

I further proclaim that if any state shall fail to raise the quota assigned to it by the War Department under this call, then a draft for the deficiency in said quota shall be made on said state, or on the districts of said state, for their due proportion of said quota; and the said draft shall commence on the fifth day of January, 1864.

If state fails to raise its quota, deficiency to be filled by draft.

And I further proclaim that nothing in this proclamation shall interfere with existing orders, or those which may be issued, for the present draft in the states where it is now in progress, or where it has not yet commenced.

Existing orders not interfered with.

The quotas of the states and districts will be assigned by the War Department, through the provost-marshal general's office, due regard being had for the men heretofore furnished, whether by volunteering or drafting, and the recruiting will be conducted in accordance with such instructions as have been or may be issued by that department.

Quotas of states and districts.

In issuing this proclamation, I address myself not only to the governors of the several states, but also to the good and loyal people thereof, invoking them to lend their willing, cheerful, and effective aid to the measures thus adopted, with a view to reinforce our victorious armies now in the field, and bring our needful military operations to a prosperous end, thus closing forever the fountains of sedition and civil war.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington this seventeenth day of October, in the [L. s.] year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 11.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: Dec. 8, 1863.

Post, p. 758.

A PROCLAMATION.

WHEREAS, in and by the Constitution of the United States, it is provided that the President "shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment;" and

Preamble.

Whereas, a rebellion now exists whereby the loyal state governments of several states have for a long time been subverted, and many persons have committed, and are now guilty of, treason against the United States; and

Whereas, with reference to said rebellion and treason, laws have been enacted by congress, declaring forfeitures and confiscation of property and liberation of slaves, all upon terms and conditions therein stated, and also declaring that the President was thereby authorized at any time thereafter, by proclamation, to extend to persons who may have participated in the existing rebellion, in any state or part thereof, pardon and amnesty, with such exceptions and at such times and on such conditions as he may deem expedient for the public welfare; and

Whereas, the congressional declaration for limited and conditional pardon accords with well-established judicial exposition of the pardoning power; and

Whereas, with reference to said rebellion, the President of the United States has issued several proclamations, with provisions in regard to the liberation of slaves; and

Whereas, it is now desired by some persons heretofore engaged in said rebellion to resume their allegiance to the United States, and to reinaugurate loyal state governments within and for their respective states: Therefore—

I, ABRAHAM LINCOLN, President of the United States, do proclaim, declare, and make known to all persons who have, directly or by implication, participated in the existing rebellion, except as hereinafter excepted, that a full pardon is hereby granted to them and each of them, with restoration of all rights of property, except as to slaves, and in property cases where rights of third parties shall have intervened, and upon the condition that every such person shall

Pardon granted to those in rebellion upon condition, &c.

take and subscribe an oath, and thenceforward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit:—

Form of oath.

“I, ———, do solemnly swear, in presence of Almighty God, that I will henceforth faithfully support, protect, and defend the Constitution of the United States and the Union of the States thereunder; and that I will, in like manner, abide by and faithfully support all acts of congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified, or held void by congress, or by decision of the supreme court; and that I will, in like manner, abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the supreme court. So help me God.”

Persons excepted from amnesty.

The persons excepted from the benefits of the foregoing provisions are all who are, or shall have been, civil or diplomatic officers or agents of the so-called Confederate government; all who have left judicial stations under the United States to aid the rebellion; all who are, or shall have been, military or naval officers of said so-called Confederate government above the rank of colonel in the army or of lieutenant in the navy; all who left seats in the United States congress to aid the rebellion; all who resigned commissions in the army or navy of the United States and afterwards aided the rebellion; and all who have engaged in any way in treating colored persons, or white persons in charge of such, otherwise than lawfully as prisoners of war, and which persons may have been found in the United States service as soldiers, seamen, or in any other capacity.

Reestablishment of state government in certain states.

And I do further proclaim, declare, and make known that whenever, in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, and North Carolina, a number of persons, not less than one tenth in number of the votes cast in such state at the presidential election of the year of our Lord one thousand eight hundred and sixty, each having taken the oath aforesaid, and not having since violated it, and being a qualified voter by the election law of the state existing immediately before the so-called act of secession, and excluding all others, shall reestablish a state government which shall be republican, and in nowise contravening said oath, such shall be recognized as the true government of the state, and the state shall receive thereunder the benefits of the constitutional provision which declares that “the United States shall guaranty to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or the executive, (when the legislature cannot be convened,) against domestic violence.”

Provision as to freed men.

And I do further proclaim, declare, and make known that any provision which may be adopted by such state government in relation to the freed people of such state, which shall recognize and declare their permanent freedom, provide for their education, and which may yet be consistent as a temporary arrangement with their present condition as a laboring, landless, and homeless class, will not be objected to by the National Executive.

Name, &c., of state to be retained.

And it is suggested as not improper that, in constructing a loyal state government in any state, the name of the state, the boundary, the subdivisions, the constitution, and the general code of laws, as before the rebellion, be maintained, subject only to the modifications made necessary by the conditions hereinbefore stated, and such others, if any, not contravening said conditions, and which may be deemed expedient by those framing the new state government.

Proclamation does not refer to certain loyal states, &c.

To avoid misunderstanding, it may be proper to say that this proclamation, so far as it relates to state governments, has no reference to states wherein loyal state governments have all the while been maintained. And, for the same reason, it may be proper to further say, that whether members sent to congress from any state shall be admitted to seats constitutionally rests exclusively with the respective houses, and not to any extent with the Executive. And still further, that this proclamation is intended to present the people of the states wherein the national authority has been suspended, and loyal state governments have been subverted, a mode in and by which the national authority and loyal state governments may be reestablished within said states, or in any of them; and, while the mode presented is the best the Executive can suggest, with his present impressions, it must not be understood that no other possible mode would be acceptable.

Given under my hand at the city of Washington the eighth day of De-

[L. s.] cember, A. D. one thousand eight hundred and sixty-three, and of the Independence of the United States of America the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

No. 12.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA: Dec. 16, 1863.

A PROCLAMATION.

WHEREAS, by an act of the congress of the United States of the 24th of May, one thousand eight hundred and twenty-eight, entitled "An act in addition to an act entitled 'An act concerning discriminating duties of tonnage and impost,' and to equalize the duties on Prussian vessels and their cargoes," it is provided that, upon satisfactory evidence being given to the President of the United States, by the government of any foreign nation, *that* no discriminating duties of tonnage or impost are imposed or levied in the ports of the said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States, or from any foreign country, the President is thereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued, so far as respects the vessels of the said foreign nation, and the produce, manufactures, or merchandise imported into the United States in the same from the said foreign nation, or from any other foreign country; the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and their cargoes, as aforesaid, shall be continued, and no longer;

And whereas, satisfactory evidence has lately been received by me, through an official communication of Señor Don Luis Molina, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Nicaragua, under date of the 28th of November, 1863, that no other or higher duties of tonnage and impost have been imposed or levied since the second day of August, 1838, in the ports of Nicaragua, upon vessels wholly belonging to citizens of the United States, and upon the produce, manufactures, or merchandise imported in the same from the United States, and from any foreign country whatever, than are levied on Nicaraguan ships and their cargoes in the same ports under like circumstances:

Now, therefore, I, ABRAHAM LINCOLN, President of the United States of America, do hereby declare and proclaim, that so much of the several acts imposing discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued, so far as respects the vessels of Nicaragua, and the produce, manufactures, and merchandise imported into the United States in the same from the dominions of Nicaragua, and from any other foreign country whatever; the said suspension to take effect from the day above mentioned, and to continue thenceforward, so long as the reciprocal exemption of the vessels of the United States, and the produce, manufactures, and merchandise imported into the dominions of Nicaragua in the same, as aforesaid, shall be continued on the part of the government of Nicaragua.

Given under my hand at the city of Washington, the sixteenth day of [L. s.] December, in the year of our Lord one thousand eight hundred and sixty-three, and the eighty-eighth of the Independence of the United States.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

Preamble.

1828, ch. iii.
Vol. iv. p. 308.

Discriminating
duties of tonnage,
&c., as respects
vessels of Nicaragua discontinued.