

INTRODUCTION

IN THE OFT-TOLD story of that last dark winter of the Southern Confederacy, much attention is always given to the collapse of the Confederate armies and very little to the efforts of the civil authorities to provide the means for continuing the struggle. There is justification for this emphasis upon the warriors, not only because of the importance and the dramatic appeal of the fighting men, but likewise for the very practical reason that their story is amply documented. What the civil authorities were doing has appealed little to popular interest and, at the same time, has been very difficult to determine. This is especially true of the Congress which began its final session on November 7, 1864, and closed it on March 18, 1865, when the final disintegration of the Confederacy was near at hand. While something of the nature of its activities may be gleaned from its *Journal*¹ and from the files of the contemporary Richmond newspapers, the laws it passed not only were left unpublished but were soon lost. All the acts of previous sessions, except certain secret measures, had been published by order of the Congress,² and preparation was made to issue the new statutes; but fifteen days after this final adjournment General Lee evacuated Richmond and the officials of the moribund government were in flight.

This was clearly no time to be concerned with publishing laws. The several custodians of the governmental archives carried away the more important papers only to abandon them at different places along the line of retreat. The bulk of the

¹ *The Journal of the Congress of the Confederate States of America* (7 vols.; Washington: Government Printing Office, 1904-1905). The journals of the Senate and the House of Representatives, respectively, for the last session are in Vols. IV and VII.

² James M. Matthews (ed.), *The Statutes at Large of the Confederate States of America* (Richmond: R. M. Smith, 1862-1864). James M. Matthews (ed.), *The Statutes at Large of the Provisional Government of the Confederate States of America* (Richmond: R. M. Smith, 1864). The session laws of the Provisional Congress had also been issued separately in Montgomery and Richmond in 1861 and early 1862 by other printers. See Bibliographical Note, below.

records of the Congress were left at Chester, South Carolina.³ There the Union forces found the enrolled acts of the earlier sessions, and sent them to Washington, where eventually they were deposited in the Library of Congress. But those of the last session were not recovered and seemed to be hopelessly lost. It now seems probable that some person or persons about Chester had picked them up and secreted them.

Sixty-five years afterwards (in 1930), the late Professor William Kenneth Boyd, of Duke University, purchased from someone in western South Carolina, for the George Washington Flowers Memorial Collection at Duke, eighty-nine of the manuscript enrolled acts and resolutions passed at the final session of the Confederate Congress; certified copies of two others in the handwriting of James M. Matthews, the editor of the Confederate *Statutes at Large*; and the enrolled originals of four other acts and one joint resolution, all marked "secret," passed in previous sessions but never published. Along with this important group of documents he also obtained an item of great value, the official manuscript "Register of Acts, C. S. A.," in which had been listed in chronological order the titles of all the acts and resolutions of the Congress, secret as well as public, from the formation of the Confederate Government in February, 1861, to March 18, 1865.⁴ All these documents are from the larger group abandoned, and secreted, at Chester, South Carolina. One other manuscript enrolled act of the last

³ Dallas D. Irvine, "The Fate of Confederate Archives," *The American Historical Review*, XLIV (July, 1939), 838-841.

⁴ This "Register" has already been called to the attention of historians by Major William M. Robinson, Jr., who published in *The American Historical Review*, XLI (Jan., 1936), 306-317, a list of the titles of the acts and resolutions of the final session of the Confederate Congress which he had compiled from the approval messages of President Davis, as found in the printed *Journal*, and had checked against this "Register" in Duke University Library. Major Robinson arranged the titles, not in the sequence found in the "Register," but according to the plan of James M. Matthews in the *Statutes at Large*, in which the public laws, private acts, public and private resolutions are placed in separate groups and each act is designated a "Chapter." He overlooked one act, possibly because it had passed without Jefferson Davis's approval and, for some reason, its title was not set down in the "Register"—probably because there was not room to insert it in its proper place. It is given a half-number (44½) which indicates that the number was inserted later. This act, enrolled, is among those recovered by Professor Boyd.

session of the Confederate Congress was added to the Flowers Collection when Professor Boyd obtained the W. W. Holden papers.

In this "Register" the titles of all acts and resolutions are entered in the order in which they became laws, with the date of passage by Congress and of approval by President Davis. They are numbered continuously through all the sessions of the Provisional Congress; but at each session of the First and Second Congresses of the Permanent Constitution the numbers begin anew. In most instances, especially in the later sessions, an *S* or *H* indicates the chamber in which the bill originated. The "Register" lists one hundred and ninety-nine acts and joint resolutions for the last session. Since Duke University has only ninety-two of the enrolled originals (counting the two copies certified by Matthews), one hundred and seven other enrolled texts are still missing and may never be found in that official form. The "Register" also shows that in previous sessions thirty-eight *secret* acts and resolutions had been passed but withheld from publication in the *Statutes at Large*. As previously mentioned, Duke University has five of these in enrolled form.

When the writer was asked to edit these documents for publication, he asked and received permission to search elsewhere for as many of the missing acts and resolutions as could be found. Later, he decided to hunt also for more of the secret enactments of the earlier sessions.

The search for these missing acts became an absorbing adventure and has proved far more fruitful of results than was anticipated. The official "Register" has been a priceless boon in that it has been the starting point for every excursion. With the title, the chamber of origin and the dates of passage and approval furnished by the "Register," it has been possible to turn to the printed *Journal*, locate the original bill, and follow its legislative history. The *Journal* itself records nine complete texts of the last session and nine secret ones of the earlier sessions. That massive publication of the Government Printing Office, *The War of the Rebellion: Official Records*

of the *Union and Confederate Armies*, and its companion series, *Official Records of the Union and Confederate Navies in the War of the Rebellion*, yielded six texts of the final session and four secret acts of former sessions, imbedded in diplomatic correspondence or in army orders. A careful search through the contemporaneous files of the *Daily Richmond Enquirer* and the *Daily Examiner* produced the texts of seventeen original bills which became laws, nine of them without amendment. The problem raised by the amendments of the other eight led back to the *Journal*, where several of the amendments were found. They were then incorporated in the newspaper texts to which they belonged. The amendments not found presented a problem which was solved later. One long joint resolution on "the late Peace Commission," turned up in complete printed form, duly signed, in the John H. Reagan Papers in the Texas State Library; and the Virginia State Library furnished a photostatic copy of another original bill.

At this point, when the editor thought he had about exhausted the possibilities, he remembered that The National Archives had recently acquired the great mass of "Confederate Archives" formerly deposited in the Adjutant General's Office in Washington, where for several years they had been inaccessible. A letter of enquiry brought the gratifying information that the "Confederate Archives" contained nearly all the original bills and joint resolutions introduced into the Confederate Congress with, in many cases, the amendments attached to them. The unfailing kindness of the staff of The National Archives enabled the editor to procure microfilm copies of the texts of all the missing bills, resolutions and amendments of the final session, save one, texts of all those found in the newspapers whose final form was in doubt, and of all the earlier secret acts and resolutions which were still missing, save four. From this source came seventy-eight texts for the last regular session and sixteen texts of secret acts and resolutions omitted from the printed statutes of former sessions. The only act of the final session which is still missing is that (No. 181) of

March 16, 1865, making appropriations "for the support of the Government" for the latter half of 1865. A portion, in the form of an amendment, of one of the four missing secret acts (No. 157, approved May 21, 1861) was found in the *Journal*.

The editor has taken great care to insure the accuracy of these texts. The manuscripts at Duke University, it should be remembered, are—except for the two copies in the handwriting of James M. Matthews—the original officially enrolled acts and resolutions, bearing not only the signatures of the presiding officers of the House of Representatives and the Senate but also the autograph approval of President Davis. None of these documents, therefore, has presented any difficulty, except the few which had been torn or water-stained during their sixty-five years in hiding. In only two acts is the mutilation serious enough to make a portion of the text uncertain; and an appeal to The National Archives for copies of the two original bills resulted in restoring the missing words. When a text has been taken from the *Journal* or from the *Official Records*, it has been accepted as found. The newspaper texts aroused some misgivings until a check against the original manuscript bills in The National Archives proved them surprisingly accurate. Evidently the reporters for those newspapers were conscientious copyists, since only one very slight variation appeared. When the editor examined the films from The National Archives, he rejoiced to find that nearly every original bill was accompanied by all the amendments proposed, with notations by the clerk showing whether the amendment had been accepted or rejected. As an additional precaution, the clerk's notations were checked with the entries in the *Journal*. In the very few instances where the amendment was missing from The National Archives, it came to light in the *Journal*. Every original bill, whether found in The National Archives or in the newspapers, was followed, step by step, through the *Journal* to determine whether it had been amended at any stage or had passed without amendment. The House clerk, fortunately, was usually very careful to record the full text of an amendment; the Senate clerk was less meticulous.

Although the use of all these checks sometimes became a tedious task, it seemed the only way to determine the final form of each enactment. Even so, one dares not predict that no errors will be found.

The only liberties taken with the texts have been to correct an occasional misspelling in an original bill, to change a few of the enacting clauses to make them conform to the style used in the *Statutes at Large* as edited by Matthews, and, more frequently, to reduce the haphazard capitalization to approximate uniformity.

The initial plan for the arrangement of the material in this volume has suffered radical change. The original intention was to publish the entire "Register" separately and *verbatim*, and to follow it with the titles arranged as in Matthews's *Statutes at Large* (approximately as in Major Robinson's arrangement),⁵ with the texts of the statutes in the Duke University Library inserted in their appropriate places. But when the reconstruction of so many other texts threatened to enlarge the volume unduly, it was decided to eliminate the "Register" as such, but to place the acts and joint resolutions in the same order as the titles in the "Register," to retain the "Register" numbers prefixed to the titles, to omit the marginal summaries of the *Statutes*, but otherwise to follow the style of the *Statutes at Large*. The grouping of the secret acts and resolutions has followed the same plan. One other departure from the practice of Matthews should be noted. Those students who are familiar with his *Statutes at Large* will observe that in this volume the long list of titles which Matthews placed in his tables of contents has been omitted. It seemed to involve an unnecessary duplication. The Index, it is hoped, will provide all necessary guidance to the subject matter of these laws. The Bibliographical Note is designed to furnish all pertinent information relative to the measures taken by the Confederate Congresses for the publication of their laws and to provide a convenient list of all the Confederate imprints of those laws.

⁵ See n. 4, above.

So far as can be discovered, this is the first such complete descriptive list to be published.

The editor is under heavy obligation to Professor Charles S. Sydnor of Duke University and to Dr. R. O. Rivera of the Duke University Press for many helpful suggestions and for cordial co-operation. Mr. E. W. Winkler, Bibliographer of the Library of the University of Texas, gave valuable counsel and assistance in the preparation of the Bibliographical Note and made a number of pertinent suggestions about the editorial work. Miss Winnie Allen, Archivist in the same Library, and her former assistant, Miss Marjorie Moore, generously supervised the typing from the films. Dr. R. H. Woody, of Duke, kindly checked the descriptive lists in the Bibliographical Note against the editions of Confederate laws held by Duke University. Mr. Peter A. Brannon, of the Alabama Department of Archives and History, helped to solve a problem presented by one of the early Montgomery imprints of session laws. The kindness of Dr. P. M. Hamer and Dr. Dallas D. Irvine of The National Archives made possible the enlargement of the project far beyond what otherwise it could have been and placed the editor under lasting obligation.

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