

BIBLIOGRAPHICAL NOTE

I

ACTS OF THE CONFEDERATE CONGRESS FOR THE PUBLICATION OF THE LAWS

THE GOVERNMENT of the Confederate States made early provision for the publication of its laws. On February 5, 1861, the day after they first convened at Montgomery, Alabama, to form a government, the delegates to the Provisional Congress appointed Shorter and Reid, publishers of the local *Advertiser*, "printers to this Congress while it holds its sessions in Montgomery."¹ The first measure for acquainting the public with the legislation of the Congress was in the act of February 21 "To organize the Department of State,"² which gave to the Secretary of State the custody of all original laws and resolutions and made it his duty to have them published in at least three newspapers within the Confederate States. But the first provision for issuing the laws in book or pamphlet form was an act of February 27³ which required the Secretary of Congress, after the close of each session, to prepare for publication all laws and resolutions of a public nature, together with the Constitutions of the Provisional and Permanent Governments. The acts must be arranged under appropriate titles, have marginal notes to each section, be fully indexed, be printed in a style and upon paper equal in every respect to the published laws of the United States and be bound in a manner not inferior to that of the laws of the State of Alabama. This act

¹ *Journal*, I, 19. Delegates from six states convened at Montgomery on February 4 and completed the framework of the new government with the adoption of the Provisional Constitution on February 8, on which date the formal session of the Provisional Congress began. The Executive Department did not begin functioning until the inauguration of President Jefferson Davis on February 18.

² James M. Matthews (ed.), *Statutes at Large of the Provisional Government of the Confederate States of America* (Richmond: R. M. Smith, 1864), St. I, chap. vii, sec. 2.

³ *Idem*, chap. xviii, "An Act in relation to the Public Printing."

also provided for a bureau of printing headed by a superintendent of public printing. Since the act fixed the compensation of "the public printers" for printing the laws, it evidently contemplated their publication by Shorter and Reid, who did, in fact, issue the laws of the first two sessions; but it did not exclude other firms.

In June, 1861, the seat of government was moved to Richmond, Virginia, and the Provisional Congress met there on July 20 for its third session. On July 26 it elected as printer Richard M. Smith, of Richmond, after John M. Daniel, previously elected, had declined the position.⁴ This third session passed a new and comprehensive act, that of August 5,⁵ which repealed the earlier provisions, required that all original laws and resolutions be deposited in the Department of Justice and directed the Attorney-General at the close of each session to have published in pamphlet form, under the supervision of the superintendent of public printing, all laws, all resolutions having the force of laws and all treaties entered into by the Confederate States. It repeated the requirements as to style, quality of work and paper that had been in the act of February 27. The printing was to be done by the public printer, the binding by contract. To enable him to carry out the provisions of the act, the Attorney-General was authorized to appoint an additional clerk who should be called "the law clerk." The clerk appointed was James M. Matthews, a Virginia lawyer, who had compiled digests of the civil and criminal codes of his state.

⁴ *Journal*, I, 278, 281, 285. John M. Daniel was the well-known editor of the *Richmond Examiner*. Richard M. Smith had some connection with the *Richmond Enquirer*, probably as one of the owners of its press. The proprietors of the newspaper itself are listed in the *Enquirer* as Tyler, Wise, and Allegre, while the proprietors of the *Enquirer Book and Job Press* are shown on the imprint of all the session laws issued in Richmond as Tyler, Wise, Allegre, and Smith. An item in the *Semi-Weekly Enquirer* of July 30, 1861, about Smith's election as printer to Congress refers to his "associates" of the *Enquirer*. At the opening of the First Congress in February, 1862, each of the two Houses elected him as its printer, and he held this position through the life of the Confederacy.

⁵ Matthews (ed.), *Statutes at Large . . . Provisional Government*, St. III, chap. xiv, "An Act to provide for the safe custody, printing, publication and distribution of the laws, and to provide for the appointment of an additional clerk in the Department of Justice."

Except for one change, which applied only to the laws of the Provisional Congress, the act of August 5, 1861, remained the basic law for the publication of the Confederate statutes. For some eight months after the passage of that act paper of the quality it required could not be obtained in the Confederacy, so the laws of the last two sessions of the Provisional Congress were issued, not by the public printer, R. M. Smith, but by the Enquirer Press upon inferior paper for temporary convenience.⁶ Therefore, the Provisional Congress, by an amendatory act of February 17, 1862,⁷ directed the Attorney-General to have published, in place of the separate session laws as provided by the act of August 5, three thousand copies of a one-volume edition of all the acts and resolutions of the Provisional Congress which were not secret. This volume was to be published immediately, but it was not until 1864 that the *Statutes at Large of the Provisional Congress*, edited by Matthews, was finally issued by R. M. Smith.

Two other acts were passed later with the intent, possibly, of breaking the monopoly of the public printer. One, approved April 16, 1863, permitted any private firm to publish the laws of the Confederate States "at his own expense and for his own benefit."⁸ The other, approved June 3, 1864, authorized the Attorney-General to employ additional help for the law clerk and also to contract with others than the public printer for the printing, publication, and binding of the laws, in conformity with the act of August 5, 1861, whenever he should find that the public printer could not execute the work promptly.⁹ So far as known, however, neither of these acts resulted in the publication of any set of session laws by a private firm.

⁶ See "Advertisement" of James M. Matthews in front of *Statutes at Large of the Confederate States*, etc., I Cong., 1st Sess., reverse of title page of Public Laws. The Enquirer Press had previously issued the laws of the first two (Montgomery) sessions.

⁷ Matthews (ed.), *Statutes at Large . . . Provisional Government*, St. V, chap. lxxxvi.

⁸ Matthews (ed.), *Statutes at Large of the Confederate States*, I Cong., 3d Sess., chap. xxvi.

⁹ *Idem*, II Cong., 1st Sess., chap. xiv.

II

A LIST OF THE TITLES OF THE SEVERAL EDITIONS OF THE
SESSION LAWS AND THE STATUTES AT LARGE OF THE
CONGRESS OF THE CONFEDERATE STATES¹⁰

A. The Provisional Congress¹¹

a. The First Session, February 8-March 16, 1861.

1. *Provisional and Permanent Constitutions, together with the acts and resolutions of the first session of the Provisional Congress, of the Confederate States.* 1861. Montgomery, Ala.: Shorter & Reid, printers and binders, 1861. 160 pp. 22½ cm. Duke
2. *Acts and resolutions of the first session of the Provisional Congress of the Confederate States.* 1861. Montgomery, Ala.: Barrett, Wimbish & Co., 1861. 131 pp. 8vo. Duke
3. *Acts and Resolutions of the first session of the Provisional Congress of the Confederate States.* 1861. Montgomery, Ala.: Barrett, Wimbish & Co., printers and binders, 1861. 108 pp., 1 l. 8vo. H. E. Huntington
4. *Provisional and Permanent Constitutions of the Confederate States.* Richmond: Tyler, Wise, Allegre and Smith, printers. 1861. 159 pp. 21½ cm. Duke
Includes (pp. [33]-146): *Acts and Resolutions of the first session of the Provisional Congress of the Confederate States, held at Montgomery, Ala.* Richmond: Enquirer Book and Job Press. By Tyler, Wise, Allegre & Smith. 1861.
5. *Acts and Resolutions of the first session of the Provisional Congress of the Confederate States, held at Montgomery, Ala.* Richmond: Enquirer Book and Job Press. By Tyler, Wise, Allegre & Smith. 1861. 35-159 pp. 21½ cm.

Massachusetts Historical Society

This is the same as the next above with the two Constitutions omitted.

¹⁰ No attempt is made to list the separate publications of single acts or resolutions, or of groups of laws dealing with a particular subject. The titles have been checked against Library of Congress cards and various bibliographies; but in all cases, except two (a, 3, and b, 6), copies of the editions themselves have been examined. The location of these copies or the source of information is indicated after each title.

¹¹ In all the separate editions of the session laws of the Provisional Congress the numbers prefixed to the acts and resolutions are the same as those opposite the same titles in the "Register of Acts, C. S. A." (see Introduction, above, p. xi). An examination of any of these editions will show that gaps exist in the numbers. The explanation is that the missing numbers belonged to bills which were vetoed

- b. The Second Session, April 29-May 21, 1861.
6. *Acts and Resolutions of the second session of the Provisional Congress of the Confederate States.* 1861. Montgomery, Ala.: Shorter & Reid, printers and binders, 1861. 122 pp. 7vo. Boston Athenaeum
The cover title is the same except that the imprint names Barret, Wimbish & Co. as the printers.
 7. Another issue of the same, identical as to outside and inside covers, but without the index. 100 pp. Massachusetts Historical Society
 8. *Acts and Resolutions of the second session of the Provisional Congress of the Confederate States, held at Montgomery, Ala.* Richmond: Enquirer Book and Job Press. By Tyler, Wise, Allegre & Smith, 1861. 119 pp. 21 cm. Duke
- c. The Third Session, July 20-August 31; September 3, 1861.
9. *Acts and Resolutions of the third session of the Provisional Congress of the Confederate States, held at Richmond, Va.* Richmond: Enquirer Book and Job Press, by Tyler, Wise, Allegre & Smith, 1861. 94 pp. 21½ cm. Duke
- d.¹² The Fourth Session,¹³ November 18, 1861-February 17, 1862.
10. *Acts and Resolutions of the fourth session of the Provisional Congress of the Confederate States, held at Richmond, Va.* Richmond: Tyler, Wise, Allegre & Smith, Brs. 1862. 106 pp. 1?, 19 pp. 21½ cm. Massachusetts Historical Society
 11. . . . *The Statutes at Large of the Provisional Government of the Confederate States of America, from the institution of the Government, February 8, 1861, to its termination, February 18, 1862, inclusive. Arranged in chronological order. Together with the Constitution for the Provisional Government, and the Permanent Constitution of the Confederate States, and the Treaties concluded by the Confederate States with Indian Tribes.* Edited by James M. Matthews, Attorney at

after the numbers had been entered on the "Register," or were reconsidered and not finally passed, or were secret and for that reason not published.

¹² Duke University has two copies of a volume with the cover title: "Provisional and Permanent Constitutions, together with the Acts and Resolutions of the three sessions of the Provisional Congress of the Confederate States. Richmond: Tyler, Wise, Allegre and Smith, printers. 1861." Pp. 159, 119, 94. This volume appears not to be a separate printing, since the three parts are identical with items a, 4; b, 8; and c, 9, above.

¹³ In his *Statutes at Large of the Provisional Congress* Matthews lists this session as the fifth because of a one-day session called by President Davis to meet on September 3 to rectify an omission of the third session which had ended August 31. This one-day session Matthews calls the fourth. The two parts passed by his "fourth" session on September 3 were published by the Enquirer Press at the end of its edition of the laws of the third session.

Law, and Law Clerk in the Department of Justice. Richmond: R. M. Smith, Printer to Congress. 1864. xvi, 411, xlviii pp. 23½ cm. University of Texas; Duke

At head of title: By Authority of Congress.

B. The Permanent Congress

12. . . . *The Statutes at Large of the Confederate States of America, commencing with the first session of the First Congress: 1862. Carefully collated with the originals at Richmond.* Edited by James M. Matthews, Attorney at Law, and Law Clerk in the Department of Justice. To be continued annually. Richmond: R. M. Smith, Printer to Congress. 1862.

At head of title: By Authority.

This is the cover title. The volume has two parts with separate title pages:

Public Laws of the Confederate States of America, passed at the first session of the First Congress: 1862. Carefully collated with the originals at Richmond. Edited by James M. Matthews, Attorney at Law, and Law Clerk in the Department of Justice. To be continued annually. Richmond: R. M. Smith, Printer to Congress. 1862. v (1), 56, ix pp. 23½ cm.

Private Laws of the Confederate States of America, passed at the first session of the First Congress: 1862. Carefully collated with the originals at Richmond. Edited by James M. Matthews, Attorney at Law, and Law Clerk in the Department of Justice. To be continued annually. Richmond: R. M. Smith, Printer to Congress. 1862. 6, (1) pp. 23½ cm. University of Texas; Duke

13. . . . *The Statutes at Large of the Confederate States of America, passed at the second session of the First Congress: 1862. . . .* Edited by James M. Matthews, . . . Richmond: R. M. Smith, Printer to Congress. 1862.

Public Laws . . . v, (1), 57-92, ix pp. 23½ cm.

Private Laws . . . 2 p. l., [7-8] pp. 23½ cm.

University of Texas; Duke

14. . . . *The Statutes at Large of the Confederate States of America, passed at the third session of the First Congress: 1863. . . .* Edited by James M. Matthews, . . . Richmond: R. M. Smith, Printer to Congress. 1863.

Public Laws . . . viii, 93-170, xx pp. 23½ cm.

Private Laws . . . 2 p. l., 9-12 pp. 23½ cm.

University of Texas; Duke

15. . . . *The Statutes at Large of the Confederate States of America, passed at the fourth session of the First Congress: 1863-4. . . .* Edited by James M. Matthews, . . . Richmond: R. M. Smith, Printer to Congress. 1864.
 Public Laws . . . vii, (1), 171-252, xxiii pp. 23½ cm.
 Private Laws . . . 2 p. 1., 13-16 pp. 23½ cm.
 University of Texas; Duke
16. . . . *The Statutes at Large of the Confederate States of America, passed at the first session of the Second Congress: 1864. . . .* Edited by James M. Matthews, . . . Richmond: R. M. Smith, Printer to Congress. 1864.
 Public Laws . . . viii, 253-288, xii pp. 23½ cm.
 Private Laws . . . 2 p. 1., 17-18 pp. 23½ cm.
 University of Texas; Duke

C. W. R.

