

The Congress of Confederate States of America: features of organization and work.

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The subject of the paper is legal status, competence, order of formation, composition and activities of the highest representative (legislative) body - the Congress of Confederate States of America (CSA).

The purpose of article is to identify peculiarities of organization and work of the Congress of Confederate States of America.

The methodological basis of research is formal legal and historical analysis of provisions of the permanent Constitution of the Confederate States, other legislative acts of the Congress of the CSA.

The results and scope of application. The study of the history of the United States by analyzing the status and history of development of the higher representative body of the unrecognized state formations of the American South the second part of Nineteenth century contributes to a better understanding of the evolution of American constitutionalism, possible variants of its development, the ways and forms of development of legislative authorities as the primary (main) way to implement popular sovereignty in the New time.

Constitutional and legal traditions of the organization and activities of the representative (legislative) authorities of the USA have been fully inherited in the organization, structure and activities of the Supreme legislative authority of the Confederate States of America (CSA).

Conclusions. The legal status of the CSA Congress, its powers, organization activities demonstrated a high degree of continuity of such institutions and relationships in the U.S. and allows the Supreme representative (legislative) authority of the Confederate States to be relatively effective in working on as part of a shared state mechanism of CSA.

Key words: Senate, election, The House of Representative, constitution, session of parliament, states, The Speaker, Confederate States of America.

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1. The constitutional and legal traditions of the organization of the Congress of the Confederate States of America

Constitutional and legal traditions of the organization and activity of the representative (legislative) US authorities have fully inherited the organization, structure and activities of the supreme legislative authority of the Confederate States of America (CSA).

Just like the US Constitution, Confederate States law was a reflection of the principle of bicameralism: CSA Congress consisted two chambers: The House of Representatives and the Senate, differed both in the way they were formed and in their competence. We will consider these differences, but now we will dwell on the general features of the legal status of both chambers of the Congress of the United States.

First of all, the norms of the Constitution from March 11, 1861 established the foundations of the legal status of members of Congress, as well distributing it to members of both Houses. So according to Section 6 of Article 1, senators and representatives received remuneration established by law and paid by the Treasury of the Confederate States. In all

cases, except for treason, a serious criminal offense and violation of public order, they could not be arrested during their presence at the session of the relevant Chamber, as well as on their way to the Chamber and return from it. Established and parliamentary immunity: for their speeches and statements in the Chambers, they could not be held accountable in any other place¹.

Following the principle of separation of powers, it was established that no senator or representative could be appointed during the time for which he was elected to any civil service in the service of the Confederate States, if that service was established or the salary associated with it was increased in the period mentioned, and no person holding any office in the service of the Confederate States could be a member of any chamber while in such a position. However, it was stipulated that the Congress could lawfully provide the executive officials of each of the executive departments with a place in the meeting room of any of the Chambers with the right to discuss measures relevant to their department. The latter provision was a novelty in relation to the US Constitution, which did not have such a norm.

The authorities of the Congress of the United States of America, established in Section 8 of Article 1, were also virtually identical to the constitutionally mandated powers of the US Congress for the Constitution of 1787

Thus, the Congress had the following rights:

- to establish and collect taxes, duties, taxes and excise duties to generate the revenues necessary to pay debts and provide joint defense and support the government of the Confederate States. However, it was pointed out that no remuneration could be paid by the Treasury, and no duties or taxes on imported goods could be introduced to support and stimulate any of the branches of the economy. In addition, it was specially noted that all duties, taxes and excise duties should have been uniform throughout the Confederate States;

- to take loans on behalf of the Confederate States;

- to regulate trade with foreign states, between individual states and with Indian tribes. Given waged in the US in more the 20 30s. XIX century. a broad public debate about the so-called "internal improvements" [1, p.121] indicated that the provisions of the constitution were never to be interpreted in the sense that Congress can allocate money for home improvements with a view to the development of trade, with the exception of expenses for lighting, buoys and lighthouses, and other ground-based aids for navigation, as well as the reconstruction of ports, the clearing of river fairways; in all these cases, fees for reimbursement of the costs of improving navigation will be levied on the merchant fleet;

- to establish uniform laws on naturalization and uniform bankruptcy laws throughout the Confederate States;

- to mint a coin, regulate its value and the value of a foreign coin, establish units of measures and weights;

- to establish penalties for the forgery of government securities and the coins of the Confederate States in circulation;

- to establish postal services and postal ways; but the costs of the Department of Communications, since March 1, 1863, will be paid out of his own income;

- to encourage the development of science and crafts, providing for a certain period of time to authors and inventors the exclusive right to their works and discoveries;

- to establish judicial bodies subordinate to the Supreme Court;

¹ The Confederate States of America Constitution, March, 11, 1861/ Северная Америка. Век девятнадцатый./ URL: http://america-xix.org.ru/library/csa_constitution/

- to recognize and punish maritime robbery, grave crimes committed on the high seas, and other violations of international law;
- to declare war, issue privateer certificates and permits for reprisals and establish rules regarding seizures on land and at sea;
- to recruit and support the army; but no appropriation of money for these purposes should not have been carried out for more than two years;
- to create and maintain a navy;
- to publish rules for the management and organization of land and sea forces;
- to convoke police to implement the laws of the Confederate States, suppress insurrections and repel attacks;
- to take measures to organize, arm and train the militia and to manage the part used by the Confederate States while retaining the right to appoint officers and train the militia in accordance with statutory regulations approved by the Congress;
- to use in all cases exclusive legislative power in a county (not exceeding ten square miles) ceded by one or more states which, with the approval of the Congress, will be the seat of the government of the Confederate States, and exercise such authority in all territories acquired with the consent of the state legislature, for the construction of forts, warehouses, arsenals, docks and other necessary structures;

In the latter case, it was about creating a special federal district for the location of the capital like the District of Columbia in the United States.

- to publish all the laws that will be necessary for the exercise of both the above rights and all other rights that this Constitution grants to the government of the Confederate States, its departments or officials.

2. The organization of elections in CSA Congress.

Deputies of Provisional Congress CSA, which was the highest legislative body CSA, acting on the basis of the Interim Constitution, dealt with issues related to the legal security of the elections to the Congress. The deputies, it was decided to hold the "parliamentary" elections on the first Wednesday in November the same year² - quite in the spirit of the American constitutional tradition, according to which congressional elections were held every first Tuesday after the first Monday of November of the same year.

An important issue of conferring the right to elect to soldiers which were state citizens, but were serving beyond the state, was resolved on the eve of the adoption of the election law in 5 CSA states (Virginia, North Carolina, Alabama, Tennessee and Florida). According to these laws, every serviceman of the army of the United States of America, who possessed the necessary qualifications for recognition by his voter, could vote at his location for a candidate from his parliamentary constituency. The commander of the relevant garrison, independent military unit was required to appoint officers for the organization and monitoring of the voting process and the transfer of ballots to representatives of officials of the respective states [2, p.42]. Prior to the next election, legislators from four other states adopted similar rules (South Carolina, Georgia, Arkansas, Mississippi). With regard to the state of Louisiana and

² An Act to put in operation the Government under the Permanent Constitution of the Confederate States of America. May, 21 1861 / 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. Electronic Edition. /URL: <https://web.archive.org/web/20130720223905/http://docsouth.unc.edu/impls/19conf/19conf.html>

Missouri, and in almost complete their "occupation" of such rules the feds took CSA Congress. And only the voters-military personnel of Texas and Kentucky remained without an official opportunity to vote outside their native state.

Considering the fact that a number of officers assigned to ensure the conduct of the elections skipped with their civil duties, a number of states provided the opportunity for the soldiers to elect people responsible for organizing and conducting the voting.

As a result, as the researchers note that the influence of the army vote on the November 1861 Congressional elections was insignificant, with the exception of the districts occupied by that time by the troops of the Union [2, p. 43, 48].

Another issue related to the conduct of the elections was the voting of refugees and internally displaced persons from the areas occupied by the feds. In these conditions, a number of states (such as Virginia, South Carolina, Georgia) allowed refugees residing in their territories to vote on a legal day and send results to the governments of their states for verification and counting. Moreover, it was found that such persons can vote for one candidate from each district of their state and the winners will be determined by a rating vote. [2, p. 43].

3. Sessions of the CSA Congress.

The Congress of the first convocation worked for four sessions: the first session of a total duration of 63 days took place in the period from February 18 on April 21 1862; the second session (57 days) - from August 18 at October 13 1862; the third session (110 days) - from January 12 on May 1 1863; the fourth session (73 days) December 7 1863 - February 17 1864. Thus, the first House of Representatives of the Congress held sessions for a total of 303 days. The average duration of one session was 76 days.

The CSA Congress of the second convocation worked for only two sessions: the first session - May 2 - June 14, 1864 (for a total of 44 days); second session - November 7, 1864 - March 18, 1865 (132 days). The average duration of one session was 88 days.

Thus, the increase in the duration of the parliamentary session, starting with the third session of the first convocation (from 18 January to 6 March), we believe, was due to the domestic and foreign policy crisis in most of the Confederation and forced the transition to a policy of mobilizing all possible resources for defense purposes. The inevitable result of such a policy meant the need for more intensive parliamentary law-making.

If we compare the intensity of the activity (in terms of the duration of sessions) of the Confederation of legislators with their counterparts in the US Congress the same time, it is possible to cite the following figures:

The Congress of the 37 convocation held 4 sessions (3 regular and one extraordinary) for a total of 380 days during the period of its operation (March 4, 1861 - March 3, 1863). The average duration of a session of Congress this convocation was 95 days, which is significantly higher than that one of the Congress of CSA.

The US Congress of the 38th convocation (March 4, 1863 - March 3, 1865) held two main and one special session for a total duration of 310 days. The average duration of one session was 103 days.

Thus, the duration of the sessions of the US Congress during the Civil War, when compared with the prewar period practically has not changed. At the same time, the smaller number of the Congress of the United States, the absence, especially at the beginning, of acute contradictions in the ranks of parliamentarians, the formal absence of a developed party system, the availability of more modest resources and, accordingly, the possibilities for their

disposal, the presence in the ranks of deputies of officers and commanders of the active army and the need their presence on the fronts - all these circumstances inevitably made the sessions of the Congress of the United States less time-consuming than their colleagues from the North.

4. The order of formation of the House of Representatives of the CSA Congress

The constitutional legal status of the lower house of Congress KSA was fixed in Art. 1 Constitution of the United States on March 11, 1861.

The order of formation of the chamber, fixed in Section 2 of Article 1, basically corresponded to the similar order established in the constitution of the USA (section 2 item 1). It was provided that the House of Representatives is formed from delegates elected every two years by the residents of the US states. Voters were to be citizens of the Confederate States and meet the requirements for voters of the most numerous part of the state legislature. At the same time, no person born abroad and not a citizen of the Confederate States did not participate in the election of officials at both the State level and at the federal level.

Established qualifications of passive election right provided that the representative can only be a person who has reached the age of 25 and is a citizen of the Confederate States, and who lived at the time of the election in the territory of the State from which he was elected (Section 2 para 2 of Article 1) .

It was pointed out that the number of deputies and direct taxes had to be distributed among the states in proportion to the number of their population. The latter was based on the sum of the total number of free citizens - including those who entered the service for a specified period, excluding Indians not taxed - and 3/5 of all slaves.

For a more precise determination of the population and, consequently, the number of deputies of the State in the House of Representatives CSA was determined that a census should be carried out within three years after the start of the first session of the Congress of the Confederate States (that is, no later than 1865) and later - every ten years in order, which was to determine the applicable law (Article 1 par.3 Section 2).

The basis of representation for the Chamber of Deputies should not exceed one for every 50 000, provided that each State shall have at least one Representative.

Initial same number of Chamber and the rules of representation from the states before the census will be carried out, established directly by the Constitution, as follows: South Carolina received the right to elect 6 members, Georgia - 10, Alabama - 9, Florida - 2, Mississippi - 7, Louisiana - 6, Texas - 6.

The basis of representation from other CSA staff have been established Provisional act of Congress May 21, 1861 Although at the time of Virginia and Arkansas have been taken in the composition of CSA, but they have not yet passed the ratification process of the Constitution CSA, North Carolina literally on the eve decided to secession, and Tennessee decision on secession has not been accepted, but by the act of Congress have already been established norms of representation of the states in the House of representatives of Congress permanent CSA. According to them NC receiving seats 10, Tennessee - 11, Virginia - 16³.

³ An Act to put in operation the Government under the Permanent Constitution of the Confederate States of America. May, 21 1861 / 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. Electronic Edition. / URL: <https://web.archive.org/web/20130720223905/http://docsouth.unc.edu/imls/19conf/19conf.html>

Prokonfederalistski Missouri-minded citizens have the right to elect their representatives to the CSA Congress immediately after the formal adoption of the state of the CSA (28 November 1861). An act of the Provisional Congress of November 29, 1861 the staff had the opportunity to elect the 13 members of the House of Representatives (the rate of 1 member of 90 thousand adopted for the calculation of the number of inhabitants) (Section 2)⁴. Kentucky, which was formally adopted in the CSA 10 December 1861 had the opportunity to elect their deputies to the House of Representatives (as far as possible - the situation there was similar to the Missouri) in the amount of 12 act of the Provisional Congress of December 21, 1861⁵.

In total, the House of Representatives of CSA had 109 seats. The above rates of representation from the states were established in accordance with the constitutional norm on the basis of the number of members of the census data based on the CSA states population of 1860. As a result, the number of members of the House of Representatives exceeded the number of members of the lower house at 26 people.

Throughout the entire period of the war territorial I state , in fact , it is beyond the control of the Confederation (except for some parts during short raids) and , in this way. the main constituents in the Congress of the State were the volunteers who fought in the army CSA and refugees (as well as from Kentucky). The latter circumstance, especially in the final stages of the war has provided more and more essential to the progress of political life in the CSA.

4.1. The transformation of the party system in South, 1860-1861

Elections to the House of Representatives of the CSA were held on November 6, 1861 Their course and the main outcomes were analyzed W. Yearnes in his work "The Confederate Congress". In particular, he noted the relative calm during the election campaign. According to him, people were too preoccupied with their personal lives against the background of all the more pronounced negative consequences of the war, so that even the newspapers had to remind voters about the upcoming day of voting [2, p .43].

A number of candidates have been nominated for the People's Assembly as independent candidates. As noted by researchers, as a rule, the initiators of such meetings were relatives and friends of the future candidate. They also organized tours for small constituency candidate (3-4 weeks), where he gave speeches (rarely more than a dozen) [2, p. 44]. At the same time, attempts to organize the Democratic Party convention in some states (eg, Texas) which is the usual form of the party's participation in the election campaign in the pre-war era have failed due to lack of interest in them from potential participants. 'Acute' election campaigns were rare exceptions.

It elections 1861 the Congress clearly demonstrated the nature of the transformation of the party system of the South since the last election campaign in the US Congress in the spring and autumn of 1860

⁴ An Act to enable the State of Missouri to elect members of the House of Representatives, November, 21 1861 / 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. Electronic Edition P.221-222.

⁵ An Act to determine the number of members the State of Kentucky shall be entitled to have in the House of Representatives of the Congress of the Confederate States, and in relation to the election and returns thereof December, 21, 1861 / 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. Electronic Edition P.226.

It should be borne in mind that the one-party system (the Whigs-democrats), which operated in the United States in the late 20's - early 50-xx years under the influence of a sharp crisis. It was destroyed and a new system Democrats- Republicans has been established since the election in 1856 [4, s.55-60] However, it should be borne in mind that the Republican Party was of the sectional in nature - as represented, mainly in the North. It is known that the names of the candidates for president and vice president from the Republican Party was not on the ballot nine southern states. In South Carolina, the electors were elected by the state legislature and all the votes were given to the leader of the southern Democrats. In Virginia, Republican candidate got 1.1% of votes voters came to the polls, and in the states of Kentucky and Missouri - 0.9% and 10.3%, respectively.

In addition, some states, such as North Carolina, according to D. Rable, still preserved (although largely swayed by the subsequent development of the party system) negative attitude towards the party as such and as a manifestation of the worst features of the political focus life (ego and party despotism) [5, p . 9-10]. The party was considered to be a necessary evil. In fact, as noted by the researchers at the seeming inexpressive political differentiation in the CSA (especially in the early years), the formal distinction between the politicians passed through relation to secession: they were divided into those who actively participated in and / or supported secession and those who have left the Union with regrets [6, p .97] .

Some researchers, for example, M. Kruman, believe that in the aftermath of secession in the south acted tacit agreement according to which the division of the party should be left until the final formation of CSA as a sovereign state (and perhaps it was only after the war). [7, p. 223-224].

Another famous American researcher D. Rable argued that the new determinant in the political life of the Confederation was the realization that the old party-political system and the rules and principles of the previous political life not possible in the new state [5, p .11].

At the same time, since most of the secession of former Whigs, unionists, democrats of various political shades, despite the destruction of the old party structure to a certain extent been able to maintain popularity and influence in the constituencies where they had previously had success. At the same time, as evidenced by the statistics in those districts where, in 1860, voters gave Democrats preferences, the number of votes cast for them in the elections increased sometimes several times in 1861. On the contrary, in those districts where people previously voted in favor of the former Whig falling number of votes was almost double. Almost 80% of the number of those districts, where in 1860 were elected rabid secessionists, were again elected or re-elected persons who hold the same political orientation. This indicated that voters yet maintained the course of the ruling elite to build an independent state. [2, p.49]

However, some informal consolidation of the Confederation of politicians on various groups still occurred. And while politicians prefer to avoid the old names, the press gave them a certain name by analogy with the old parties and the unions. In our view, this classification was practical politicians, first and foremost, for the convenience of readers. It is possible to assume that in case of a longer existence of CSA and the end of the war their political system is bound to come to a bipartisan model in new ideological grounds.

4.2. The composition of the House of Representatives of CSA Congress. The following conclusions can be made regarding the composition of the House of Representatives of the Congress of CSA of the first convocation:

- about one third of deputies of the House of Representatives were in the Provisional Congress of Deputies (35% or 33% if you count without deputies from Missouri, which, as noted, were elected directly for representation in Congress);

- Florida, Texas and Mississippi have completely updated the composition of its representatives in the lower house of Congress, Arkansas has updated only one representative.

- only in the state of Louisiana more than half of their representatives has elected from among persons who have already been members of the Provisional Congress.

Many members of those who have been elected to Congress for the first time, were in general, consistent with the political orientation of their predecessors in the Provisional Congress. Thus, we can speak of a pronounced continuity both in personnel and in the policy of the CSA Congress of the first convocation. Last, according to Yearnes, it was actually a kind of "printer" for President's bills [2, p .48]. The fact that some of them changed their views and started more or less harshly criticizing activities of D. Davis's administration, in our opinion, is due to the evolution of their views under the influence of the situation in the Confederation and around.

Elections to the Congress of the second convocation in 1863 (a single day of voting has not been scheduled) held a different agenda than the election of 1861: the principal touchstone of the election campaign was the work of the President administration. The so-called opposition candidates were favorites of the election campaign.

The supporters of the President continued to defend the line of the old theses, insisting on the need for co-operation policy and self-sacrifice in order to achieve victory, and the Confederate government (regardless of its quality) insisted on the only possible way of salvation.

Regional differences in the election campaign took place, first of all, on the main issue of discussion. In Virginia there was the expropriation of the Army, in North Carolina (due to the large percentage of antisessionist minded citizens) - the peace talks in Georgia there was conscription (because of the antagonism between the large number of planters who have the opportunity to avoid the military draft and other free population of the state), etc.

Party-political differentiation continued taking place. Somewhere it was a struggle between the Democrats and former Whigs, somewhere it was a struggle between moderate and "extreme" Democrats. However, everywhere except in North Carolina and Arkansas, party struggle took place not through the support of the President's line.

In general, the summary data for the elections to the House of Representatives of the second convocation gave the following results:

- almost 54% of the deputies of the first convocation was successfully re-elected in the second part of the congress. Moreover, US researchers have found the following pattern: in the districts affected by the occupation of the federal forces were re-elected deputies of 2/3 (66.7%), while in others - in one and a half times less (42.6%)⁶. 50 members were not able or do not become eligible for a second time. If we consider the situation in the states, the scatter in the data will be even greater. So, all the delegates from Arkansas could be re-elected for a second term. According to one newcomer appeared in the "delegation" of Florida (50%), Kentucky, Louisiana, South Carolina. The representation of Missouri renewed: only two representatives of the seven could be re-elected (in fact it was the first election to Congress from the state), two representatives from North Carolina (20%), one from Georgia (10%). The reasons for such situations were different, but one common one was that many of unelected congressmen were representatives of the radical democrats who were active supporters and participants of secession.

Of course, a difficult military and political situation in the Confederation and other circumstances have predetermined turnover in the composition of the Chamber. The first

⁶ https://www.reddit.com/r/AskHistorians/comments/3g04cn/elections_in_the_confederacy/?st=iyudw16f&sh=5ebd5bd2

Congress, for various reasons dropped out of 12 deputies, including 4 - due to death. And a representative from Virginia D. Tyler (tenth US president) died on January 18, 1862 before the start of the congress (at age 71) [9, p .470-471; 10, p.183].

Constitutional provisions stipulated that in case a place of a representative of the constituency for any reason becomes free, the executive power of the state had to give the order for the election of the new Representative for the remainder of before the expiry of the House's term of office (para. 4 pg.1 Section 2).

Because of this, the first elections to the House of Representatives of the first convocation was held already 18 February 1862 D. Tyler (Virginia) who died even before the beginning of the Congress replaced D. Lyon. The second by-election held in May 1862.

In the House of Representatives of the Congress of CSA of the second convocation due to the short duration of its existence of significant changes in its composition has not happened. During the whole period of its activity (starting from the date of the election) for one reason or another 9 members retired (4 of them died). So O. Galland (Arkansas) and David West (Missouri) resigned in order to be appointed to the vacant position in CSA Senate. A by-election for a seat in the House (of Louisiana and Arkansas) took place in October 1864.

The first meeting of the first session of the US House of Representatives of the first convocation was opened at 12 am February 18, 1862 under the chairmanship of the President of the Provisional Congress H. Cobb.

The following Chamber Committees have been formed:

- on the organization of the placement and management of government buildings;
- on the flag of arms of the Confederation;
- Foreign Affairs;
- Finance;
- Justice;
- Military;
- Maritime Affairs;
- patents;
- public lands;
- printing (printing and distribution of certificates and documents Chamber);
- relations with the Indians;
- Accounting;
- editorial;
- on payment and billing;
- on claims;
- on election and privileges;
- on commercial and financial independence⁷.

5. The legal status of the Senate of the CSA Congress

The legal status of the Senate CSA Congress determined by the provisions of Art. I Constitution CSA March 11, 1861 In the analysis of the legal status of the Chamber of obvious direct similarities and continuity with the same standards of Article 1 of the US Constitution .

Article 1 of the Constitution defined the procedure for the formation of the Chamber. As in the United States, the Senate of the Confederate States was composed of two

⁷ Journal of the Congress of the Confederate States of America, 1861-1865 Vol 5 P. 11

representatives from each State, elected for a term of six years of at the scheduled meeting immediately preceding the beginning of the term. Each senator had one vote.

In order to ensure the rotation procedure (renewal of the Chamber of 1/3 every two years), it was found that immediately after the first election of senators were divided into three equal groups. Seats of the Senators of the first group were released after two years, the second group - after four years, the third group - after six years. The time, place and method of electing senators was defined in each state .

The age limit for passive voting rights were set at the same as the level in the US, and namely, in 30 years. The presence of CSA citizenship and residence at the time of the election in the state, from which he was elected, was also required.

The head of the Chamber was the President of the Senate, who under the Constitution was also the CSA vice-president. However, he received the right to vote in the House in accordance with the principle of separation of powers, only in the event that the votes of the Senate and were divided equally.

The Senate had the same rights in the field of legislation and adoption of laws as the House of Representatives. However, as noted above, the Senate did not have the right to initiate and take the first bill concerning the introduction of a new, changing and canceling the old taxes and other sources of income revenue, but only to discuss one and vote received from the other chamber. However, senators could participate in the discussion and propose the adoption of amendments.

The Senate constitutionally vested the exclusive right to review the survey for the impeachment of officials of the Confederation. The quorum for the adoption of this decision was (like in the US Constitution) 2/3 of the present members of the Chamber.

The powers of the House also included issues related to the election results, authority and legitimacy of the election of its members (Section 5 para 1). Similarly to the House of Representatives, the Senate established the rules of its proceedings, sanctions for disorderly behavior of members, and two thirds of the total number of excluded them from its members (Section 5 para 2). In addition, the constitution in accordance with the principles of public action public authorities obliged to lead the Senators Journal of its Proceedings, and to publish it, except for those sections, which, in their opinion, were secret.

It is also established that the necessary for the conduct of meetings of the Chamber the quorum of half the number of the Chamber's members. In case a meeting was attended by a smaller number of members of the House, the Senate could adjourn from day to day, and had the right to apply to the absent members, provided exposure to ensure the attendance of them (Section 5 para 1).

The system of checks and balances was the condition that none of the chambers could delay the meeting more than in three days without the consent of the other chamber.

6. The composition of the CSA Senate

It is known that the formation of the first calling Congress CSA proceeded in the late 1861 when in accordance with the Constitution legislative assemblies formally belonged to the CSA 13 states were elected.

The relative unanimity of local legislators predetermined by the fact that the CSA has not developed its own party-political system (which practically dismantled the old one during the secession), as well as the presence of a certain consensus in the society at an early stage of the existence of the Confederation and the actual absence at the time organized opposition. The Confederation warned of an imminent revival of the party system and urged local legislators in the name of maintaining "stability" to make election of senators taking into account the views of the minority and regional (sectional) factor [2, p .47].

In some states there was a struggle between strong candidates. For example, in Arkansas R. Johnson, a member of the Johnsons' powerful family eventually gave way to not associated with the "family" Charles Mitchell. In North Carolina, a struggle between two prominent Democrats (W. Avery and T. Clingman) ended with a victory of the third candidate W. Dortch.

Just at the time of the first meeting of the Senate of February 18, 1862 26 senators were elected, but only 19 of them attended the meeting for various reasons (one representative from Kentucky, Louisiana, Texas, Mississippi, no senators from Alabama). At this meeting, the Speaker of the Senate, was unanimously elected pro tempore of the P. Hunter. The last one was one of the possible nominees to the US presidency from the Democratic Party and before being elected to head the Senate was the Secretary of State in the administration of D. Davis (July 1861 - February 1862), but he chose to work in a more familiar Senate, where he gave a stinging criticism of the presidential administration⁸.

On 20-21 February the Senate divided Senators in accordance with the provisions of Section 3 of Article 1 of the Constitution: immediately after the first election of senators should be divided into three equal groups. Seats of the Senators of the first group were to be released after two years, the second group - after four years, the third group - after six years, so that one-third of the senators are elected every two years.

The ballot in the Senate took place in two rounds in the following order:

In the first round, one representative of staff needed to pull one of the thirteen lots, which indicated combination of classes "two-four" (4 lots), "four-six" (5 lot) and "two-six" (4 lots), which meant that each state will be represented in the Senate, the senators of two different classes: first and second, first and third and second and third.

In the second round the rest pairs Senate played the lottery between two classes.

As a result, the first class (two-year term) consisted of senators from Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, Missouri, North Carolina. In the second class (4 year term) there were Florida, Louisiana, Mississippi, Missouri, North and South Carolina, Tennessee, Virginia and Texas. In the third there were senators from Alabama, Arkansas, Georgia, Kentucky, Louisiana, Tennessee, Virginia, Texas, South Carolina. Thus, there were 8 senators in the first class, and nine senators in the second and in the third class.

At the same time the authority of the Clerk of the Provisional Congress had been transferred to the Secretary of the Senate.

In a rapidly changing situation (both internal and on the fronts), not all the senators found themselves in office until the end of their terms (or until the end of the Confederation). Even before the first rotation of the senatorial body, which occurred at the beginning of 1864, the Chamber was left by a number of elected senators.

On February 24, 1862 Senate Chamber adopted the regulations (the "Rules of the Senate and the schedule of activities"), developed by the Project Committee and by the reports of R. Orr⁹. A detailed list of the behavior of senators and debates largely had its source in similar rules for the US Senate. In particular, it pointed out that the senator could not speak more often than 2 times during a debate on the same day and on the same issue (item 4 of the Regulations). Also senator had to get up from their seats during the performance (3). During

⁸ Journal of the Congress of the Confederate States of America, 1861-1865 Vol 2 P. 5 URL: [http://rs6.loc.gov/cgi-bin/ampage?collId=llcc&fileName=002/llcc002.db&recNum=4&itemLink=r?ammem/hlaw:@field\(DOCID+@lit\(cc0023\)\)%230020005&linkText=1](http://rs6.loc.gov/cgi-bin/ampage?collId=llcc&fileName=002/llcc002.db&recNum=4&itemLink=r?ammem/hlaw:@field(DOCID+@lit(cc0023))%230020005&linkText=1)

⁹ Journal of the Congress of the Confederate States of America, 1861-1865 Vol 2 P. 15-18

the session the MPs "upper" chamber of Congress had no right to talk to each other and to interrupt the speakers (p.2).

All bills went through three readings, each of which could be amended by the CSA President. By request of at least one fifth of Senate the open vote for the bill in the third reading could be requested.

The following Chamber committees were established: for foreign affairs, finance, commerce, military matters, military and maritime issues, legal (legal), Indian Affairs, mail and e-mail messages, public land, patents and the patent Office, in cases Territories, requirements and applications accounts (discussed all issues that require expenditures from the fund of the Senate), printing (printing of acts and documents of the Senate) and registration (acts and documents of the Senate). Thus, the last two committee were technical in nature and were necessary for the operation of the Chamber itself. Thus, each of the senators had been a member of several Senate Committees.

In addition, the senators delegated their representatives to a joint committee of both houses: the press, the buildings used by the government and the flag and the state seal - three senators each.

In the Senate of the Congress CSA second convocation (February 1864 -. March 1865 years) there was a scheduled rotation. As a result, there was a change in the House of Representatives from Alabama, Mississippi, North Carolina, Missouri. Senators from Florida, Arkansas, Georgia, Kentucky, has been re-elected for 6 years term, in fact, turned out to be very short. In some states, the elections were held in a bitter struggle amid growing opposition disputes of various kinds, and supporters of President Davis.

Thus, it is possible to agree with the US scholars that "the legislature usually sent the most capable people to the Senate" [2, p . 43] .

7. Conclusion.

In general, the legal status of CSA Congress, its competence and organization of activity demonstrated a high degree of continuity and let the highest legislative authority of the Confederate States be relatively effective in the structure of the CSA general state mechanism.

The study of this aspect of the state and legal history of the United States contributes to a better understanding of the features of the evolution of American constitutionalism, of possible variants of its development, methods and forms of legislative bodies, which are the main (chief) way of realization of popular sovereignty in the era of modern times.

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