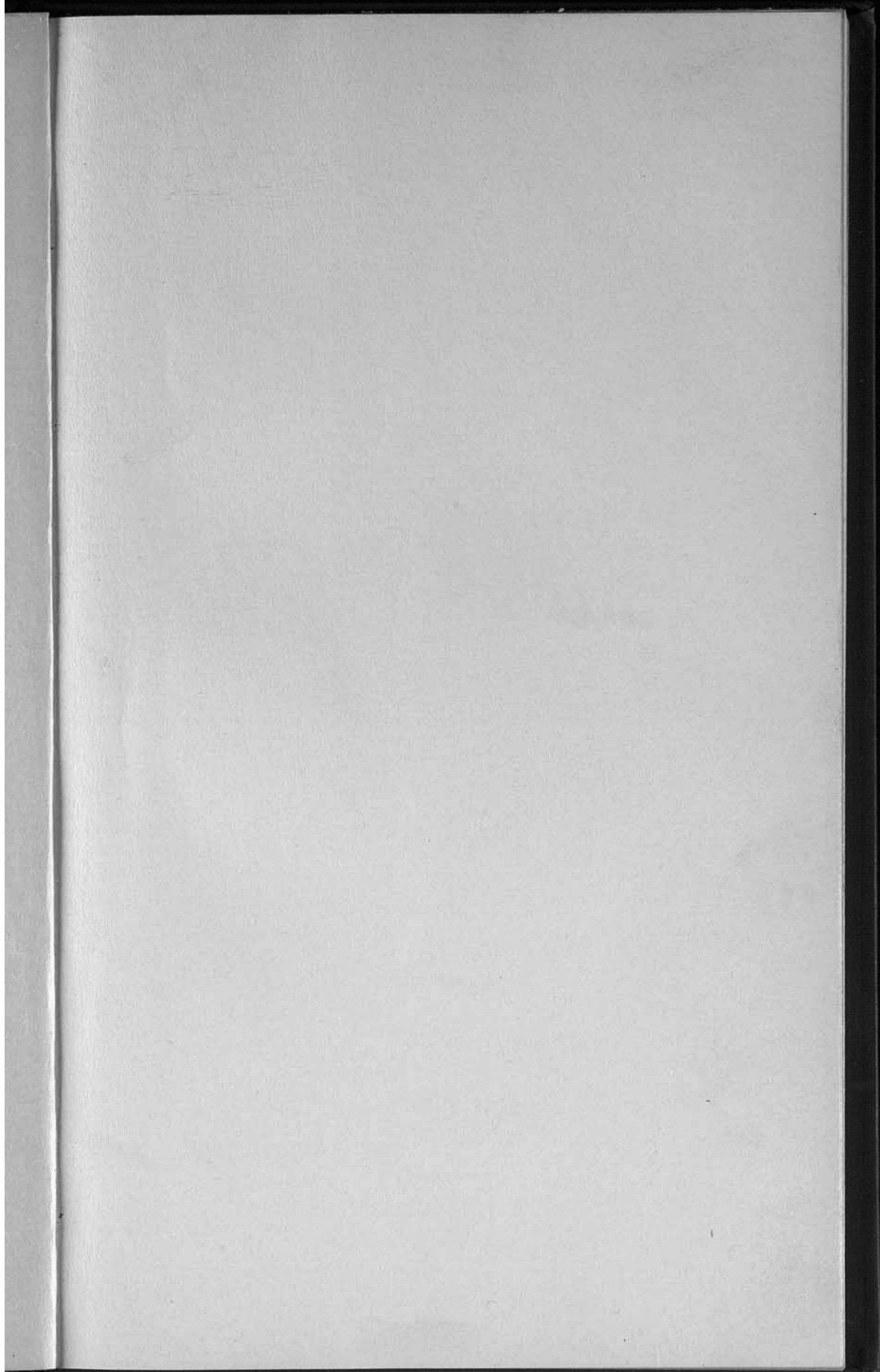
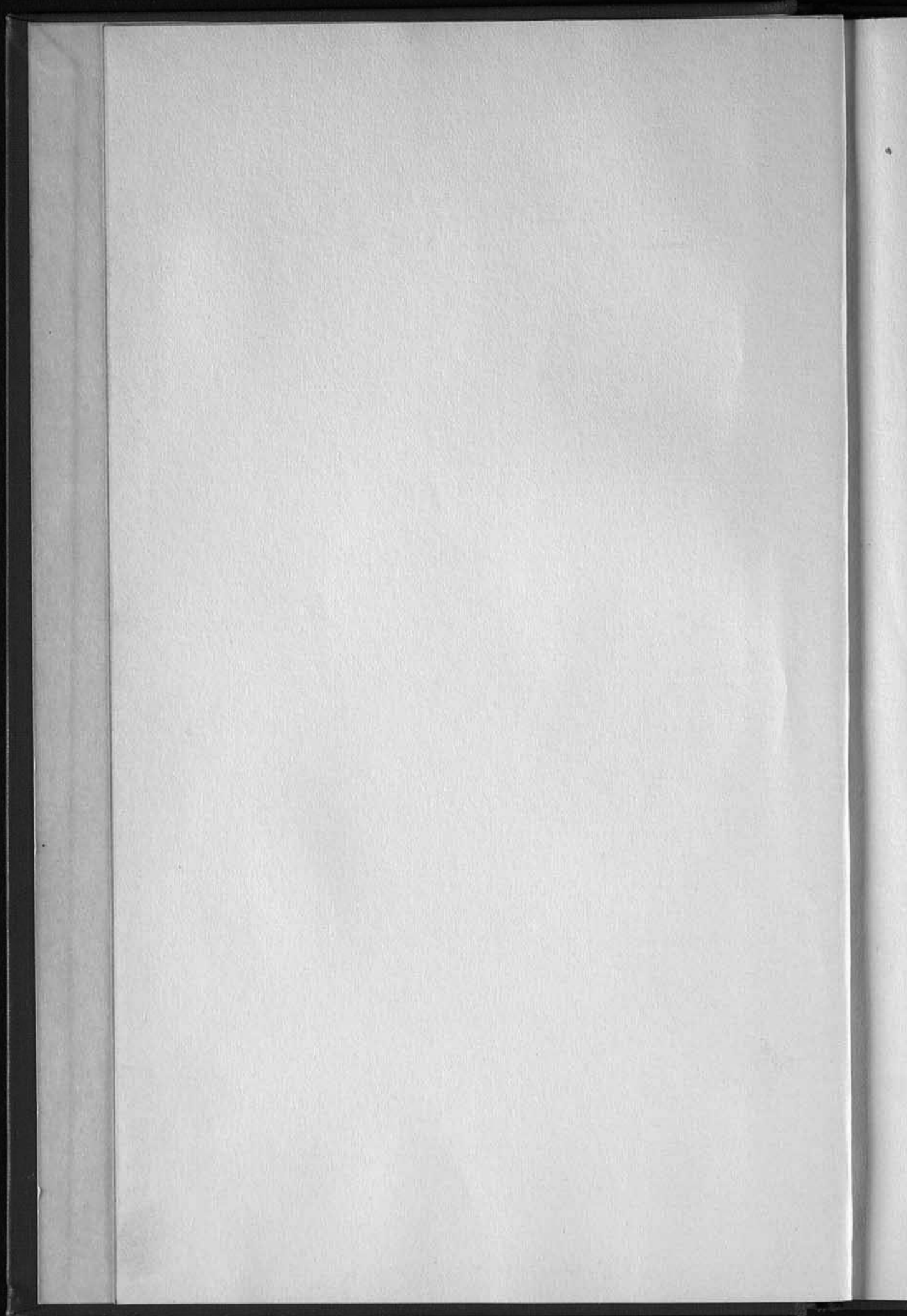


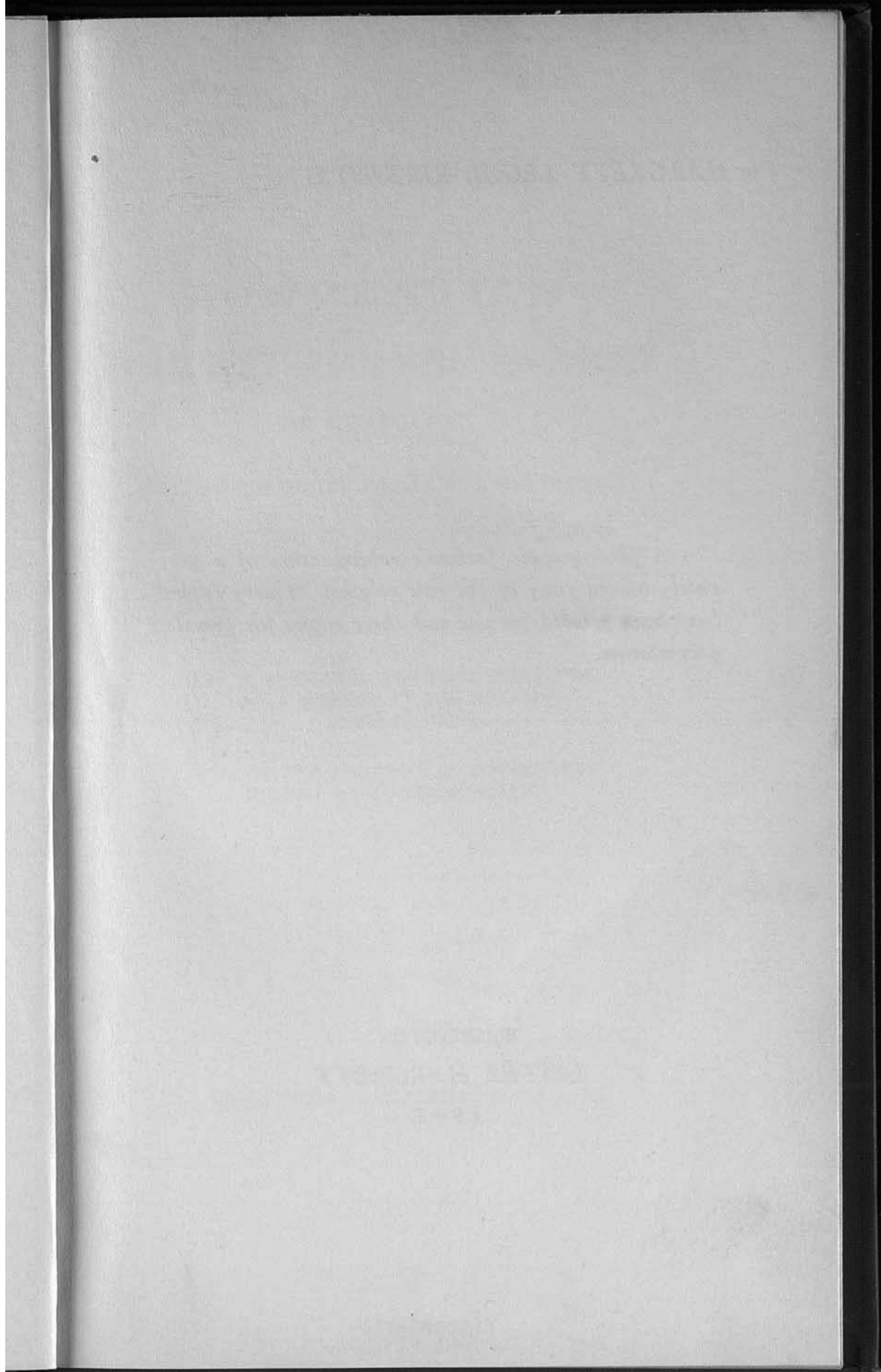
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WASHINGTON
LESTER HARGRETT
1943

Kentucky. Constitutional convention, 1863.

PROCEEDINGS
OF THE
CONVENTION
ESTABLISHING PROVISIONAL GOVERNMENT
OF KENTUCKY.

CONSTITUTION OF THE PROVISIONAL GOVERNMENT.

LETTER OF THE GOVERNOR TO THE PRESIDENT.

PRESIDENT'S MESSAGE RECOMMENDING THE ADMIS-
SION OF KENTUCKY AS A MEMBER OF THE
CONFEDERATE STATES.

ACT OF CONGRESS ADMITTING KENTUCKY
AS A MEMBER OF THE CONFED-
ERATE STATES.

ACTS OF THE PROVISIONAL GOVERNMENT
PASSED AT BOWLING GREEN.

CODIFIED AND ARRANGED BY

J. P. BURNSIDE, }
P. B. THOMPSON, } *Com.*

AUGUSTA, GA.:
STEAM PRESS OF CHRONICLE & SENTINEL,

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OFFICERS

OF THE

PROVISIONAL GOVERNMENT

OF THE

STATE OF KENTUCKY.

Governor.

GEO. W. JOHNSON, of Scott county.

Members of the Council.

Hon. W. B. MACHEN, of Lyon county, President of Council.

J. W. CROCKETT, of Henderson county.

J. P. BATES, of Barren county.

J. S. CHRISMAN, of Wayne county.

PHIL. B. THOMPSON, of Mercer county.

J. P. BURNSIDE, of Garrard county.

H. W. BRUCE, of Jefferson county.

E. M. BRUCE, of Nicholas county.

J. W. MOORE, of Montgomery county.

S. S. SCOTT, of Boone county.

Secretary of State.

ROBT. MCKEE, of Louisville.

Assistant Secretary of State.

O. F. PAYNE, of Fayette county.

Treasurer.

JOHN BURNAM, of Warren county.

Auditor.

J. PILLSBURY, of Warren county.

Clerk.

A. FRANK BROWN, of Bourbon county.

Sergeant-at-Arms.

JOHN B. THOMPSON, Jr., of Mercer county.

WRAVELL
VA 70 U

J. Harpelt 3/19/43 25.00

E. B. D. 2/14/45

J. Hargrett 3/19/43 25.00

PROCEEDINGS

OF THE

CONVENTION HELD AT RUSSELLVILLE,

NOVEMBER 18TH, 19TH AND 20TH, 1861.

Pursuant to a call issued by the Southern Conference, held in Russellville on the 29th, 30th and 31st days of October, 1861, the people of Kentucky assembled in Convention at Russellville on Monday, November 18th, 1861, to take into consideration the unfortunate condition of the State, and devise, if possible, some means of preserving the independence of the Commonwealth, and their liberties.

The Convention assembled in _____ College at 10 o'clock, A. M., and was called to order by the Hon. H. C. Burnett, of Trigg county, after which a permanent organization was had, by the unanimous election of the following officers:

President—Henry C. Burnett, of Trigg county.

Secretary—R. McKee, of Louisville.

Assistant Secretaries—T. L. Burnett, T. S. Bryan.

Door Keeper—W. M. Clark, of Logan county.

Chaplain—Rev. Mr. Thomas, of Logan county.

On motion of P. B. Thompson, of Mercer county, the rules of the House of Representatives of the Kentucky Legislature, as far as applicable, were adopted for the government of the Convention.

On motion of Geo. W. Johnson, the Convention went into secret session.

On motion of Geo. W. Johnson, of Scott county, a committee of ten was appointed to report business for the consideration of the Convention. The President constituted the committee as follows: Geo. W. Johnson, W. B. Machen, J. W. Crockett, J. P. Bates, P. B. Thompson, T. L. Burnett, H. W. Bruce, J. S. Gibbon, J. H. D. McKee, and H. L. Giltner. By a vote of the Convention, the President (H. C. Burnett) was added to the committee.

The Convention then took recess until 7 o'clock, P. M.

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EVENING SESSION.

The Convention reassembled at 7 o'clock. The President being absent, John Burnam, of Warren county, was called to the chair.

The business committee reported progress, and asked leave to sit again, which was granted. It being intimated informally to the Convention that the committee were in favor of organizing at once a Provisional Government for the State of Kentucky, and would so report, a resolution was introduced declaring it as the sense of the Convention that such a government should now be organized, which after some discussion, was adopted.

And the Convention adjourned.

SECOND DAY.

The Convention met at 10 o'clock, A. M.

The Convention was opened by prayer by Rev. Mr. Thomas.

Mr. H. C. Burnett, from the majority committee on business, made a verbal report in favor of postponement of the organization of a Provisional Government until a subsequent meeting of this Convention on the 8th of January next, unless it shall be called together at an earlier day by an executive committee, to be appointed by this Convention at its present session.

Mr. P. B. Thompson, from the minority of the committee on business, made a report recommending the adoption of the following resolution:

Resolved, That the committee on business be instructed to report a plan for a Provisional Government at 10 o'clock, A. M., to-morrow.

The reports of the committee and the recommendations therefrom, were discussed during the remainder of the morning.

At 1 o'clock, P. M. the Convention took a recess until 2½ o'clock, P. M.

AFTERNOON SESSION.

The Convention reassembled at 2 o'clock, P. M., the President in the chair.

The consideration of the reports of the committee on business was renewed.

Mr. Chilton, of Christian county, offered a substitute for the minority report, which at a subsequent stage of the proceedings was withdrawn.

Mr. J. A. Penton, of Louisville, moved the previous question.

The call for the previous question was sustained by the Convention.

The President stated that no rule having been agreed upon by the Convention, he felt embarrassed relative to taking the vote.

R. McKee, of Louisville, offered the following resolution:

Resolved, That each member of the Convention be entitled to one vote.

J. P. Bates, of Barren, offered the following, as a substitute for the resolution of Mr. McKee, which was adopted by the Convention.

VASSALL
 73 70 U

Resolved, That the votes shall be by representative districts, each district having one vote.

The Convention proceeded to vote on Chilton's substitute for the minority report, but pending a call of the counties, the Convention unanimously agreeing, the substitute was withdrawn. The Convention then proceeded to vote on the minority report, as a substitute for the majority report, and it was unanimously adopted, when the resolution from the minority of the committee was unanimously passed, and the committee was instructed to report a plan for a Provisional Government to-morrow at 10 o'clock, A. M.

THIRD DAY.

The Convention met at 10 o'clock, the President in the chair.

Prayer was offered by the Chaplain.

The select committee reported through their Chairman, the following :

Whereas, the Federal Constitution, which created the Government of the United States, was declared by the framers thereof to be the supreme law of the land, and was intended to limit and did expressly limit the powers of said government to certain general specified purposes, and did expressly reserve to the States and people all other powers whatever, and the President and Congress have treated this supreme law of the Union with contempt, and usurped to themselves the power to interfere with the rights and liberties of the States and the people against the expressed provisions of the Constitution, and have thus substituted for the highest forms of national liberty and constitutional government a central despotism founded upon the ignorant prejudices of the masses of Northern society; and instead of giving protection with the Constitution to the people of fifteen States of this Union, have turned loose upon them the unrestrained and raging passions of mobs and fanatics; and because we now seek to hold our liberties, our property, our homes, and our families, under the protection of the reserved powers of the States, have blockaded our ports, invaded our soil, and waged war upon our people for the purpose of subjugating us to their will; and whereas, our own honor and our duty to posterity demand that we shall not relinquish our own liberty and shall not abandon the right of our descendants and the world to the inestimable blessings of constitutional government.

Therefore, be it ordained, That we do hereby forever sever our connection with the Government of the United States, and in the name of the people we do hereby declare Kentucky to be a free and independent State, clothed with all power to fix her own destiny, and to secure her own rights and liberties.

And whereas, the majority of the Legislature of Kentucky have violated their most solemn pledges, made before the election, and deceived and betrayed the people; have abandoned the position of neutrality assumed by themselves and the people, and invited into the State the organized armies of Lincoln, have abdicated the government in favor of the military despotism which they have placed around themselves, but can-

not control, and have abandoned the duty of shielding the citizens with their protection, have thrown upon our people and the State the horrors and ravages of war, instead of attempting to preserve the peace, and have voted men and money for the war waged by the North for the destruction of our constitutional rights; have violated the express words of the Constitution by borrowing five millions of money for the support of the war without a vote of the people; have permitted the arrest and imprisonment of our citizens, and transferred the constitutional prerogatives of the Executive to a military commission of partizans; have seen the writ of *habeas corpus* suspended without an effort for its preservation, and permitted our people to be driven in exile from their homes; have subjected our property to confiscation, and our persons to confinement in the penitentiary as felons, because we may choose to take part in a cause for civil liberty and constitutional government, against a sectional majority waging war against the people and institutions of fifteen independent States of the old Federal Union, and have done all these things deliberately against the warnings and vetoes of the Governor, and the solemn remonstrances of the minority in the Senate and House of Representatives. Therefore be it further ordained, that the unconstitutional edicts of a factious majority of a legislature, thus false to their pledges, their honor and their interests, are not law, and that such government is unworthy of the support of a brave and free people, and that we do therefore declare, that the people are hereby absolved from all allegiance to said government, and that they have the right to establish any government which to them may seem best adapted to the preservation of their rights and liberties.

CONSTITUTION.

SECTION 1. The supreme executive and legislative power of the Provisional Government of the commonwealth hereby established shall be vested in a Governor and ten Councilmen, one from each of the present Congressional Districts—a majority of whom shall constitute a quorum to transact business. The Governor and Councilmen to be elected by the members of this Convention in such manner as may be prescribed by this Convention.

SEC. 2. The Governor and Council are hereby invested with full power to pass all laws necessary to effect the objects contemplated by the formation of this government. They shall have full control of the army and navy of this commonwealth, and the militia thereof.

SEC. 3. No law shall be passed, or act done, or appointment made, either civil or military, by the Provisional Government, except with the concurrence of a majority of the Council and approval of the Governor, except as herein specially provided.

SEC. 4. In case of a vacancy in the gubernatorial office occasioned by the death, resignation, or any other cause, the Council shall have power to elect a Governor as his successor, who shall not, however, be a member of their body.

SEC. 5. The Council hereby established shall consist of one person selected from each Congressional District in the State, to be chosen by this Convention, who shall have power to fill all vacancies from any cause from the district in which such vacancy shall occur.

SEC. 6. The Council shall have power to pass any acts which they may deem essential to the preservation of our liberty and the protection of our rights, and such acts, when approved by the Governor, shall become law, and as such shall be sustained by the courts and other departments of the government.

SEC. 7. The Governor shall nominate, and by and with the advice and consent of the Council, shall appoint all judicial and executive and other officers, necessary for the enforcement of law and the protection of society under the extraordinary circumstances now existing, who shall continue in office during the pleasure of the Governor and Council, or until the establishment of a permanent government.

SEC. 8. The Governor shall have power, by and with the consent and advice of the council, to conclude a treaty with the Confederate States of America, by which the State of Kentucky may be admitted as one of the said Confederate States, upon an equal footing in all respects with other States of said Confederacy.

SEC. 9. That three commissioners shall be appointed by this Convention to the government of the Confederate States of America, with power to negotiate and treat with said Confederate States for the earliest practicable admission of Kentucky into the government of said Confederate States of America; who shall report the result of their mission to the Governor and Council of this Provisional Government for such future action as may be deemed advisable, and should less than the full number attend, such as may attend may conduct such negotiation.

SEC. 10. So soon as an election can be held, free from the influence of the armies of the United States, the Provisional Government shall provide for the assembling of a convention to adopt such measures as may be necessary and expedient for the restoration of a permanent government; said convention shall consist of one hundred delegates, one from each representative district in the State, except the counties of Mason and Kenton, each of which shall be entitled to two delegates.

SEC. 11. An Auditor and Treasurer shall be appointed by the Provisional Government, whose duties shall be prescribed by law, and who shall give bond with sufficient security for the faithful discharge of the duties of their respective offices, to be approved by the Governor and Council.

SEC. 12. The following oath shall be taken by the Governor, members of the Council, Judges, and all other officers, civil and military, who may be commissioned and appointed by this Provisional Government.

"I, _____, do solemnly swear (or affirm) in the presence of Almighty God, and upon my honor, that I will observe and obey all laws passed by the Provisional Government of Kentucky. So help me God."

SEC. 13. The Governor shall receive as his salary two thousand dollars per annum, and the Councilmen five dollars per diem, while in session, and the salary of the other officers shall be fixed by law.

SEC. 14. The constitution and laws of Kentucky not inconsistent with the acts of this Convention, and the establishment of this government and the laws which may be enacted by the Governor and Council, shall be the laws of the State.

SEC. 15. That whenever the Governor and Council shall have concluded a treaty with the Confederate States of America for the admission of this State into the Confederate Government, that the Governor and Council shall elect two Senators, and provide by law for the election of members of the House of Representatives in Congress.

SEC. 16. The Provisional Government hereby established shall be located at Bowling Green, Kentucky, but the Governor and Council shall have power to meet at any other place that they may consider appropriate.

Done at Russellville, in the State of Kentucky, this twentieth day of November, in the year of our Lord, eighteen hundred and sixty-one.

This declaration of independence and ordinance of separation, was acted upon by sections, and the whole unanimously adopted, as was the plan of a provisional government.

Mr. P. B. Thompson, of Mercer county, offered the following resolutions, which were unanimously adopted.

Resolved, That this Convention do now proceed to elect—

1. A Governor. 2. Councilmen. 3. Commissioners to Richmond.

Resolved, That in the election of Governor, Councilmen and Commissioners, the vote shall be taken by representative districts, each district having one vote.

Resolved, That it shall be the duty of the presiding officer of this Convention, to administer to the Governor and Councilmen when elected, the oath of office, prescribed in the plan of the government just adopted.

Resolved, That the Governor and Council shall take charge of the minutes and proceedings of this Convention, and have the same, or so much thereof as they may think proper, published in such manner as they deem best.

Resolved, That the members of this Convention shall each annex his signature to the Constitution now adopted.

The Convention then proceeded to elect a Governor and ten members of the Council and Commissioners to Richmond, with the following result:

Governor—GEO. W. JOHNSON, of Scott.

Councilmen—1st Cong'l Dist., Willis B. Machen, of Lyon.
 2nd " " J. W. Crocket, of Henderson.
 3d " " J. P. Bates, of Barren.
 4th " " J. S. Chrisman, of Wayne.
 5th " " P. B. Thompson, of Mercer.
 6th " " J. P. Burnside, of Garrard.
 7th " " H. W. Bruce, of Louisville.

8th Cong'l Dist., E. M. Bruce, of Nicholas.
 9th " " J. W. Moore, of Montgomery.
 10th " " Geo. B. Hodge, of Campbell.

Commissioners to Richmond—Wm. Preston, of Louisville; W. E. Simms, of Bourbon; Henry C. Burnett, of Trigg.

By a vote of the Convention, the injunction of secrecy was removed from the proceedings of the Convention.

It was ordered, that a copy of the proceedings be furnished to each member of the Convention.

A resolution thanking the President of the Convention for the fidelity and ability with which he had discharged the arduous and delicate duties devolving upon him, was unanimously adopted.

A resolution thanking the proprietor of the Hall in which the convention had assembled was unanimously adopted.

The declaration and plan of the Provisional Government having been enrolled on parchment, the members of the Convention in attendance affixed their names thereto.

And the Convention adjourned *sine die*.

H. C. BURNETT,
 President Convention.

R. McKEE, Secretary of the Convention.

T. S. BRYAN,
 T. L. BURNETT, } Assistant Secretaries.

BOWLING GREEN, Kentucky, }
 November 21, 1861. }

His Excellency JEFFERSON DAVIS,

President of the Confederate States of America:

SIR:—The convention which assembled at Russellville, on the 18th of this month, composed of delegates from sixty eight counties, and which organized a Provisional Government for Kentucky, appointed the Hon. Henry C. Burnett, the Hon. Wm. Preston, and the Hon. William E. Simms, Commissioners to treat with the Government of the Confederate States of America, for the recognition of this Government, and the admission of this State into said Confederacy, upon an equal footing with the other States composing it.

The action of the people of this State in thus organizing a Provisional Government for the protection of their rights of person and property, was based as a necessity upon the ultimate right of revolution, possessed by all mankind against perfidious and despotic governments. A faction, which may be called the war party of Kentucky, composed of most of the members of the last Congress, and a minority of the legislature, after surrounding themselves with an army of eight thousand Lincoln troops, forced a majority of their own body into caucus and there concocted, and afterwards enacted in the legislature, against the vetoes of the Governor and the remonstrances of the minority of the Senate and House of Representatives, a series of oppressive and despotic acts, which have left us no alternative, except abject submission or manly resistance. The constitutional right of secession by the State with organized govern-

ment, from the ruins of the old Union was not possible, because the power of adopting such manly and philosophic action was denied us by the enslaved members of the legislature, who not only submitted themselves to the despotism of the army, but betrayed their political opponents, who relied upon their honor, and their own constituents, and the great body of the people of Kentucky, who relied upon their pledges of neutrality. Secession being thus impossible, we were compelled to plant ourselves on a doctrine universally recognised by all nations—that allegiance is due alone to such governments as protect society, and upon that right which God Himself has given to mankind, and which is inalienable—the right to destroy any government, whose existence is incompatible with the interests and liberty of society. The foundation, therefore, upon which the Provisional Government rests, is a right of revolution, instituted by the people for the preservation of the liberty, the interests and the honor of a vast majority of the citizens of Kentucky.

Our justification before the world for a resort to this ultimate right of revolution, depends upon the facts, constituting the necessity of its exercise. These facts will be placed before you by our commissioners, and to these facts we fearlessly invite your attention, and that of the great government over which you preside. We consider our constitutional liberty and our personal honor worth more than life or property, and we have confidently staked them both upon the issue.

It is believed that the Confederate States of America will not refuse admission to a State whose sympathies and whose interests are identical with their own, and whose geographical position is so important to the Confederacy, merely because we have been unfortunately deprived of that right of constitutional secession which was so fortunately possessed, and so legitimately exercised by themselves. There is no incompatibility between the right of secession by a State, and the ultimate right of revolution by the people. The one is a civil right founded upon the constitution; the other is a natural right resting upon the law of God. Mississippi legitimately exercised the right of secession for the preservation of her constitutional liberty. But if the State of Mississippi had corruptly refused to discharge her duty, and treacherously made herself part of the Northern despotism, which threatened the liberties of the people, would any philosophy deny to her citizens the right of revolution, or any theory refuse her protection and admission within the Confederate States?

It is indeed philosophic and true, that a State should exercise the right of peaceful secession, for the preservation of the rights and institutions of its people; but it is neither philosophic nor true, that because a people are deprived by a perfidious State government of the power of secession, they therefore have no right to maintain their liberty and their honor by revolution. The admiration of mankind may be excited by a State firmly maintaining the rights of its people; but the manly determination of a people to vindicate their own liberties, at the hazard of life and fortune, against the despotic government of the North, and against the power and resources of a base and perfidious State government, is no less noble and praiseworthy.

The provisional government of Kentucky is now the index of an almost universal sentiment in the State in favor of a permanent connection with the Confederate States, and the history of the last year attentively studied, will demonstrate the truth of this assertion even to a stranger. Since the election of Abraham Lincoln, with the exception of a few thousand emancipators and abolitionists, the State of Kentucky has been divided into only two parties—the State Right party and the Union party. It will be unnecessary to do more than assert, that the State Rights' party were all, and at all times, in favor of a connection with the South, for all candid men will admit it.

The first position assumed by the Union party, after the Presidential election, embraced these ideas. First, the preservation of the Union; secondly, the protection of Southern institutions by amendments of the Constitution; third, opposition to coercion of the South by arms; and, fourth, a continued connection and common destiny with the South. At this period, the Union party would not have stood one day if the leaders had dared to avow themselves in favor of Northern sentiment, or an ultimate connection with the North, in the event of a permanent dissolution of the Union.

After the failure of the peace conference, in consequence of the refusal of the abolitionists to vote amendments to the Constitution, for the protection of Southern property, the Union leaders still avowed themselves opposed to the coercion of the South; but they now advanced the idea of neutrality and peace for Kentucky during the war, and declared themselves in favor of an ultimate connection of the State with the South by a vote of the people. Thus, after the refusal of their abolition allies to give constitutional protection to Southern property, we have again a confession of the "Union Leaders," embodied in their creed, that their party was in favor of an ultimate connection of the State with the South. This was the party creed at the last election in Kentucky, when members of Congress, and members of the State legislature were chosen.

The final change in the Union party was now near at hand. The President and his councillors refused to respect the neutrality of Kentucky, and determined to organize a force in Kentucky to hold the State, and to pass over its territory to strike a blow at the heart of the Southern Confederacy. Congress met—the Union members threw off disguise, and voted supplies of men and money for the war. The indignation of the whole State was excited. The people were aroused, and their denunciations of the war tax and enlistments for the North were violent and extreme. The members of Congress were now secretly engaged in introducing and organizing an army. The leaders of the Union party now clearly perceived that they must shield themselves by an army from the indignation of the people. This idea was soon impressed upon those members of the legislature who were really in favor of an honest neutrality of Kentucky. They met in caucus, and soon determined to protect themselves with the army, overawe their own constituents, and to pursue, without mercy, their political opponents. This is a simple and true history of the Union party in Kentucky, and under all its phases,

except the last, it *avowed* its preference for the South; and in its last, the leaders suppressed the resentment of their own party by the sword.

This recital is made for one purpose alone—and that is to show that the whole body of the people of Kentucky have in the last year repeatedly avowed themselves in favor of an intimate peaceful connection of the State, by a vote of the people, with the Confederate States. The Union leaders avowed the same intention until they had organized an army sufficient to protect themselves against the rage of the people.

The leaders of the States right party in Kentucky always knew that the people were with them on this question, and they hoped to the last that they would be able to expose the designs of the war faction, and thus carry with them the State government. The hope of being able to act with the forms of law made them risk everything till too late. No one could have anticipated the unparalleled audacity and treachery of the leaders of the Union party when they violated their own position of neutrality, and deliberately determined to plunge the State in war. Up to the last moment of safety we attempted to save the State by State action; and we did this because we knew the people were almost unanimously with us as to the ultimate destiny of the State. This fact is also admitted by Gen. Thomas, in his report as to the condition of Kentucky.

How, then, can your Excellency refuse admission to our State because the State government has itself dared to betray the people, and left them no hope except in their own manly determination to maintain with arms their own liberties. Your own theory of government was dear to us: We were habitually accustomed to look to the State and State action for redress of Federal wrongs. We wished to secede from the old Federal Union with all the rights of Kentuckians, guarded by all the forms of State government. We pursued this idea to the last. We adhered to this determination until the theory itself was lost in the treachery of the legislature and until the State government had abandoned its people, and indissolubly united itself with the public enemy.

For nearly two years no election can take place in Kentucky for members of the legislature. Should we have submitted during all this period to an anarchy, or to laws hostile to our people? Even then the sword would still have to be drawn to solve the question. When hope had left us, and when, perhaps, the independence and boundaries of the Confederate States were acknowledged and established, and the struggle was over, then, to inaugurate a hopeless civil war would have been criminal, and we would have been, by our own honor, to go in exile from our own native State.

No theory, however sound, can demand this sacrifice. We come to you *now*, when it is honorable to do so, to offer you our assistance in a common cause, while peril surrounds us both, and to share with you a common destiny. It is not possible in an age of honor, that the strong will reject the weak, because the people have risen up to vindicate that cause which was betrayed by the State.

We, therefore, hope that you will feel disposed to throw around this Provisional Government, in its infancy, the protection of the Confederate

States of America. Let the preservation of constitutional government be alike the destiny and the glory of your great Confederacy. As a people long connected with you, we ask admission to your government. In such a struggle, however, we will not, in any event, despair; but believing that God Himself has so organized human society and interests, as to implant forever in truth an irresistible power—even if you abandon us—we will fearlessly struggle on to the consummation of our own destiny.

With assurances of my high regard and esteem, I am, sir, your obedient servant. (Signed) GEORGE W. JOHNSON.

To the Honorable HOWELL COBB, *President of the Congress:*

I have the honor herewith to transmit a communication from the Provisional Governor of Kentucky, informing me of the appointment of Commissioners on the part of that State to treat with the government of the Confederate States of America, for the recognition of said State, and its admission into the Confederacy. Also, a communication from the President and members of the Convention which declared the separation of Kentucky from the United States, and adopted the Provisional Government as therein recited. Two of the three commissioners thus appointed have presented their credentials, and submitted a proposition to enter upon negotiations for the admission of the State of Kentucky into the Confederacy.

Before entering upon such negotiation, I have deemed it proper to lay the case before Congress, and ask its advice.

The history of this controversy involving the State of Kentucky is so well known to the Congress, that it is deemed unnecessary to enter here into a statement of the various stages through which it has passed. It may, however, be proper to advert to the fact, that in every form in which the question has been presented to the people of Kentucky, we have sufficient evidence to assure us, that by a large majority, their will has been manifested to unite their destinies with the Southern States, whenever, despairing of the preservation of the Union, they should be required to choose between association with the North or the South.

In both the communications presented will be found a powerful exposition of the misrepresentation of the people by the government of Kentucky, and it has led me to the conclusion that the revolution in which they are engaged offered the only remedy within their reach against usurpation and oppression, to which it would be a reflection upon that gallant people to suppose that they would tamely submit.

That this proceeding for the admission of Kentucky into the Confederacy is wanting in the formality which characterized that of the States which seceded by the action of their organized government is manifest, indeed admitted, by terming it revolutionary. This imposes the necessity for examining the evidence to establish the fact, that the popular will is in favor of the admission of the State into the Confederacy. To

this end I refer the Congress to the commissioners, who have presented to me many facts which (if opportunity be afforded them) they will no doubt as freely communicate to the Congress.

The conclusion at which I have arrived is, that there is enough of merit in the application to warrant a disregard of its irregularity; that it is the people, that is to say, the State, who seek to confederate with us; that though embarrassed, they cannot rightfully be controlled by a government which violates its obligations, and usurps powers in derogation of the liberty which it was instituted to preserve; and that, therefore, we may rightfully recognize the Provisional Government of Kentucky, and under its auspices admit the State into the Confederacy.

In reaching this conclusion, I have endeavored to divest myself of the sentiments which strongly attract me towards that State, and to regard considerations, military and political, subordinate to propriety and justice in the determination of the question. I now invite the early attention of Congress that I may be guided by its advice in my action.

JEFFERSON DAVIS.

AN ACT

For the admission of the State of Kentucky into the Confederate State^s of America, as a member thereof.

SECTION 1. The Congress of the Confederate States of America do enact, That the State of Kentucky be, and is hereby, admitted a member of the Confederate States of America, on an equal footing with the other States of this Confederacy.

Approved Deceember 10, 1861.

Acts passed by the Countil, at its Session in Bowlinggreen, commencing November 21, 1861.

AN ACT

Entitled "An Act to regulate Banks."

Be it enacted by the Council of the Provisional Government of the State of Kentucky, That the Governor be and he is hereby directed to take immediate possession of the following Banks, together with their entire assets, viz:

Branch Bank of Kentucky, at Bowling Green; Branch Bank of Kentucky, at Hopkinsville; Branch of the Farmer's Bank, at Princeton; Branch of the Northern Bank at Glasgow; Branch of the Northern Bank, at Columbus; People's Bank at Bowling Green; and all other Banks which may come under our control by the advance of the Confederate army or otherwise, except the Southern Bank of Kentucky at Russellville and branches thereof, and hold the same subject to the further order of this council for the future adjustment of the rights of all parties in interest.

SEC. 2. Be it further enacted, That the Governor be and is hereby directed to appoint a bank commissioner, whose duty it shall be, under

the direction of the Governor, to proceed immediately to the points where the various Banks are located, and make thorough examination of their condition, separately, and report to the Governor the amount of coin, bank notes, bills of exchange, promisory notes on hand, and report monthly thereafter in like manner, and shall perform any other duty the Governor may impose upon him not inconsistent with this Act.

SEC. 3. Be it further enacted that before entering upon the duties imposed upon him by section two of this act the bank commissioner shall take the oath prescribed by law for the officers of this government, and also faithfully to discharge the duties imposed upon him by this act, and execute bond in the sum of twenty-five thousand dollars, with two or more securities, to be approved by the Governor conditioned for the faithful performance of all the duties imposed upon him by this act or that may hereafter be imposed upon him by law.

SEC. 4. Be it further enacted, That the Governor is hereby authorized to remove or discharge any bank president, cashier, director, clerk, attorney, or other officer, and appoint persons to fill such vacancy by and with the consent of this council.

SEC. 5. Be it further enacted, That the Governor be and he is hereby directed to serve notice on the president and directors of the Southern Bank of Kentucky, and branches thereof, forbidding the transfer on the books of the banks, of any stock the State of Kentucky may hold in said bank, also, the transfer of any stock any person or persons may hold in said banks, who are citizens of the non-slaveholding States of the old United States of America; also, the payment of any credit the State of Kentucky may have on the books of said banks accruing from undrawn dividends or otherwise. Also the payment by said banks of all money deposited to the credit of any sheriff, clerk or other public collecting officer of the State of Kentucky, and that the said president and directors be ordered to hold all assets of every character, nature or description, belonging to the State of Kentucky, or in which she is in any wise interested, subject to the future order of this government.

SEC. 6. Be it further enacted, That the Governor be and he is hereby authorized to remove each and every one of the various banks referred to in the foregoing acts, together with their books and assets of every kind and description, if in his judgment it should from any cause become unsafe to do business at points where they are now located, to some point he may consider safe, and said banks when so removed, shall continue to do business as though no such removal had taken place, and all officers of any bank so removed may serve, be removed or discharged at the discretion of the Governor.

Approved December 11th, 1861.

AN ACT

To amend An Act entitled "An Act to regulate Banks," approved December 11th, 1861.

SEC. 1. Be it enacted by the Council of the Provisional Government of the State of Kentucky, That the Bank Commissioner in the State

of Kentucky, be and he is hereby authorized and directed to administer the following oath to every bank president, director, cashier, teller, clerk, messenger, agent or any other officer of every bank in the State of Kentucky, to-wit :

"I do solemnly swear (or affirm) that I will support the Constitution of the Confederate States of America, and the Provisional Government of the State of Kentucky, and will faithfully discharge my duty as _____ of the _____ Bank _____ to the best of my skill and ability. So help me God."

SEC. 2. Be it further enacted, That in case any bank officer shall refuse to take the oath as prescribed in section one, of this Act, the bank Commissioner shall remove any officer so refusing, and report the office vacant to the Governor, who shall appoint an officer, to be confirmed by the Council, to fill such vacancy or vacancies, who will take the required oath.

SEC. 3. Be it further enacted, That when it is not convenient or practicable for the bank commissioner to administer the oath as prescribed in section one, of this Act, then the Governor may authorize and direct any commissioner, clerk of any court of record, magistrate or judge, to administer said oath.

SEC. 4. Be it further enacted, That when the commissioner, or commissioners, shall report to the Governor, that any office connected with any of the said banks is vacant, and the Governor shall appoint a person to fill such vacancy, such person shall proceed to discharge the duties of such office until the Council shall refuse to confirm such nomination or appointment, or he shall be removed from some other cause.

Approved January 15th, 1862.

AN ACT

To regulate Banks and Currency.

Be it enacted by the Council of the Provisional Government of the State of Kentucky, That the various banks and branch banks in Kentucky are empowered and hereby authorized to suspend specie payment and redemption until the first day of January, 1863.

SEC. 2. Be it further enacted, that the various banks and branch banks in Kentucky be and are hereby authorized to receive on deposit from their customers, in the usual course of business, treasury notes issued by the Confederate States of America, bank notes issued by legally chartered banks of Tennessee, Virginia, Louisiana, and any other bank notes issued in any of the Confederate States, under legally authorized charters of such States, which are at par with Confederate notes, and current and bankable in the cities of New Orleans and Nashville, and in payment of promissory notes, bills of exchange, and all other description of indebtedness to the banks, and pay the same out on checks of depositors, and any and all demands against said banks.

Approved December, December 21st, 1861.

AN ACT

To empower the Governor to appoint a Commissioner to the Confederate States of America on the subject of Banks.

Whereas, information has been received by the Governor and Council of the Provisional Government of the State of Kentucky, that various banks of the State of Kentucky have, in obedience to unconstitutional law, and at the behest of foreign military power, loaned their respective quotas of five millions of dollars demanded of them, under the pretext of a loan, to be used in the subjugation of the free people of this Commonwealth to the dominion of the old Federal Government.

And whereas, the State of Kentucky is a stockholder in said banks, said stock having been purchased with funds raised by direct or indirect taxation on all the people, and to the extent of such stock the people are interested in, and of right should control said funds.

And whereas this government is fully persuaded that the people do not desire their own funds to be used for their own subjugation and enslavement. Wherefore to prevent which :

Be it enacted by the Council of the Provisional Government of the State of Kentucky, That the Governor be and he is hereby empowered and instructed to appoint a commissioner, whose duty it shall be to proceed forthwith to the capital of the Confederate States of America to confer with the proper authorities of that government as to the most practicable manner of securing all monies and other assets of the following banks of Kentucky, viz: The Bank of Kentucky, the Northern Bank of Kentucky, and the Farmer's Bank of Kentucky, now in the city of New Orleans, or elsewhere within the Confederate States, and that said Confederate States are requested to co-operate with said commissioner in securing said monies and assets; said commissioner, when said money or assets shall have come into his hands, shall hold the same subject to the future control of the government. He shall keep in suitable books, selected by him, an accurate account of all monies or assets received by him, to whom they belong, their character, nature and extent, which books shall at all times be open to the inspection of the Governor and Council of the Provisional Government of the State. He shall, also, report to the Governor and Council monthly his actings and doings. Before any of said monies or assets shall be received by said commissioner, he shall execute bond in the sum of fifty thousand dollars, payable to the Governor and Council of the Provisional Government of Kentucky, with good and sufficient security, to be approved by the Governor, and he shall moreover, before entering upon the discharge of his duties, take the oath prescribed by law for the officers of the Government.

Approved November 28th, 1861.

AN ACT

To amend an act entitled "an Act to empower the Governor to appoint a commissioner to the Confederate States of America on the subject of Banks."

Whereas, this Council are in possession of facts and information which satisfy them that many of the banks in the State of Kentucky have furnished their means and credit for the purpose of raising troops in Kentucky to assist the Federal Government in carrying on the present war of attempted subjugation against the Confederate States. And whereas, the so-called legislature at Frankfort, Kentucky, have attempted to exercise the extraordinary and unwarranted power of dissolving the connection between several of those banks and their branches: Now in order to protect the good people of this State against such flagrant usurpations of power, and such unmitigated outrages upon their rights,

SEC. 1. Be it enacted by the Council of the Provisional Government of the State of Kentucky, That the bank commissioner is hereby authorized and empowered to seize and hold the funds or assets of every kind and description of the following named banks, which funds or assets may be found anywhere out of the State of Kentucky, namely: The Bank of Ashland and Branches, the Commercial Bank and Branches, the Farmers' Bank and Branches, the Bank of Kentucky and Branches, the Bank of Louisville and Branches, the Northern Bank of Kentucky and Branches, the People's Bank and Branches, the Southern Bank and Branches, and all other banking corporations acting under charters granted by the legislature at Frankfort, and all corporations exercising banking privileges by virtue of authority given them by said legislature, and shall hold said funds and assets subject to the control of this Provisional Government.

SEC. 2. Be it further enacted. That in addition to the powers heretofore conferred by this Provisional Government on the bank commissioner, John D. Morris, he shall have power to seize, attach, or take into his control and custody, the funds and assets of all the banks enumerated in the first section of this bill, which may be found out of the State of Kentucky.

SEC. 3. Be it further enacted, That the receipt of the said commissioner, John D. Morris, to any person or persons for any funds or assets of any of the banks enumerated in this act shall be conclusive evidence to them against any liability which may be incurred by them in surrendering such funds or assets to him.

Approved January 3, 1862.

AN ACT

Concerning Brokers.

Be it enacted by the Council of the Provisional Government of the State of Kentucky, That, if any person or persons shall carry on conduct, or engage in, directly or indirectly, the business of a broker or exchange dealer, by the purchase of or sale of bank notes, money, bills of exchange, drafts, checks, treasury notes, State stocks, or stocks of the United States, or stocks of the Confederate States of America, or Confederate bonds or notes, or by the charge of premium for the acceptance or indorsement of bills or negotiable paper, or shall by any other

mode whatever carry on said business without a license, he shall forfeit and pay to the Provisional Government of the State of Kentucky, the sum of one thousand dollars to be recovered by warrant before any justice of the peace within the county where such offense may be committed, and whose judgment shall be final, and such offender upon conviction shall be imprisoned until said fine is paid.

SEC. 2. The license provided for by the first section of this act, shall be issued by the Clerk of the Council of the Provisional Government for a period of not less than one week, nor greater than one year, from the date thereof, upon the petition of the applicant or applicants accompanied with the receipt of the Treasurer for the sum of twenty-five dollars for each week said license is to run.

SEC. 3. The license issued by the Clerk shall designate the place and house in which said business is to be carried on, and contain the names and residence of the person or persons to whom the same is granted.

SEC. 4. The Clerk shall note of record in a book, to be kept by him for that purpose, all license issued under this act.

SEC. 5. This act shall not apply to brokers or exchange dealers already licensed by the State of Kentucky, until the expiration of such license.

SEC. 6. This act shall take effect from its passage.

Approved December 4th, 1861.

AN ACT

To amend an Act entitled "An Act Concerning Brokers."

Be it enacted by the Provisional Government of the State of Kentucky, That the second section of an act entitled "an act concerning brokers" approved December, 4th, 1861, is hereby so amended, as that the tax for the license therein provided for shall be fifty dollars for each week said license is to run, and shall be payable in gold alone.

Approved December 21st, 1861.

AN ACT

Regulating Currency.

Be it enacted by the Council of the Provisional Government of the State of Kentucky, That all sheriffs, clerks, and all other collecting officers be, and they are hereby authorized to receive Kentucky and Tennessee bank notes, Confederate Treasury notes, and all other bank notes which are at par with Treasury notes issued by the government of the Confederate States of America, in payment of all State dues.

Approved December 4th, 1862.

AN ACT

To amend an Act entitled "an Act to regulate the currency, approved December 4th, 1861."

Be it enacted, That the act to which this is an amendment, shall take effect from and after this date.

Approved December 4, 1861.

AN ACT

To amend an Act entitled "an Act regulating currency."

Be it enacted by the Council of the Provisional Government of the State of Kentucky, That all public collecting officers are authorized to receive any of the notes named in said act, to which this is an amendment, in payment of all public dues of any character whatever.

Approved December 21, 1861.

AN ACT

To prohibit the holding of civil offices under the United States.

Be it enacted by the Provisional Government of the State of Kentucky, That any person who shall hold, accept, or exercise any civil office in this State, in virtue of any law or appointment under any law of the United States, shall be guilty of high misdemeanor, and upon indictment and conviction shall be fined in a sum not less than one thousand dollars, nor more than six thousand dollars, and imprisoned not less than six nor more than twelve months in the county jail, or both so fined and imprisoned.

Approved January 27, 1862.

AN ACT

To provide for the election of Deputies to the Provisional Congress of the Confederate States of America.

SEC. 1. Be it enacted by the Council of the Provisional Government of the State of Kentucky. That said Council elect ten deputies to represent the State of Kentucky in the Provisional Congress of the Confederate States of America. Said deputies shall be *bona fide* citizens of the State of Kentucky; one of whom shall be chosen from each of the Federal Congressional districts of the State as it was last districted, and shall be a resident of the district for which he shall be chosen.

SEC. 2. The time of the election shall be fixed by resolution of the Council.

Approved December 14, 1861.

AN ACT

To district the State, and provide for the election of members to the House of Representatives of the Congress of the Confederate States.

SEC. 1. Be it enacted by the Council of the Provisional Government of the State of Kentucky, That the State is hereby divided into twelve Confederate Congressional districts, as follows:

First District—Fulton, Hickman, McCracken, Graves, Calloway, Marshall, Livingston, Lyon, Caldwell, Trigg, Ballard.

Second District—Union, Webster, Hopkins, Christian, Todd, Henderson, Daviess, Muhlenburg, Crittenden.

Third District—Hancock, Ohio, Grayson, Breckinridge, Meade, Hardin, Larue, Butler, Hart, McLean.

Fourth District—Logan, Simpson, Allen, Monroe, Barren, Edmonson, Warren, Metcalf.

Fifth District—Cumberland, Clinton, Wayne, Pulaski, Casey, Lincoln, Taylor, Green, Adair, Russell

Sixth District—Spencer, Bullet, Nelson, Washington, Marion, Mercer, Boyle, Garrard, Anderson.

Seventh District—Jefferson, Shelby, Oldham.

Eighth District—Henry, Trimble, Carroll, Gallatin, Boone, Grant, Kenton, Campbell.

Ninth District—Pendleton, Bracken, Nicholas, Harrison, Bourbon, Fleming, Mason.

Tenth District—Bath, Lewis, Greenup, Boyd, Carter, Laurence, Montgomery, Powell, Rowan, Morgan, Wolfe, Estill, Magoffin.

Eleventh District—Franklin, Woodford, Jessamine, Fayette, Madison, Clark, Owen, Scott.

Twelfth District—Rockcastle, Knox, Harlan, Laurel, Whitley, Clay, Perry, Owsley, Letcher, Breathitt, Floyd, Pike, Johnson, Jackson.

SEC. 2. On the 22d day of January, 1862, an election shall be held throughout the State of Kentucky, for twelve members to represent the State in the House of Representatives of the Congress of the Confederate States—one for each of said twelve Congressional districts.

SEC. 3. Each member so elected, shall be *bona fide* a resident of the district for which he shall be elected.

SEC. 4. The election shall be conducted as follows: The sheriff of each county shall, on the said 22d day of January, 1862, at the hour of 7 o'clock, A. M., open a poll at the county seat of his county, and shall appoint two discreet house-keepers of his county to act as judges, one to act as clerk of said election. The polls shall be kept open by said officers for votes, until five o'clock, P. M., of the same day, when, they shall be closed. The citizens of each county having the legal qualifications of voters, shall vote at the county seats of their respective counties, and nowhere else, except as hereinafter provided. The sheriff shall administer to the officers of the election an oath to discharge faithfully the duties of their offices.

SEC. 5. A voter may vote in any county in the State, in which he may be on the day of the election, but before voting in any other county than that of his residence, he shall declare on oath, before one of the officers of the election, that he is a legally qualified voter according to the laws of Kentucky. Each voter shall be allowed to vote for twelve persons, but no voter shall vote for more than one person residing in the same district.

SEC. 6. The Governor shall appoint one person to act as judge, one to act as sheriff, and one to act as clerk, in each of the Kentucky regiments, to take the votes of the qualified voters in said regiments, at the same time and in the same manner as aforesaid: *Provided*, that any qualified voter, who may be in the army and not attached to any one of the Kentucky regiments, who shall make oath to that fact, shall be entitled to vote in any one of said regiments, or at any county seat.

SEC. 7. If the sheriff of any county fail or refuse to discharge the

duties imposed on him by this act, any house-keeper of the county present on the day of the election may act as sheriff, and as such discharge all the duties imposed upon the sheriff by this act.

SEC. 8. If the members of any company, or part of a company, shall be detached from their regiment on the day of the election, the commanding officer of the detachment shall receive their votes and make return thereof as herein provided.

SEC. 9. The poll books shall be certified by the officers of the election, and deposited in the county court clerk's offices of their respective counties, and shall make out, over their official signature, a certificate of the number of votes cast for each person voted for, and they shall return said certificate, under seal, to the Secretary of State the next day after the election. Said officers in each county shall appoint a messenger to bring said certificate to the Secretary of State, and said messenger shall be allowed two dollars a day, and his travelling expenses in going to and returning from the seat of government. The officers conducting said election shall be allowed two dollars per day.

SEC. 10. The Governor, Secretary of State, Auditor of Public Accounts, and Treasurer, shall constitute an election board, whose duty it shall be on the first Monday in February next, to open and compare said election returns, any two or more of whom may act in case of the absence of any one or more. It shall be the duty of the Governor, after said votes shall have been counted, to give to each person duly elected a certificate of his election.

SEC. 11. The Governor shall cause to be published immediately in as many newspapers as convenient in the State this act, together with his proclamation, calling the attention of the people to the election.

Approved December 30, 1861.

AN ACT

To amend an Act, providing for the election of Congressmen to the Confederate Congress. Approved December 30th, 1861.

SEC. 1. Be it enacted by the Council of the Provisional Government of the State of Kentucky, That the election may be held at any one or more of the voting precincts, or at any other point in any county in Kentucky, on the 22d day of January, for twelve members of Congress as provided for in original act.

SEC. 2. Be it further enacted, That any Magistrate in any county may appoint one judge, one sheriff, and one clerk to hold elections as provided in section one, and to administer the prescribed oath to the same, whose duty it shall be to report as provided in original act.

Approved January 13th, 1862.

AN ACT

To amend an Act, Providing for the holding an election for members to the Confederate Congress.

Be it enacted, by the Council of the Provisional Government of the

State of Kentucky, That where there are companies, or parts of companies of Kentucky troops attached to companies, battalions or regiments of troops from other States, such companies or parts of companies shall have the right to vote for members of Congress at the ensuing Congressional election, to be held on the 22d day of January, and they shall be permitted to vote at the place where such companies or parts of companies may be stationed, on the said 22d inst., 1862, (the day of the election) and the officer in command of such company or parts of companies, on such day shall hold the election, take the votes, return the poll books according to the provisions of the original bill.

Approved January 13th, 1862.

AN ACT

To amend an Act entitled "An Act, to provide for the election of members to the Confederate Congress.

Be it enacted by the Council of the Provisional Government of the State of Kentucky, That if from any cause any of the officers appointed to hold the election for members of Congress, in the regiments or companies of the Kentucky troops, shall not be able to discharge the duties of their respective offices, or shall fail or refuse to do so, the judge appointed shall have the power to fill such office by the appointment of a substitute, either a substitute for himself or any other of the officers.

Approved January 15th, 1862.

AN ACT

To facilitate and complete the admission of Kentucky into the Confederate States of America.

In pursuance of sections eight and nine of the constitution of the Provisional Government of the State of Kentucky, which empower and direct the Governor and Council to form a treaty for the earliest practicable admission of said State of Kentucky, "as one of the Confederate States of America," upon an equal footing in all respects with the other States of said Confederacy, and for the purpose of facilitating and completing the admission of Kentucky as one of the said Confederate States.

It is hereby enacted by the Council of the Provisional Government of the State of Kentucky, That the Provisional Constitution of the Confederate States of America, and all laws passed by the Provisional Congress of said States, and the permanent Constitution of said Confederate States, are hereby declared to be, and now are, and hereafter shall be the supreme laws of the State of Kentucky, until the same may be repealed, altered or abolished by the authority of said Confederate States and in accordance with the said Provisional and permanent Constitution of said Confederate States.

SEC. 2. It shall be the duty of the Governor to transmit immediately a copy of this act to our commissioners at Richmond, to be by them laid before the President and Congress of the Confederate States of America.

Approved December 10th, 1861.

AN ACT

Providing for the appointment of two or more Commissioners to visit the Counties in reference to Sheriffs, Judges and other offices.

SEC. 1. Be it enacted by the Council of the Provisional Government of the State of Kentucky, That it shall be the duty of the Governor, by and with the consent and advice of the Council, to appoint two or more commissioners whose duty it shall be to visit, as far as practicable, all the sheriffs, clerks, justices of the peace, trustees of the jury fund, assessors, and all other civil officers, and ascertain from them whether they are willing to hold their respective offices under this Provisional Government, and report to this council weekly, all officers who are willing to continue to discharge the duties of their said offices under this government, and also the names of all who are unwilling and refuse to continue in office under this government.

SEC. 2. Each commissioner in his weekly report aforesaid, shall designate the office and name of each incumbent who is willing to continue in office, and the county and district in which he resides; and also the name and residence of all who refuse to act and discharge the duties of their said offices.

SEC. 3. Each commissioner is hereby invested with full power to administer to all officers willing to continue in office under this Government the following oath or affirmation, to wit:

"I _____ do solemnly swear, that I will support the constitution of the Provisional Government of the State of Kentucky, and will in all my official acts treat and regard the laws passed by said government as binding and authoritative upon me. I do further swear, that I will faithfully and impartially to the best of my skill and ability discharge the duties of _____."

Each commissioner shall in his weekly report designate all who have taken the oath aforesaid, and all such shall be regarded as still in office and the offices of all who refuse to take said oath shall be and are hereby declared vacant.

SEC. 4. In all cases where now by law the incumbent of any office is required to execute an official covenant or covenants before entering upon the discharge of the duties of his office, the commissioner is hereby empowered to take such official covenant, with security to be by him approved; said covenant shall be payable to the Governor and council of the Provisional Government in the form following to wit: "We _____ principal, and _____ security, do covenant to and with the Governor and council of the Provisional Government of the State of Kentucky that _____ principal will well and truly discharge, in all respects, the duties of the office of _____ which covenant shall be attested by the commissioner in his official character.

SEC. 5. All persons now in office who shall take the oath, prescribed by this act, and shall execute bond when such bond is required by law as provided for in the fourth section of this act, shall be continued in said office, until the expiration of the period for which they were elected or appointed under existing laws.

SEC. 6. Each commissioner shall transmit to the auditor, all the official covenants taken by him under this act, and on receiving such covenant, it shall be the duty of the auditor to file the same away safely in his office, and such covenant may be put in suit by any one aggrieved by a breach thereof, and in all such suits an official copy of said covenant, or covenants, shall be used in all respects as the original might be.

SEC. 7. It shall be the duty of each commissioner to settle with and adjust the accounts of all the collecting officers of this commonwealth, so far as respects the revenue now in their hands, or the uncollected revenue for the present or past year. He shall report each settlement made by him, presenting a balance sheet, showing the amount received by each collecting officer, and the time when received, and the amount uncollected; and in making said settlement and adjustment, he shall be controlled and governed in all respects by existing laws, so far as the same are applicable.

SEC. 8. Each commissioner is hereby empowered to receive, and said collecting officers are hereby required to pay all the revenue in their hands to him, for which he shall give an acquittance or receipt; which money shall be paid by said commissioner into the Treasury of this Provisional Government, taking the receipt of the treasurer therefor, which receipt shall be by him transmitted to the auditor of public accounts, whose duty it shall be to file the same away in his office, and also enter the same in the proper record books of his office, and the balance sheets and report of settlements, as required by the seventh section of this act, shall be in like manner transmitted by the commissioner to the auditor, who shall file the same away in his office, after copying the same in appropriate record book, and shall be by him the basis of any future settlement with said collecting officers.

SEC. 9. Each commissioner is hereby invested with full power to seize and take possession of all books and papers, to enable him to make the settlements, and discharge the duties imposed upon him by this act, in the hands of whomsoever they may be found, and he is, if in his discretion it is deemed necessary, empowered, to summon the power of the county or commonwealth to aid him in carrying this act into full effect.

SEC. 10. Each commissioner before entering upon the discharge of his duties, shall take the following oath or affirmation:

"I _____ do solemnly swear (or affirm) that I will support the Constitution of the Provisional Government of the State of Kentucky, and uphold and support its laws, and that I will, to the best of my skill and ability, faithfully discharge all the duties imposed upon me by law as Commissioner appointed under this act."

And shall, moreover, give a covenant with security to be approved by the Governor and Council, conditioned for the faithful discharge of all the duties of said office of commissioner.

SEC. 11. The oath which the commissioner is hereby authorized to administer to the officers continuing in office, shall be reduced to writing and subscribed to by the party taking the same, and transmitted to the auditor, and kept by him as part of the records of his office,

SEC. 12. This act shall not prevent any collecting officer from settling with the auditor of this Government as provided for by law, for settlements with the auditor of public accounts, and said auditor may administer the oaths prescribed by this act, to be taken before said commissioner.

Approved December 11th, 1861.

AN ACT

To amend an Act, authorizing the appointment of Commissioners to settle with collecting officers, and for other purposes.

Whereas, this Council has received reliable information that the sheriff of Todd county is endeavoring to evade the payment of the revenue of said county into the treasury of this government; and whereas, it is necessary that B. F. Allison, the commissioner heretofore appointed to settle with collecting officers, should proceed immediately to discharge the duties imposed upon him, and said commissioner has not as yet executed the bond required by law to remedy these evils:

Be it enacted by the Provisional Government of the State of Kentucky, That B. F. Allison be, and he is hereby authorized to proceed to discharge the duties imposed on him as commissioner, by provisions of act entitled "an act authorizing the appointment of commissioners to settle with the collecting officers of this State, and for other purposes," without executing the bond required by said act, for the period of ten days.

SEC 2. That if said commissioner shall be fully satisfied that the said sheriff of Todd county has, since the proclamation of Geo. W. Johnson, Governor of this State, paid over to other persons or bodies the revenue of said county, or any part thereof, the said commissioner, B. F. Allison, is authorized and directed to arrest said sheriff and have him conveyed to Bowling Green, in the county of Warren, and there lodged in jail, to await and abide by the process of law.

Approved December 16, 1861.

AN ACT.

To amend an Act entitled "an Act to appoint Commissioners to settle with the Sheriffs and other collecting officers, approved December 11th, 1861," and to enlarge the jurisdiction and duties of the Commissioners.

SEC. 1. Be it enacted by the Council of the Provisional Government of the State of Kentucky, That all commissioners are hereby directed, and required to settle with all collectors and treasurers of the railroad tax, and that the said commissioners have the same power and authority over said tax collectors, as over sheriffs and other collecting officers.

SEC. 2. Be it further enacted, That the commissioners shall deposit the funds collected from the tax collectors with the State Treasurer, subject to the future order of this Council, for the protection of the rights and interests of loyal bond-holders.

SEC. 3. Be it further enacted, That the Governor may direct the commissioners to settle with and collect from any officer of any county in the State of Kentucky, or State officer, which may not be specially provided for in this and previous acts.

Approved January 20, 1862.

AN ACT

To amend an act entitled "an Act authorizing the appointment of Commissioners to settle with collecting officers of this State, and for other purposes, approved December 11, 1861."

SEC. 1. Be it enacted by the Council of the Provisional Government of the State of Kentucky, That, if any collecting officer of this State, when applied to by a commissioner, as provided for in said original act, shall refuse to settle and adjust his accounts, deliver over his official books and papers, or shall refuse to pay over to said commissioner any balance he may have in his hands due the State of Kentucky, said commissioner shall have power, and is hereby authorized to arrest such person or persons, and hold them in custody until they comply with the provisions of said original act.

SEC. 2. Be it enacted further, That if any sheriff, or other collecting officer in this State, shall attempt to exercise the functions of his office, after having refused to take the oath required of such officer by law, and after having refused to recognize the Provisional Government of the State of Kentucky as binding on him, such officer so offending shall be arrested on the information, on oath, of any citizen, and shall be held to bail in the penalty of five thousand dollars (\$5,000) with one or more good securities, and in default of such bail, he shall be committed to the jail of the county, or some other safe prison, to be determined by the court before whom he is required to be tried, as an inquiring court.

SEC. 3. If upon investigation before any justice of the peace of the county, or the county judge of such county, it shall appear that such officer has violated the provisions of this bill, said court shall hold him to bail as aforesaid, to appear before the next ensuing term of the circuit court, provided that such court can be held in the county where the offence was committed, if not there, before the next nearest circuit court where a court can be held.

SEC. 4. If a grand jury shall indict such person, he shall, upon conviction by a petit jury, be fined in any sum not less than one thousand dollars, and imprisoned in the county jail for a period of not less than twelve months, nor more than two years.

SEC. 5. That all sheriffs and other collecting officers in this State, who have been superseded in their office, shall be required, when they may have claims which are collectable by levy and sale, to hand over or list the same when he wants them collected, with his successor in office, and if any one shall violate the provisions of this, the fifth section, he shall be liable to all the pains and penalties of this act, and shall not have the benefit of the law now in force, which allows such officer two years to wind up his business.

Approved January 20, 1862.

AN ACT

To Relieve Debtors.

SEC. 1. Be it enacted by the Council of the Provisional Government of the State of Kentucky, That all laws authorizing the holding of circuit courts, equity and criminal courts, quarterly courts, justices' courts, and all police, town and city courts, except for the trial of criminal and penal causes, in this State, are hereby repealed until the first day of May, eighteen hundred and sixty-three (1863). *Provided*, That after the expiration of said time, said courts shall be held and governed by all the laws, now and then in force : *And provided further*, That all civil process of every kind returnable to said courts, shall be continued until the expiration of said time, and nothing herein contained shall be construed so as to interfere in any manner whatever with the trial of criminal and penal causes in said courts, at their regular terms.

SEC. 2. The several judges of the equity and circuit courts shall hold the terms of their several courts for the trial of criminal and penal causes, at the times now fixed by law for the holding of said courts, and for the further purpose of assigning dower, for the trial of cases of divorce ; for the probate of wills ; for the making of partition of lands ; ordering the distribution of estates rateably amongst creditors ; and for the trial of actions of *tort* ; actions of forcible entry and detainer, and forcible detainer, and of cases where the title to land or other property is in dispute, or where the boundary of land is involved, or a party is seeking to establish or complete by judgment of court, title to lands, and all causes between principal and agent, between trustee and *cestui que trust*, and for all other cases either of law or equity, where a decree or judgment for money is not to be rendered, and for the taking of all proper steps for the preparation of cases in said courts.

SEC. 3. That all executions issued in this State before the passage of this act shall be returned to the offices from which they issued as soon as practicable, and forthwith re-issued and made returnable to the first day of May, 1863, and all executions hereafter issued in this State by the officers authorized to issue the same, shall be made returnable on the said first day of May, 1863. And no officer, by authority of any execution or attachment issued under this act, or any law now in force, shall sell any property, either personal, real, or mixed, he may have levied, or may levy on, provided the defendant or defendants execute bond to have the same forthcoming on the day of sale : *And provided*, said defendant or defendants execute said bond within ten days after said levy has been made. If such a bond be not executed within ten days after the levy has been made, then said property shall be appraised, as land is now required to be valued, the appraisers being governed in their valuation of said property, by the valuation of such or similar property on the first day of September, 1860, and the same shall be exposed to sale, provided that said property so exposed to sale shall bring four-fifths of its appraised value, otherwise the sale shall be null and void, vesting no title in the purchaser ; and the officer in whose hands the execution is, shall permit the same to remain with the defendant or defendants owning it, on said defendant or defendants making affidavit

that he or they will have said property forthcoming on the day of sale, which affidavit said officer shall immediately return to the office from which said execution issued. It is further provided, That any lien which may have been acquired or created by the issuance of an execution, shall not be released or impaired by the return of said execution, but shall continue in force on any subsequent execution that may be issued on and after the said first day of May, 1863. Executions shall be issued and regulated by the laws now in force, and sales of property after that time shall be regulated by the laws in force previous to the passage of this act: And provided further, That this act shall not release the liability or responsibility of any assignor or assignors to his or their assignee or assignees on any assignment or transfer, on any note, bond, bill or contract, or any surety on any note or contract, on which suit has not been instituted, or on which judgment has been rendered: *Provided*, That this act shall not be so construed as to prevent any person whatever from bringing suits in any of the courts aforesaid, and obtaining any provisional remedy under existing laws, to make any necessary order for the sale or preservation of attached property: *Provided*, That property sold under attachment bring four-fifths of its appraised value: *Provided*, That no property shall be sold under any attachment except for its preservation, and the defendant or defendants, having the same right to suspend such sale by executing bond to have such property or its equivalent forthcoming on the day of sale. No sale shall be made before the first day of March, 1863.

SEC. 4. That this Act shall not operate to relieve any surety or sureties on any replevy bond, or other bond, or note, or writing whatever.

SEC. 5. That for all property sold contrary to the provisions of this act, under execution, warrant, writ of *renditione exponas*, or by virtue of any attachment, or order, or judgment of any court, no title shall vest in the purchaser, and the person or persons owning said property previous to the sale may recover the same from the person in whose possession the same is found, together with such damages as may have accrued to him or them by reason of said sale, and any person who shall bid for, or become the purchaser of any property offered for sale by virtue of any such writs or proceedings, shall be responsible to the owner of said property for its value, or the value of similar property, on the first day of September, 1860.

SEC. 6. Nothing contained in this act shall be construed to impair or repeal the laws now in force for the collection of the public revenue or county levy.

Approved, January 28, 1862.

AN ACT

To abolish the Equity and Criminal Courts of the Fourth Judicial District.

Be it enacted by the Council of the Provisional Government of the State of Kentucky, That the equity and criminal courts of the Fourth Judicial District are hereby abolished, and all laws authorizing the hold-

ing of said courts are hereby repealed, and all the powers and jurisdiction of said courts are hereby invested in the respective circuit courts in the Fourth Judicial District.

Approved, January 28, 1862.

AN ACT,

Abolishing the Equity and Criminal Courts, West of the Tennessee River.

Be it enacted by the Council of the Provisional Government of the State of Kentucky, That the equity and criminal courts west of the Tennessee river, and embracing the counties of Union, Livingston, Lyon and Crittenden, east of the Tennessee river, formerly filled by the Hon. Q. M. Bigger, be and the same is hereby abolished.

Approved, January 23, 1862.

AN ACT.

Prescribing the mode of certifying the Election of Confederate Senators.

Be it enacted by the Council of the Provisional Government of the State of Kentucky, That the certificate of the Governor of this State, attested by his own signature, shall be a sufficient certificate of the election of Senators to the Confederate States, and the seal of the State shall not be necessary.

Approved, December 10, 1862.

AN ACT

To fix the fees of the Clerk of the Council in certain cases.

Be it enacted by the Council of the Provisional Government of the State of Kentucky, That for issuing license to brokers, or exchange dealers, the keepers of billard or Jenny Lind tables, or bowling saloons, and all services included thereto, as required by law, the clerk of the council shall be allowed a fee of two dollars and fifty cents, to be paid by the applicant.

Approved, December 6, 1861.

AN ACT

To prevent sales of property under judgments, &c., of the Federal Courts.

SEC. 1. Be it enacted by the Council of the Provisional Government of the State of Kentucky, That all sales of property, real, personal or mixed, in virtue of any judgment, order or decree of the Supreme Court of the United States, or any District Court of the United States, made since November twentieth. 1861, or hereafter made, are hereby declared null and void, and no title shall pass to the purchaser.

SEC. 2. That all judgments, orders and decrees entered or directed to be entered in any of said courts since November twentieth, 1861, or or hereafter entered in said courts whereby the title to property can or may be effected, altered or changed, are hereby declared to be null and void, and the title to said property shall not pass in virtue of any such judgment, order or decree.

SEC. 3. That any person who shall act as judge in said court or courts, and order or direct any judgment, order or decree to be entered in said court, or any person who shall act as clerk or deputy clerk, marshal or deputy marshal, or in any other capacity as an officer in said court or courts, such person acting as judge, clerk or deputy clerk, marshal or deputy marshal, or other officer, shall jointly and severally, with their securities, be liable to the party whose property has been sold or adjudged, decreed or ordered to be sold, or the title or possession of which property has been effected, altered or changed in consequence of any such sale, judgment, order or decree, for the value of such property, or similar property, on the first of September, 1860.

SEC. 4. Any person who shall bid for or buy any property offered for sale in virtue of any payment or order, or decree of said court or courts, shall be liable to the party whose property is bid for or sold, for the value of such property or similar property, on the first day of September, 1860.

SEC. 5. Any attorney, at law or other person, who shall file or bring any suit or petition, or commence any legal or equitable proceeding in said court or courts, in consequence of which any sale, judgment order or decree is made, ordered, or entered, shall be liable in like manner as the judge of said court is liable.

SEC. 6. There shall be a lien in favor of the party injured on all the property real, personal or mixed, of the judge, clerk, deputy clerk, marshal, deputy marshal, and all other officers of the court or courts, and their securities, bidder, purchaser and attorney at law for the value of said property or similar property, on the said first day of September, 1860, and all conveyances, transfers, assignments, sales or mortgages of property by any of said persons, shall not operate to defeat or delay the rights of the parties injured.

SEC. 7. The parties injured may institute one or more suits in the circuit court for the recovery of the value of said property, against any or all of the persons liable in any county of the State, and process shall be sent to any county or counties the plaintiff in the action or his attorneys may demand, and the action shall proceed to trial on the process being returned, executed in any county on any of the defendants and continue as to those not served.

Approved January 28th, 1862.

AN ACT

To amend the Charter of the Louisville and Nashville Rail Road Company.

SEC. 1. Be it enacted by the Council of the Provisional Government of the State of Kentucky, That the board of directors of the

Louisville and Nashville Rail Road company shall be chosen by the stockholders of the States of Tennessee and Kentucky, at such time and places as may be hereafter provided by law.

SEC. 2. That in the election of the board of directors the stock owned by the State of Tennessee, by corporations or individual citizens of Tennessee shall be voted or represented, and the stock owned by corporations or individual citizens of Kentucky, being and residing within the lines of the military occupation of the Confederate army, shall also be voted or represented.

SEC. 3. That the whole line of said road from the city of Nashville, including the Memphis branch, as far into Kentucky as the said road is permitted to run within the lines of the Confederate army, shall be under the control and management of the same president and board of directors, and shall so continue during the present war.

SEC. 4. That if before the present war shall close, the military lines of the Confederate army shall be extended so as to embrace corporations and individual citizens of the State of Kentucky, who are the holders and owners of stock in said road, then at the election for a board of directors, as well as in all things else pertaining to the management of the road, said stock shall be voted or represented as though such corporations and individual citizens had been within the lines of the Confederate army from the time of the passage of this act.

SEC. 5. That if any profit shall be realized to the stockholders of said road under the provisions of this amended charter and by the operations of the road during the present war, the friends of the Confederate Government, who shall in the meantime continue to reside within the lines of the enemy, and who are stockholders in the road shall receive their due share of the net profits, being themselves liable for their pro rata share of all costs and charges incurred by said road.

SEC. 6. That this act amending the charter of the Louisville and Nashville Rail Road company shall go into effect as soon as the Legislature of the State of Tennessee shall pass a similar and concurrent act.

SEC. 7. That the provisions of this act shall apply to the Memphis branch of the said Louisville and Nashville Rail Road company.

Approved January 25th, 1862.

AN ACT

Prohibiting the opening of Polls and holding an Election in the First District, under Proclamation of B. Magoffin.

Whereas, from the proclamation of B. Magoffin dated at Frankfort, Kentucky, December 21st, 1861, as appears by a copy thereof before this council, an election has been ordered to be held throughout the first congressional district of this State on the 20th day of January next to fill what he is pleased to term a vacancy in said district by the expulsion of Henry C. Burnett from his seat in the Congress of the United States, and whereas, said election so ordered is in derogation of the duty of all good citizens in said district and in contempt of this government, and if carried out, is manifestly for the purpose of endeavoring to

prostitute the office to the unhallowed purpose of abolitionizing and subjugating the citizens thereof to the despotism of A. Lincoln and his fanatical aiders, abettors, and infuriate armies, and whereas, this government, organized by the people for their protection and for the purpose of embodying their power for successful resistance to the despotism above referred to, is determined to make use of all the powers possessed by it for the maintainance of its authority and the preservation of the rights of the people against all innovations from any and every power either pretendedly friendly or openly hostile :

SEC. 1. Therefore be it enacted by the council of the Provisional Government of the State of Kentucky, That all sheriffs or other officers authorized by law to hold elections within this State are hereby forbidden to open polls or receive votes in obedience to the proclamation aforesaid, or any other proclamation issuing from said B. Magoffin, or any other person professing to exercise the functions of Governor of Kentucky, other than the Governor of this Provisional Government and any person so acting or attempting to act in violation of the authority of this government shall be held guilty of a high misdemeanor and upon conviction of so offending, under indictment by a grand jury, shall be punished by fine not exceeding one thousand dollars, and imprisonment in the county jail for a term not exceeding twelve months nor less than one month.

SEC. 2. Be it further enacted, That any person who shall presume to vote, or attempt to vote, in any such election as above referred to, shall be subject to indictment and punishment in the same manner as above prescribed, except that the fine shall not exceed one hundred dollars nor the imprisonment three months.

Approved January 15th 1862.

AN ACT

Prescribing Penalties for certain offences within this Commonwealth.

Be it enacted by the Council of the Provisional Government of the State of Kentucky, That all persons claiming to hold office under the Commonwealth of Kentucky, and by virtue thereof, to administer justice and execute process of law not recognized as such by this Provisional Government, and who have failed, or refused, to take the oath of office prescribed by the Constitution and laws enacted thereunder, shall be held guilty of high misdemeanor, and shall, upon conviction thereof, before any competent civil tribunal upon indictment by a grand jury, be fined in a sum not less than fifty dollars, nor more than one thousand dollars, to be decided by the verdict of a petit jury, and shall be imprisoned in the county jail in the discretion of the jury not longer than six months, nor less than one month.

Be it further enacted, That upon information before any judicial officer of this government, made on oath, that any person is attempting to exercise the functions of office, either judicial, executive, or administrative, in derogation of the authority of the Provisional Government of the State of Kentucky, and without having taken the oath or oaths prescribed therein, it shall be the duty of said officer before whom such complaint

is made, to issue his warrant for the arrest of such offender, and cause him, her, or them, to be brought before him forthwith to answer said complaint, and if, upon examination, he shall be of opinion that the party complained of has been guilty as charged, or has been guilty of violating any other penal laws of this government, to commit the party so offending to the jail of the county in which the offence is committed, or if said jail is not secure by reason of the proximity of the enemy, to such other jail nearest thereto as he may conceive will be secure against the enemy, there to await the proceedings of a court of competent jurisdiction in the case: Provided that the party may give bail for his appearance in said court with at least two good surties in such sums as the officer so hearing the case may believe will secure his appearance: Provided, that if it shall appear in evidence on the trial of any person prosecuted for a violation of the provisions of this act, that such person was under any kind of duress, justifying a well grounded belief that he was in danger of serious injury to person or property, and on account thereof was influenced to violate the provisions of this act, the court and jury before whom he may be tried, may consider all such facts and circumstances, either in mitigation of the penalties herein prescribed, or may entirely acquit the accused.

Approved January 15, 1862.

AN ACT

To protect the property of citizens of this State from unreasonable sacrifice.

SEC. 1. Be it enacted by the Council of the Provisional Government of the State of Kentucky, That all proceedings and sales of property under the late attachment law passed by the so-called legislature of Kentucky at Frankfort against persons who have been compelled to leave their homes and property and seek refuge in the army of the Confederate States, shall at the instance of the owners of such property as may be thus attached and sold, be held void, and shall pass no title whatever to the purchaser.

SEC. 2. Be it further enacted, That in all instances where the property of any citizen shall be seized, attached, or sold, under the provisions of the said law, the owners of such property shall recover from the person or persons so seizing, attaching or selling, or causing to be seized, attached or sold, the costs incurred by the proceeding, and the reasonable value of the use or hire of the property, and double the value thereof where the property cannot be returned.

Approved January 20th, 1862.

AN ACT

To exempt the property of the people of Kentucky from sale for the United States war tax, and to prevent the misappropriation of the School fund.

Whereas, the late General Assembly of the Commonwealth of Kentucky, at the city of Frankfort, during its full session of 1861, undertook to appropriate the enormous sum of \$5,000,000 to prosecute the present unjust and iniquitous war for the subjugation of the people of the Confederate States, and for the extermination of the institution of slavery in all the States where it exists; and whereas, for the like unholy purposes, the same General Assembly undertook to seize and appropriate the funds which had been set apart and dedicated to the purposes of common schools in the Commonwealth; and whereas, in the opinion of this Provisional Government for the State of Kentucky, those acts on the part of said General Assembly are regarded as gross usurpations of power not warranted by the constitution of the State of Kentucky, nor sanctioned by the people, but expressly in violation of their known will. Therefore, to relieve the people of this Commonwealth from these insufferable burthens and hardships—

SEC. 1. Be it enacted by the Council of the Provisional Government of the State of Kentucky, That the property of every citizen of this State of every kind and description, shall be, and the same is hereby declared exempt from seizure or sale to satisfy or pay any part of said \$5,000,000, or from being held liable in any way for the payment of said sum, or any part thereof. And any officer, agent, or collector, who shall seize and sell the property of any citizen of this State to pay any part of said sum of money, shall be guilty of a high misdemeanor, and shall pay back to the person double the value of the property thus sold, and in addition thereto, upon an indictment by a grand jury, shall be fined in any sum not less than one hundred nor more than five hundred dollars, and be imprisoned in the county jail for a period of not less than six nor more than twelve months; and the money hereby received as a fine shall be paid into the treasury of the State, and constitute a part of the common school fund.

SEC. 2. Be it further enacted, That the fund known as the common school fund, shall be held sacred and inviolate, and shall not be applied to any other object, than that for which it was intended—namely, the education of the poor children of the State; and any agent, collector, or disbursing officer who shall receive, collect, or have in his custody or control any part of said common school fund, and shall pay out, disburse or distribute the same for any other purpose than for liabilities created on said fund for educational purposes, shall be guilty of misdemeanor, and upon being indicted by a grand jury, and upon conviction, shall be fined in double the amount thus paid out or disbursed by him, which fine when recovered shall be paid into the treasury of the State, and go into the common school fund and constitute part of it.

SEC. 3. Be it enacted; That the property of every kind and description of the citizens of the Commonwealth, shall be, and the same is hereby declared exempt from the payment of any part of the direct and income tax required by the Federal Congress at Washington city at its last session, to be collected from the people of this State, and any officer, agent or collector for said Federal Government, who shall seize and sell

the property of any citizen of the State to pay any part of said tax, shall be declared guilty of a misdemeanor, pay to the owner of such property double the value thereof, and shall, moreover, be liable to an indictment by a grand jury, and upon conviction shall be fined in any sum not less than one hundred nor more than five hundred dollars, and be imprisoned in the county jail not less than six nor more than twelve months.

SEC. 4. Be it further enacted, That any officer, either Federal or State, who shall engage in the enforcement of any law confiscating the property of any citizen of this State, in conformity to any law passed by the Federal Congress at Washington city, or by the Legislative Assembly at Frankfort Kentucky, shall be, and he is hereby declared guilty of a high misdemeanor, and upon being indicted by a grand jury and convicted of the offense, shall be fined in any sum not less than five hundred nor exceeding one thousand dollars, and shall be imprisoned in the county jail for any period not less than twelve months nor more than two years. The fines recovered under the fifth section of this act shall be paid into the treasury of this State.

SEC. 5. Be it further enacted, That the title to any property which may be confiscated under any law passed by the Federal Congress at Washington, or the legislature at Frankfort, shall not be impaired, and said property shall be restored to such person, and the title thereto be the same as though no such confiscation had occurred.

Approved December 21, 1861.

AN ACT

To change the title of an act entitled "an Act for the benefit of Common Schools, and for other purposes," approved December 21, 1861.

Be it enacted by the Provisional Government of the State of Kentucky, That the title of an act entitled "an act for the benefit of common schools, and for other purposes, approved December 21, 1861," is repealed, and the title of said act shall be and read as follows: "An act to exempt the property of the people of Kentucky from sale for the United States war tax, and to prevent the misappropriation of the school fund."

Approved December 21, 1861.

AN ACT

To protect the citizens of this Commonwealth against unreasonable search.

SEC. 1. Be it enacted by the Provisional Government of the State of Kentucky, That if any person not authorized by this government, or the government of the Confederate States, shall take, demand, receive, or search for any rifle gun, shot gun, musket or pistol, or other fire-arms, or ammunition, or under pretence of authority from any other Government or otherwise, shall take, demand, receive or search for any such fire-arms or ammunition, the offender shall pay the person searched or whose premises are searched, or whose fire-arms or ammunition are taken, demanded or received, or searched for, the sum of one hundred

dollars, and three times the value of the fire-arms or ammunition taken, received, demanded or searched for, to be recovered by a warrant in the name of the party complaining before any judge of a quarterly court, probate or city court, or justice of the peace, and upon the condition of the party offending, he or they shall be confined in the county jail until the amount recovered, costs and jail fees are paid; and any person present aiding or abetting, in the demanding, receiving, taking or searching aforesaid, shall be liable for the same fine and penalties as the principal: *Provided*, there shall be no appeal from any judgment in such cases.

SEC. 2. The officers executing any warrant issued under the provisions of this act, shall arrest the defendant and require bail in the sum of two hundred and fifty dollars for the appearance of the defendant at the trial, and the payment of the judgment, and cost and jail fees: *Provided* further, the trial may take place any time three days after the execution of the warrant.

Approved January 24th, 1862.

AN ACT

To provide for a State Seal.

SEC. 1. Be it enacted by the Council of the Provisional Government of the State of Kentucky, The State seal shall be an arm with a star in the hand offering it to a constellation of twelve stars, with the word "Kentucky" above and "Voce Populi" beneath.

SEC. 2. The Secretary of State shall procure the same with the devices, &c., above directed, and shall keep the same in his office.

Approved January 16th, 1862.

AN ACT

Requiring all officers of the State of Kentucky to take an oath to support the Constitution of the Confederate States of America.

SEC. 1. Be it enacted by the Council of the Provisional Government of the State of Kentucky, That in addition to the oath or oaths now required to be taken by the officers of the State of Kentucky, they shall each further take an oath to support the Constitution of the Confederate States of America.

SEC. 2. Said oath may be administered by any judge of a court, justice of the peace or notary public.

SEC. 3. Said oath shall be administered to the Governor, Secretary of State, Auditor of public accounts, Treasurer, members of the Council, and the Sergeant-at-arms of the Council, by the Clerk of the Council, and to the Clerk of the Council, by the President of the Council.

Approved December 14th, 1861.

AN ACT

Fixing the Salaries of certain Officers.

Be it enacted by the Council of the Provisional Government of the

State of Kentucky, That the salaries of the following named officers shall be as follows, viz: The Auditor of Public Accounts, twelve hundred dollars per annum; the Treasurer, one thousand dollars per annum; the Secretary of State, six hundred and fifty dollars per annum; and the Clerk of the Council, five dollars per diem.

Approved December 4, 1861.

AN ACT

To increase the salary of the Secretary of State.

Be it enacted by the Council of the Provisional Government of the State of Kentucky, That in view of the extraordinary duties incumbent upon the Secretary of State, and the difficulty of discharging them during the past six months, his salary be increased from six hundred to twelve hundred dollars per annum.

Approved August 27, 1862.

AN ACT

To repeal section third of Chapter 61 of the Revised Statutes.

Be it enacted by the Council of the Provisional Government of the State of Kentucky, That the third section of chapter sixty-one of the revised statutes is hereby repealed; and hereafter all acts of this Council shall take effect from and after their passage, unless otherwise provided.

SEC. 2. This act shall take effect from its passage.

Approved December 6, 1861.

AN ACT

To define Treason.

SEC. 1. Treason against the State of Kentucky shall consist only in levying war against the Provisional Government of the State of Kentucky, 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 confession in open court.

SEC. 2. No person shall be convicted of treason except upon indictment of a grand jury of the county where said offence was committed, and a fair and impartial trial by a jury of the county where the offence was committed, according to the ancient mode of trial by jury, and on such trial the accused shall have the right to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor. He shall not be compelled to give evidence against himself, and shall have the right to be heard by himself and council.

SEC. 3. Any one convicted of treason shall be punished with death, upon conviction as aforesaid, and upon sentence being passed by the court, shall be hung until he is dead, by the sheriff or other proper officer, but no sentence shall be passed until ten days after conviction, nor shall the sentence be executed until thirty days thereafter: *Pro-*

vided, The Governor and Council shall have power to commute the punishment to confinement in the penitentiary for a period to be fixed by them.

Approved January 23, 1862.

AN ACT

To change the name of the county of Wolfe.

SEC. 1. Be it enacted by the Council of the Provisional Government of the State of Kentucky, That the name of the county of Wolfe in this State be changed to that of Zollicoffer, and that said county shall hereafter be known by the name of Zollicoffer.

Approved January 28th, 1862.

AN ACT

Creating the office of Assistant Secretary of State.

SEC. 1. Be it enacted by the Council of the Provisional Government of the State of Kentucky, That there is hereby created and established the office of Assistant Secretary of State.

SEC. 2. The Assistant Secretary of State shall be appointed by the Governor, by and with the consent of the Council, and shall for his services receive a salary of six hundred dollars per annum, payable monthly.

Approved December 30th, 1861.

Resolved, That a committee of two be appointed by the President of this Council to compile and prepare for publication in pamphlet form, all the acts and resolutions passed by the Provisional Government, and that they cause to be published twelve hundred copies of the same, and they may, if they think necessary, employ a clerk.

Approved January 20, 1862.

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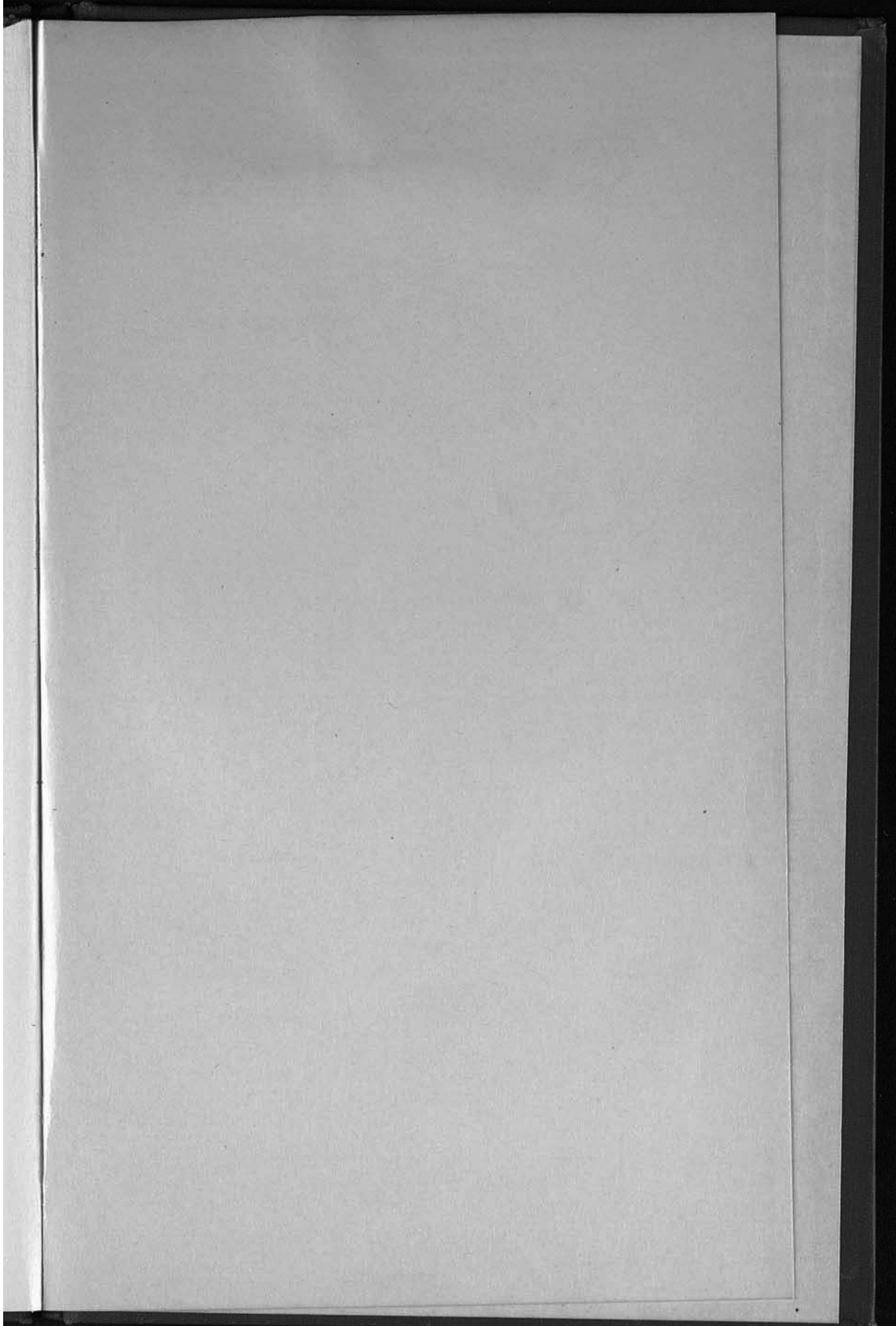
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