Laws Affecting the Printing, Sale and Distribution of Public Documents

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LAWS AFFECTING
THE
PRINTING, SALE AND DISTRIBUTION
OF
PUBLIC DOCUMENTS.
by
Edna May Hawley.

THESIS FOR THE DEGREE OF
BACHELOR OF LIBRARY SCIENCE
in the
LIBRARY SCHOOL
of the
UNIVERSITY OF ILLINOIS.
1908.
UNIVERSITY OF ILLINOIS

THIS IS TO CERTIFY THAT THE THESIS PREPARED UNDER MY SUPERVISION BY

Edna May Hawley

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Laws affecting the printing, sale and
distribution of public documents

IS APPROVED BY ME AS FULFILLING THIS PART OF THE REQUIREMENTS FOR THE DEGREE

of Bachelor of Library Science

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THESIS FOR THE DEGREE OF
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1902.
"For 109 years every chief of a bureau and head of a department has been able to compile and edit and publish as he has seen fit, to call 8 quarto books a volume, or an octavo of 200 pages a circular, to expand and reduce as libitum volumes from quarto to octavo and vice versa; to begin series and to discontinue series and to change the name of series; and there has been no one to say him nay. There have been annual reports which have been issued at intervals of three years; and then with a sudden acceleration of energy three annual reports of two volumes each have appeared in one year."

Adelaide H. Hasse. (Vor um, July, 1899. v. 27:509.)
"The term 'public document' is hereby defined to be all publications printed by order of Congress — or either House thereof."

Statutes at large (1874) v. 18 pt. 5 p. 237.
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LIST OF ABBREVIATIONS:

A.S.P.: American state papers: miscellaneous, etc.
Friedenwald: Friedenwald, Herbert. Journals and papers of the Continental Congress. (See Amer. historical assoc. Annual report, 1898, pt. 1, p. 61-125.)
House: Congressional Globe 1-1875.
Greely: Greely, Gen. A.W. Papers relating to early congressional documents. 202 p., Wash. 1900 (Cont. 36, sess. 1, Sen. doc. 428.)
S.J.: Senate Journal.
Stat.: Statutes at large.
U.S., etc: Volumes of the congressional set are indicated by U.S. followed by serial no. and no. of the document; e.g. U.S. 598, doc. 882.

Note: The account of printing for the Continental Congress
has been taken almost entirely from Mr. Wiedenwald's journals and papers of the Continental Congress. Otherwise, the work is based on official publications, using Kerr and others for comparison rather than than authority.
The history of United States public documents as a series begins with the fact of their existence in the form of journals of the Continental Congress. Like any body organized for a purpose, Congress appointed a secretary to record the minutes of its meetings, and the journals in manuscript as written by Charles Thomson have since been the most complete and valuable source of historical reference. Supplementing these are 200 folio volumes also in manuscript of records and state papers invaluable and almost inaccessible for they have never been published: reports of committees on finance, foreign relations, Indian affairs, and all the great transactions of state so perplexing to the government in its struggle for maintenance.

The idea of printing records of state affairs was due especially to the necessity of arousing patriotism, unity of thought and feeling. Great care was exercised during the war that printing presses and types be removed to secure places and on one occasion a committee of intelligence was ordered "to take speedy and effectual measures toward getting a printing press erected in Yorktown for the purpose of conveying to the public intelligence which Congress may from time to time receive." "Yielding," Mr. Friedenwald says, "to the popular will and appreciating that the appetite for revolution would thus grow from what it fed on, the congress ordered various great state documents printed and distributed as they were agreed to." (Friedenwald, p9&.) The Declaration of rights was the first of these followed by Articles of association, the Memorial to the inhabitants of the British colonies, and of chief importance, a long series of orints.
extracts from the votes and proceedings of the congress.

These extracts were the precursors of the Journal which was published in revised form soon after the adjournment of Congress.

Most of the printing at this time was done by the Bradfords at Philadelphia, also various editions and reprints of the journals and extracts came from the presses in other cities in this country and in London.

In 1776, however, the work was found unsatisfactory and for the first time a committee was appointed to superintend the printing and to employ another printer when necessary. This year, also, an index was specifically ordered. The new committee promptly assumed responsibility, and Robert Aitken succeeded the Bradfords. The journal was now printed monthly under supervision of the committee.

Although another change was made in 1778 when John Dunlap was made printer, the plan was generally unsatisfactory. Printing was delayed, the journal for 1777 did not appear until 1779, and a radical revision seemed desirable. Accordingly the following resolution was adopted:

"Whereas it is essential to the interest and security of every free state that the conduct of the public servants shall be known to their constituents; Resolved that from the first of January last the journal of this house except such parts as have been or shall be ordered to be kept secret, be printed immediately; and that for the

* For particulars on various and printed editions of the journal, see Friedenwald, Herbert. The journals and papers of the Continental Congress. (American historical Assoc. Annual report) 1896 v.1:55-127.
future, the journals, except as above, be printed weekly and sent to the executive powers of the several states to be by them laid before their respective legislatures; and that a printer be engaged to print for Congress and also a printer or printers be employed to bring up the journal from the time of their present publication to the said first of January." (Cont. cond. J. v. 5:98).

Claypoole was the first printer under this resolution.

The monthly and weekly numbers, owing to lack of funds, were discontinued in 1781. This was a misfortune inasmuch as the journal in its final form was actually an abridgment. The monthly numbers corresponded fairly well with the rough manuscript journal, the proceedings in their first form as taken down by Thomson. They were frequently bound for the session with a title page and index, but only two or three complete copies are now known to be in existence.

The final edition, subject to the revision of the committee was cut in many ways. In fact the committee included only what seemed to them to be important regardless of proportion or uniformity. Frequent commissions were committee reports, letters of information, the preliminaries of legislation and in some cases, the resolutions themselves. Moreover, whole days were dropped out as the Congress had not been in session. Add to this the fact that much of the work was in secret session and it must be granted that the usefulness of the journal was seriously impaired.

In 1782, the standing committee was abolished. The office of Secretary to Congress was regulated and made to include the superintendence of public printing. Thomson was continued in office and
under his management the journal was more carefully edited than ever before.

In 1785, bidding, or the contract system was first made use of. The occasion was the order for a reprint of the entire set of journals. Congress aimed, not only to supply its members with current numbers, but to give each new-comer a complete file, and in spite of great expense and the remonstrances of the retrenchment committee, the custom prevailed to a certain extent, well into the present century.

Regular distribution had been, according to the resolution of 1779, to state legislatures; probably through congressmen after 1777 when 20 copies of the volumes of the journal were to be delivered to the delegates of each state, for the use of their respective states, the remainder of these 700 which Congress have agreed to take, to be lodged in the secretary's office for the use of members. " (Cont. cond. J. v. 8:178.)

Thus a certain routine in the matter of public printing indefinite and imperfect as it was, had been established before the organization of a final form of government.

PUBLIC DOCUMENTS—EARLY CONDITIONS.
(1788-1805)
Journals.

The constitution provides (Art 1 Sec. 5, par. 3): "Each house shall keep a journal of its proceedings and from time to time publish the same, excepting such parts as may, in their judgement require secrecy; and the yeas and nays of the members of either house on any question shall at the desire of those present..."
be entered on the journal".

The constitution went into operation during March, 1789. It was not until April 1 that a quorum was secured in the House of representatives; April 6 in the Senate. April 14 a committee was appointed in the Senate: Find, Ellsworth and Lee, to consider the various questions regarding methods of keeping the journals and also the advisability of printing it weekly. A month later report was made: One hundred and twenty copies of the journal of legislative proceedings only, to be printed once a month beginning the following June, one copy to be furnished each member of Congress; every vote of the Senate, and a brief statement of the contents of each petition, memorial or paper presented to the Senate were to be entered, and from time to time committees appointed to revise the journal previous to publication. Altho the last recommendation allowed considerable latitude, the report on the whole was more specific than any provision made by the Continental congress.

The proceedings of the Senate in executive capacity were to be kept in separate books. The importance attached to the secrecy of executive proceedings is well illustrated by the failure of a motion introduced in 1803. William Marbury and others, in order to establish certain claims, petitioned for attested copies of the proceedings of the Senate relating to their nomination as justices of the peace. A long debate took place. The petition, unimportant in itself, would if granted, establish a precedent; the request was considered on the one hand, an attack upon the executive department of the government; on the other, its refusal would be a violation of democratic principles. Altho in 1791-92 it was ordered that the President be furnished from
time to time with an authenticated transcript and Senators might be furnished with extracts not voted secret, no step was taken toward publishing the executive journal until 1818, when provision was made that it 'should be printed from time to time, excepting such parts as might be ordered to be kept secret.' The first complete publication was by Duff Green in 1825, covering the entire period.

15 May, 1789, the House ordered that a committee be appointed to confer with a committee from the Senate as to what newspapers should be furnished to congressmen at public expense, also that the House committee should receive proposals for printing the acts and other proceedings of Congress and make a report thereon. A similar act passed the Senate, and the report made was to the effect that it would be proper to leave the matter of contract to the Secretary of the Senate and Clerk of the House; there was apparently no limitation other than that they secure "reasonable terms". The government was to furnish the paper and the printer to render quarterly accounts. The Journal and Annals for this period record applications from various printers, among them a petition to the House from Archibald M'Lean of New York City "praying to be employed to execute any part of the printing business of the United States which Congress in their wisdom may think proper to allot him."

Meager in quantity, the printing was nevertheless given out to two or more printers; contracts were made, not for the congressional printing as a whole, but for certain classes, as the journals, laws, documents, etc.

Documents.

Reports of committees, bills and documents were ordered
printed as needed by congress. The first instance of this resolution carried into effect was the order of the Senate (19 May 1789) to print 50 copies of the first tariff bill passed by the House: "An act for laying a duty on goods, wares and merchandizes imported into the United States." The first instance of an order of the Senate other than the laws and journals was probably in the case of the first annual message of the president. (8 Jan. 1790) (Greely, 122)

Need of definite and permanent provision for the publication of documents of this type, was recognized in a motion brought before the House, 1796: "Resolved, That such reports as well from heads of departments as from select committees as are of importance for explaining and understanding the acts of the government, ought to be published at the expense of the United States." (Annals, C. 4, S. 1, p. 282). A year later, under the binder's title, State papers, were published miscellaneous reports, mostly from the heads of departments, State, Treasury, and War, and with these:

The census. £6o.

Standing rules of the house., 1£o.

Proceedings of the executive of the United States respecting insurgents. (1794) 1£0o.

Few in number and limited in edition, apart from the 10 volumes of the journal, it does not appear that more than three score documents were printed in separate form. They were folio volumes until Congress 2, session 2, when bills, journals and all reports from heads of departments and all official communications were ordered printed in
From almost the beginning the work was unsatisfactory. It was
delayed, poorly executed, and the grossest typographical errors occurred
frequently. Alexander Hamilton, Secretary of the treasury, (1793)
stated that in the department report for that year, headings other than
those in the original had been used by the printer, the form had been
changed, receipts put for expenditures and vs; $605,884.08 had been ex-
pressed $605,884.08. (A.R.R. v.1:66-69) The printer's excuse was
that to avoid delay the proof sheets had to be sent to the depart-
ment for revision as was customary. A committee was appointed to inves-
tigate the printing and as a result Congress ordered a new edition of the
report but made no provision for permanent improvement.

In 1801 the Ways and Means Committee declared that proceedings
would be delayed nearly a month for the lack of certain documents then
in the hands of the printer. A committee was again appointed: Man-
dolph, Nicholson, and L.P. Morris. The examination was more thor-
ough than anything preceding as indicated by their report which em-
bodyed the following suggestions:

1. That the heads of departments attend and inspect the print-
ing of all such documents, reports and statements as are directed by law
to be annually laid before the House.

2. That a printer to the House be appointed who should be re-
sponsible for the faithful and prompt execution of all business confided
to him by order of the House.

Had the resolution passed as a whole, the result probably
would not have been satisfactory. The end in view was evidently so
to scatter responsibility for the work on the part of the government as to secure expeditious and accurate treatment, and on the other hand to concentrate the responsibility in one printer whereby greater uniformity, simplicity and definite understanding would be secured. The proposition relating to department publications was passed without difficulty; the second underwent discussion in the course of which it was argued:

1. That the provision was not sufficient nor expedient.
2. Business would require more than 1 printer especially at the close of the session.
3. No reason for altering the present system; the clerk was responsible and might employ as many persons as he chose.
4. If such a printer were appointed, he would become an officer of the house, not responsible to the speaker.
5. He would be called an officer of the house, must have a salary and if printer of a newspaper, whatever sentiments were advanced therein were liable to be considered the sentiments of the house.

These arguments proved overwhelming and the latter part of the resolution was lost, only to recur several years later in a somewhat modified form.

Laws.

In June, 1789 a committee was appointed to report on the mode of communicating acts of Congress to the several states and the number necessary for that purpose. As a result, a concurrent res-
olution was passed providing that in 10 days after the passing of every act of Congress, 2 copies be deposited with the President of the United States, 2 of which were to be sent to each state.

The following September, an act relating to the duties of the Secretary of State contained the following:

"And the said Secretary shall, as soon as conveniently may be, after he shall receive the same, cause every such law, order, resolution and vote to be published in at least 2 of the public newspapers printed in the United States, and shall also cause one printed copy to be delivered to each senator and representative of the United States and 2 printed copies duly authenticated to be sent to the Executive authority of each State and he shall carefully preserve the originals and shall cause the same to be recorded in books to be provided for the purpose." (Stat. v.1:89)

As the nation developed and the number of laws enacted annually increased, further provision became necessary. An act (1818) authorized laws and public treaties to be published currently in not more than 1 newspaper in the District of Columbia and not more than 2 in each of the several states and territories. (Stat. v.2:428) Later, on account of the large amount of newspaper space required, it was ordered that laws of a private nature and also Indian treaties be published in only one newspaper, that to be within the limits of the state or territory to which the subject related. (Stat. v.2:576)

Debates and Proceedings.

Beyond the journal, Congress for many years refused
patronage to the publication of its proceedings. By the tacit consent of its members, newspaper reporters were admitted to the House from the very beginning, to the Senate after the 6th Congress when in legislative or open session. The debates appeared in the newspapers* with considerable fullness. This proved, however, something less than a blessing as may be inferred from the following resolution (Sept. 1789):

"Resolved: That the several persons who have published the debates of this House in the Congressional Register and in the newspapers of this city, have misrepresented these debates in the most glaring deviations from truth; often distorting arguments of the members from the true meaning; imputing to some gentlemen arguments contradictory and foreign to the subject and which were never advanced; to others remarks and observations never made; and in a great many instances mutilating and not unfrequently suppressing whole arguments upon subjects of the greatest moment; thus throwing over the whole proceedings, a thick veil of misrepresentation and error which being done within the House at the very foot of the Speaker's chair gives a sanction and authenticity to those publications that reflects upon the House a ridicule and absurdity highly injurious to its privilege and dignity.

Resolved, That to misrepresent debates of the House, whether it arises from incapacity, inattention, or partiality, has a mischievous tendency to infringe the freedom of debate, and that this House shall no longer sanction it." (Annals Cl. 6th p. 917-20.)

*Two of these were the American senator and the Congressional Register.
A long discussion followed, the predominating sentiment of which was expressed by Mr. Madison; 'that it was improper to throw impediments in the way of such information as the House had hitherto permitted but equally improper to give the publication of debates legislative sanction because it would make the speakers responsible for sentiments never expressed.' (Annals C.1.S.1. p 919) If officially published speeches should be revised by congressmen and this of course would require too much time and trouble.

On the whole, much was said to the disadvantage of newspaper reporters and of their own accord, they withdrew to the galleries. Early in the following session, it was suggested that they be invited to return lest the House seem less democratic than before, also because of benefit to the country from the circulation of these reports.

Complaints and revolutions of dissatisfaction were, however, much more frequent than words of appreciation. Speeches were garbled and biased; grammatical and typographical errors were common; the committee on harbors was called the "Committee for the regulation of the harbors of this country." Answers to arguments were sometimes published before the arguments themselves. One person on being asked how he could think of publishing debates so inaccurately replied that he was under the necessity of obliging his employers.

Accordingly, in 1792 the resolution was introduced 'that persons skilled in the art of stenography at the next session be appointed by ballot to publish debates and proceedings, that they be considered officers of the House and be provided for as such.' The proposition recurred 1793 with the difference that the Secretary of State receive proposals and report to the House. (Annals C.2.S.1. p 185-6) (A.S.P. Mis. v.1:178)
In 1796, David Robertson of Petersburg, Va. proposed to undertake an accurate report of debates on compensation of $4000 per session. Andrew Brown would publish in his paper, the Philadelphia gazette, the reports from Mr. Robertson's manuscript, paying him $1100, to be deducted from the $4000, paid by Congress.

Insurmountable objections arose:

1. The stenographer would be an officer of the house while receiving a salary from a Philadelphia printer.
2. The reporting would be in the hands of one man, hence doubtless more errors than of old.
3. Debates would reach only a limited number of people.
4. Might be used for party purposes by an unprincipled majority.
5. No such contract made by any other government.
6. If printed in full, would exceed the limits of any newspaper.
7. Financial loss would be a greater public injury than inaccurate reports.
8. Place in disadvantageous light those members who never had anything to say. "He (the printer) is to do justice to the eloquence of some members; he is to clothe in elegant dress the uncouth but well-meaning expressions of others but what will he do with the silent members who never speak at all? What will their constituents think of them?"

It was argued on the laissez-faire principle that the business of reporting be left to regulate itself. The laws and the yea and nays were sufficient communication of the proceedings of the House.

At the beginning of the following session (Dec. 1796), Lloyd and Carpenter petitioned the House for subscription to their publica-
tion of the debates and proceedings. For $1600, they offered to furnish each member with five copies. The House considered the question as a committee of the whole. While the debates would be fuller, more accurate not "taken from memory" as heretofore, it was not proper that Congress should favor one printer more than another, nor would such a paper be a substitute for the newspaper which contained foreign and general news as well as the reports of the proceedings of Congress. The petition was refused further consideration.

In 1797 a second petition from Carpenter stated that altho the House had refused its support as a body, individual members had encouraged him in his enterprise and he had undertaken the publication of the American senator; it had not prospered and in order that it might be continued he suggested that the House engage to take 3 copies for each member during the following session. The estimate of the cost for a session of 18 weeks was $81850, but "the House had so often determined to have nothing to do with the publication of debates" that the motion altho it went as far as a select committee, was finally lost.

In 1800, a memorial from Carpenter and Harrison Smith states that they had undertaken to report the debates of the House but had been refused admission within the bar. Altho this privilege had for several years been granted, it was now considered impracticable thru lack of space in the new quarters at Washington.

Both House and Senate passed resolutions (1802) to the effect that stenographers be assigned places on the floor by the President of the Senate and Speaker of the House respectively. It was said in the House that stenographers had hitherto been subject to the will of the Speaker and while some maintained that this was desirable in case of bot-
behavior, the majority urged that debates should be taken with accuracy and without fear of partiality, which had not been the case. A stenographer had been expelled for "faithfully reporting a certain speech" and in one case had been excluded by the Speaker for stating correctly what the Speaker had himself said. (Annals C.7 S.1. p.406-407)

Summary.

Considering the fact that the documents extant for the early period are very few; moreover, that the printing of documents was at the time, a topic of extremely slight importance, it is apparent that conclusions on the subject must be to a considerable extent circumstantial.

Precedent and necessity led to the publication of journals and laws; the method of producing work was a simple business which almost as a matter of course came under the supervision of the Secretary of the Senate and Clerk of the House.

For convenience, it was ordered to print committee reports and documents important to the needs of legislation.

As a record of proceedings, the journal was sufficient and for current debates, the privileges allowed stenographers and the subscription to newspapers for the use of members, were liberal provision.

General distribution and the more recent conception of the educative value of government publications, doubtless originated in the printing and distribution of the President's message, a matter of general interest, the distribution of which offered a delicate attention from members to their constituents.

As a means of preservation for future use, documents were gathered together in numbers sufficient to make a volume and bound with
slight uniformity of size or material.

That the work was poorly executed was due less to crude methods in typography than to the fact that printing was a first means of economy.

Distribution - 1789-1818.

The idea of the government as a collector and disseminator of general information was of gradual growth. Three stages of evolution have been noted:

1. The mere record of state affairs as they transpired at the capitol.

2. Records of investigation and research, which, although educational, have been carried on as an adjunct to government enterprise: e.g. publications of the various surveys.

3. Publications whose sole aim is educational; e.g. much of the work of the agricultural department.

Under the first conditions, distribution would naturally be confined to those intimately connected with the government of state or nation.

The first provision entitled every member of the first congress to a set of the journals of the preceding congress. Of the current journal, 700 copies were ordered to be printed and distributed to the congressmen and to the states.*

The Secretary of the Senate within 10 days of its approval furnished 2 certified copies of each act to the President who forwarded 2 copies to each of the several states. They were delivered also to the various executive, legislative and judicial bodies and departments.

* See next page
In order to keep the people of remote districts informed on the course of legislation, liberal provision was made for the publication of laws and treaties in local newspapers.

A special committee appointed 1794, reported a resolution in favor of printing:

1. 5000 complete sets of the laws of Congress to close of the present session to be printed and distributed to the different states in proportion to their numbers.

2. Like number for succeeding sessions.

3. A certain proportion in the German language.

4. Laws of the session in each newspaper in the United States; the laws to be printed part in each number until complete. The government should offer compensation but not more than 2 printers in any one town to have the work.

The law as passed 3 March, 1795, provided that a complete edition of the laws including the constitution, treaties and index, to be printed at the close of each session; that this edition and also the laws of the succeeding sessions be printed to the number of 4500 for distribution by the Secretary of state among the states and territories northwest and south of the Ohio river according to the rule for apportioning representatives; that these copies be transmitted to the governor or supreme executive magistrate to be by him deposited in a fixed and convenient place in each county. 500 copies were reserved for the future disposition of Congress. (Stat. v. 1: 443)

In 1799, the number was increased to 5000; distribution was

The index of the original senate journal to which I had access gave reference to distribution among executives. The entire section
extended to judges and clerks of the courts of the United States, to district attorneys and marshalls. (Stat. v.1:724)

The reserve number was increased in 1804 to 1000. Special provision was made for the territory of Orleans and the district of Louisiana. Each Senator, Representative and Delegate was to receive at the close of the session a copy of all laws passed during the session. (Stat. v.2:p. 502)

The following year 800 copies of the laws were ordered placed in the Library of Congress to be taken out only by the President, Vice-President and members of the Senate or House.

The documents proper; i.e. reports of committees, departments, sufficient etc. were printed in very small editions, at first doubtless, merely, for the desks of congressmen with utilitarian end in view of aids in legislation.

When extra documents were ordered, they were deposited in Library of Congress for future distribution. Provision for a permanent collection in the Library probably began with the order of the House, 1803, that the Clerk furnish two complete sets of the journals and of all printed documents and reports laid before Congress or either house at each session.

An important resolution had been introduced in the House the preceding year, providing that the Clerk of the House furnish to Representatives one copy of every public document including laws and journals, printed by order of the House, to be by them transferred to the principal seminaries of learning in each state and territory.

The volume was missing never having been bound in.
Altho the resolution failed, its end was attained in the act passed 27 Dec. 1818, by which 200 extra copies of journals and documents were printed: 25 copies were placed in the Library of Congress for general use; copies equal to the number of acts transmitted, were sent to the executives of states and territories for distribution to executives, legislatures, universities, colleges and historical societies. The remainder of the 200 was deposited in the Library of Congress for the future disposition of Congress. (Stat. v. 3:140:41) (See appendix)

A House resolution passed 1818 reads that unless specially ordered otherwise, 600 copies shall be struck off all such matter as may be ordered printed except bills and amendments; that the said 600 copies shall be disposed of in the following manner:

600 copies shall be retained in the printing office and at the close of each session, be disposed of conformably with the resolution of 27 Dec. 1818. The remaining 400 copies shall be deposited by the printer in the post-office of the House from time to time as the work may be executed and shall be promptly distributed by the door-keeper of the House as follows:

On the desk of each member, 1 copy......................187
" " Speaker's table 2
" " Clerk's 2
In the " office 4
To the President of the Senate for use of Senate 50
" " of the United States 2
" " Secretary of State 25
" " Treasury 6
" " War 5
To the Secretary of Navy

attorney General

commissioner of the navy board

Auditors of the treasure, & each

Comptroller of the treasury

Registrar of the treasury

Postmaster general

Commissioner of general land office

Commissioner of revenue

" " " public buildings

To such foreign ministers as reside at the seat of government, or consul in case of no resident minister, & each (sufficient to amount to $)

to the public printer

" " Librarian

 residue to be bound up at the close of the session to be deposited in the Clerk's office as heretofore

(H. j. C.15 S.1. p. 382-384)

In reference to a resolution of the House the following month J. Q. Adams, then Secretary of state, made a report concerning the disposal of documents according to the resolution of 27 Dec. 1812. He stated that up to 1817, documents had been transmitted as prescribed, "partly by mail and partly by water and land carriage;" later documents had not been distributed owing to a delay of the binder and difficulties in transportation. "If further provision be necessary to insure the transmission of the journals and documents according to the said resolution, Congress..."
may deem it expedient to make an application of superfluous copies to be substituted for those which by casualties and accidents unavoidable in the conveyance of packages so bulky and so liable to take damage, to the most distant quarters of the Union, are occasionally prevented from reaching their destinations. Delays of several months must necessarily occur after the expiration of every session of Congress before the laws, journals and documents of the session can be forwarded in the requisite numbers to all the states and territories respectively. By the employment of a greater number of printers and bookbinders, these delays might doubtless to a certain extent be abridged but not probably without a considerable increase of expense.

All which is respectfully submitted,

John Quincy Adams"

In 1815, the American antiquarian society of Massachusetts had been made a regular depositary. (Stat. v 3:269)

Franking privilege.

The franking privilege was an important factor in the distribution of public documents. Its use in official correspondence in England dated from 1660, but there seems to have been some hesitation in applying it to ordinary matter. Among early statutes are many resolutions authorizing the free transportation of certain documents frequently with limitations as to the weight and length of time for which the privilege would hold good. In 1808 Senators and representatives might frank the President's message and accompanying documents for that session "notwithstanding the same may weigh
more than 2 oz. avoidingis." Each member had to guarantee on the wrapper that the enclosure contained only said message and documents and to subscribe his name. 5000 copies of this document were ordered printed but the distribution not mentioned.

The privilege evidently operated to the disadvantage of the Post-office department. It was brought into question from time to time and in 1818, a resolution passed the House and was referred to the Post-master general: "that the expediency of authorizing members of Congress, the Secretary of the Senate and Clerk of the House to transmit documents free of charge, be inquired into."

(Annals, C.12, S.2, p. 786-87.)

Cost, make-up etc.

The total expenditure for public printing in 1800 did not exceed $4000. (Hesse, A. • Forum, July, 1898. v. 25: 598.) and was included in the contingent expenses of the Senate and House respectively, an arrangement which continued in force until after the middle of the 19th century. That printing was a side-issue is nowhere more evident than in the sentence which provided for its execution, (appropriation bill, 1791):

"For defraying all other incidental and contingent expenses of the civil list establishment, including fire-wood, stationery, together with the printing work and all other contingent expenses of the houses of congress, rent and office expenses of the several departments... $21,555.88." (Stat. v. 1: 227.)

The appropriation bill of 1797 enumerates the various re-
Departments and bureaus including printing among the contingent expenses of each. From this it is evident that the departments had indepedent control over their own work.

In 1809, $8000 was appropriated for "printing, stationery and other contingent expenses." Greely, p. 118.)

The strictly utilitarian character of public printing at this time was due in part to a lack of historical perspective; it was the immediate result of the impoverished condition of the treasury for which the effects of the war and the failure to collect taxes under the Articles of confederation were largely accountable.

Among the early printers were Thomas Greenleaf, William Ross, Childs and Swaine, John Penno and Roger C. Weightman.

The work was very poorly executed; the paper was light and brittle, type, coarse and blotchy. The volumes at first were all folio. Executive documents were known as State papers; they were bound together considerably at haphazard with slight regard to uniformity or completeness. Two volumes, apparently identical, might be made up of similar documents, reports, etc. or either volume might contain papers lacking in the other. Hence it is only by careful collection that the list of documents for Congress 1-15 has been made anywhere near complete. Mistakes in gathering were frequent; occasionally whole sections are lacking and again 50 or more pages are duplicated. Leaves are frequently so out of register as to leave a double margin at the top, and none at all or even mutilated type at the lower edge; tables of which there are a large number, were rarely folded with care, nor were guards inserted to relieve the backs of volumes.
Each document, however brief, was given a title page; main title pages were not usually inserted. Indexes, when provided, were of little use. Documents were cased separately, and for some time were not numbered, making reference difficult. No table of contents was given, so that in many cases, a page by page search is necessary in order to find a particular subject.

Binder's titles vary according to the ingenuity of the binder. Certain documents, as the President's message and foreign relations (1791-94) ordered printed by the House, are called Execution papers; later volumes have title State papers and occasionally Messages and state messages. The congress and session are usually given for journals but state papers and reports, because those of a session or congress were not necessarily bound together, are distinguished only by date and occasionally this also is lacking. Dates are not always found on title pages.

Reasons for these conditions were utter lack of system, of centralized control and responsibility.

CONTRACT SYSTEM - 1805 - 1818.

With the idea of placing the public printing on a firmer basis, a resolution was passed by the House in 1805, authorizing the contract system. The Clerk as soon as possible after each session was directed to advertise 3 weeks successively in 2 newspapers in the District of Columbia that he was ready to receive proposals for stationary and printing; specifications were to be given in detail and securities demanded.

The following September a statement of the prices made by
each applicant, was to be published in similar manner and notification sent to the lowest bidder who could offer satisfactory security.

The work was "let out" in classes for which applicants made separate estimates. As the Clerk was under obligation to select the lowest bidder, Congress might employ as many printers as it had classes of printing.

The Annals for several years following this resolution contain only brief references to public printing.

That the new system was not entirely satisfactory is evident from the fact that committees were now and then appointed to inquire into the state of public printing or to ascertain if any measures were necessary to improve the service. The need of more definite and systematic regulation was also felt from the fact that by far the greater amount of printing was ordered by the House. Hence in 1814 the Senate passed a joint resolution for the appointment of a joint committee to inquire into the expediency of establishing permanent rules for regulating and conducting the printing of the 2 houses. The resolution passed the House, amended to include the "supply of stationery." Apparently no report was made by this committee for at the beginning of the following session a joint committee was appointed for the same purpose, also to inquire into the expenses of printing. A resolution was reported Feb. 27, 1815, passed and approved the following March. In accordance with this, the Secretary of the Senate and Clerk of the House, immediately after the adjournment of each Congress advertised three weeks successively in 2 newspapers for proposals to furnish Congress with stationery and printing. Applicant
were required to furnish security and the successful candidate was notified in April. (cf. Appendix.)

Appreciation of labor-saving devices became evident about this time. The House, (1815) appointed a committee "to inspect the printed journals and documents belonging to the House and cause them to be so marked and arranged as to render the recurrence to them more easy and useful." (Annals 1815, S. E, p. 791.) Mr. Pickering moved that henceforth all documents and papers usually ordered by the House printed in octavo and separate from the journal, have the pages numbered in one continuous series of numbers commencing and terminating with each session. It was ordered, however, that a consecutive series of numbers be applied to the documents beginning anew with each congress. A similar order passed the Senate in 1815 and in 1817 it was thrown into a joint resolution with other provisions, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Senate and Clerk of the House be directed in making any future contract for the printing of Congress to stipulate and require that the same excepting bills, or when otherwise specially directed by either house, shall be done in royal octavo form, the size of the pages to be the same of those of the late edition of the laws of the United States; and that when any tables will not admit with the use of a small type, of compression into that size, they shall be so printed as to fold conveniently into the volume." (Stat. v. 2: 400)

It was agreed by the Senate the following session that with the exception of messages of the President or communications from the House no paper or document should be printed but by special order.
Reprints.

Between 1810-20, it became evident that the documents originally printed in small editions, were rapidly disappearing, worn out, scattered and destroyed by the burning of the Capitol in the war of 1812. Of many not a single copy remained. To supply this deficiency, T.B. Wait and Co. in 1815 published "State papers and public documents of the United States" 1789-1809, containing also "Confidential documents now first published". The journals also were from time to time republished.

With regard to the new edition of laws, suggestions were made, all of which have been carried out since 1878 when the first volume of the Revised statutes appeared.

It was argued: "If the statute book published by authority is to contain the whole body of legislative acts of Congress, which it may be expected to do, then every law and resolve which has passed the 2 houses and received presidential approbation ought to be reprinted in its time and order whether now in force or not; thus the nation would be furnished with what some would deem a great desideratum, the statutes at large. To these should be prefixed the constitution and amendments; and all treaties and conventions subjoined in chronological series with marginal abstracts, table of contents and indexes."

The three methods of publication under consideration were:

1. publication of the statutes at large.

2. digest.

3. public acts in force at the time.

The decision was in favor of publishing the laws complete, that is the
No change was made with regard to editing the debates and proceedings. Reports continued in the hands of newspaper men, usually, if not always, partisan.

In 1812, the discussion with regard to the position of reporters in the House was renewed. George Richards, reporter for the Federal Republican had been excluded by the Speaker; there was considerable dissatisfaction and the House considered the matter as a committee of the whole. It was argued that representatives of all newspapers could not be admitted; that the Federal Republican was an unworthy paper, giving the speeches of one side only; its editors were not known and the staff was said to be in British pay. On the other hand, it had a wider circulation than any other paper in the Union, was the only representative of the Federal party and denial would be an infringement of the rights of Republican citizens. The Speaker's explanation was that, on account of recent alterations in the House, only 4 seats were available for stenographers and these had been assigned in order of seniority.

The matter was finally settled by a resolution to the effect:

"That for disseminating information among the good people of the United States, it is expedient to admit stenographers into the House of Representatives and that the Speaker of the House do cause seats to be provided for such added stenographers as may be admitted according to the standing rules of this House. (Annals 1812 S.1. p 182.)"
A committee of 7 reported in favor of appropriating $200 for making provisions in the gallery, which was adopted, and thereafter no stenographers were admitted to the floor.

**Elective System - 1819 - 1846.**

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**Resolution of 1819.**

The contract system was unsatisfactory. Printing was delayed; in 1819 an important bill was lost for the lack of printing, which, it was said, cost the government an enormous sum of money. The work was poorly executed. "Documents distributed throughout this nation and Europe - so poorly made as - inelegant and incorrect in manner as must bring disgrace and ridicule on the literature and the press of our country." Prices were declared too low and the question asked; "Was it reputable for Congress to endeavor to get work done below a fair and reasonable price?"

One of the chief difficulties in legislation for public printing, at all times, lay in the fact that few congressmen knew anything at all about the business, the value of the labor, materials or the technicalities of the trade. For example, in 1840, it was stated that prices before 1819 were exorbitant.

Whatever may have been the actual cost, and it was probably high, the make-up of the documents was expensive as well as poor. There were a great many tables, title pages for each document, half-cases and blanks; the type was coarse thus reducing the amount of print on each page.

At the beginning of Congress 1st, session 2 (Dec. 1819), a joint committee was appointed to consider and report whether any
and if any what further provisions by law were necessary to insure desc.
...ation, and accuracy and neatness in printing. The House committee was formed by Pickin (followed by Seybert), Rogers and Little; the Senate committee, by Wilson, a practical printer, Lackock and Furlan. A report was promptly submitted in the form of a resolution which provided that when any printing is done by virtue of a joint resolution, the Secretary of the Senate and Clerk of the House shall be authorized to employ printers who will expedite the work and allow them the same orizes now allowed to the printer, giving preference to the latter when it shall be practicable for him to execute and deliver it as soon as can be done by any other.1 The resolution passed, but the following day was ordered up for reconsideration. (Annals C. 15 12p 416-417.)

Two months elapsed when Mr. Wilson (Rep.13t?) made the most extended report which had at any time been submitted. (U.S. 532, Doc. 5.) Three methods of procuring public printing were offered for consideration:

1. Letting out the work, according to previous custom, by advertising to the lowest bidder.

2. The establishment of a national printing office with bindery and stationery annexed— to execute the work of Congress while in session and that of departments during recess. Inquiries as to expenditure were addressed to the heads of departments and it was found that the total cost of printing including binding and stationery exceeded $41,000; that of the Senate was $8,000 and that of the House $15,000, an aggregate of about $65,000; approximately 1/2 was for printing alone. The committee believed this "under the superintendenc

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of a man of activity, integrity and discretion, would be gained overatti-
tude, uniformity, accuracy and elegance, and they are not certain, consid-
ing also binding and stationery out that it would be the most economical.

3. A tariff of prices fixed by joint resolution for every
kind of printing to be done for Congress, to continue in force for 2
years. Before the close of the session, each house was to choose by
ballot a printer for the execution of its own work during the following
congress. Prices should be adequate to good work, "to insure such care
and attention as shall give it such a degree of accuracy and elegance
as shall not dishonor the literature and typography of the country." Bond
and security were to be required and if, in case of delay, it should
be necessary to employ other printers at greater cost, the public printer
might be held responsible for any added expense.

The most important feature of this report of course, the rec-
mandation of a government printing office. The committee was agreed
that this was by all means a desirable solution and submitted detailed
estimates as to cost, etc. So much time would, however, be required for
discussion and preparation before undertaking an enterprise of this sort,
that the committee recommended the tariff of prices or election system as
an immediate resource, and in the form of a joint resolution, it passed
both houses and was approved \& ver. 1219. (see appendix)

Gales and Seaton were the first elected public printers and
served in this capacity to both Senate and House. Regardless of the
fact that it had been adopted as a temporary expedient, the election
of printer continued, from congress to congress, until 1827. About that
time, criticism was made by a committee to the effect that useless
documents were ordered printed in order to swell the profits of the printer; size was unnecessarily large owing to the "habit of prolixity and detail into which the departments are all liable to fall more especially as a new practice has been introduced by the secretaries of the departments sending reports of their clerks or heads of bureaus instead of condensing them to make them their own communications." (U.S. 1911 doc. 18 p 7)

Against the movement for the reestablishment of the contract system, it was urged that the printing was satisfactory, the schedule of prices fair; lower compensations would not secure good work and it was, moreover, necessary to have a "man of character who might be relied upon in keeping secret, the secret affairs which Congress ordered printed."

The resolution was enacted as a permanent provision, 1826 (see appendix)

The difficulties inherent in the election system were:

1. Its adaptability to the spoils system.
2. Party jealousy and relation to the newspaper press.
3. Ambiguity in relationship to Congress.
4. Difficulty in regulating the tariff of prices.
5. Looseness of supervision.

"To the victor belong the spoils"

From 1826 and earlier there was a deliberate and expressed intention on the part of the administration party to elect a partisan printer. While vigorously denounced by the opposition, the practice was continued on the ground that the printer of executive documents o
the body must be informed on the progress of the most delicate negotiations; and by infidelity of the printer these negotiations might be broken off; it was, therefore, necessary to have some one in sympathy with party principles. By some members no attempt was made to conceal motives and it was boldly declared that "to the victor belong the spoils."

Each election was attended by a similar routine of debate and action. Upon motion to elect a public printer every attempt was made by members of the opposition to block proceedings. Motions to postpone and questions of order were introduced; occasionally days were occupied in ineffectual discussion in which abuses of the system, real and alleged, were exposed, the printers denounced as "hirelings", the electing bodies as "political patrons."

The principal newspaper presses were the only establishments properly equipped for congressional printing. Rivalry was strongest between Gales and Seaton, proprietors of the National Intelligencer and Blair and Fives of the Globe; in later years Thomas Allen of the Madisonian and Ritchie and Heiss of the Richmond Enquirer became prominent. Other candidates as a rule received outscattering votes. Prior to 1829, a plurality vote constituted an election but by a resolution of that year, a majority was required.

In 1827 political partisanship reached a climax in the House of representatives. Two days were occupied in a contest between Gales and Seaton on the one side, Blair and Fives on the other. Various expedients and resolutions were proposed but no solution appeared until as a resource, the Whigs almost in a body turned their votes from Gales and
Season to Thomas Allen. After 12 ballots Allen was elected.

Time for the election of printer altered.

So great was the stress laid upon the political sympathies of the public printer that it became impossible to enforce the provision for electing printers at the close of each Congress. In the House, election was postponed from time to time until the law came to be regarded as a dead letter. It was declared that a public printer ought not to be elected who wielded a press intended to cut down the existing administration. The question was less easily solved in the Senate. In 1825 an attempt was made to postpone the election. Mr. Benton maintained the right of every Congress to elect its own officers, inherent in the Constitution. To meet the argument that Congress during recess would be left without a printer, he replied that the custom of printing during vacation was a great abuse; that it afforded an opportunity for hunting up useless work, of great expense to the government and profit to the printer. The precedent of the House was urged against those who upheld the resolutions of 1818 and 1829. The opposition in 1841 threatened the expulsion as soon as Congress convened, of whomever might be chosen by the existing administration. The contest was long and bitter but the motion to postpone was finally negatived and Blair and Fives were elected. The first resolution proposed at the following session was from Mr. M'Can, proposing that Blair and Fives be dismissed as printers to the Senate for Congress 27. The problem was twofold; according to an act of Congress, the only legal ground for dismissing a public printer was failure to comply with his contract. Blair and Fives had had no opportunity
nity to transact business. On the other hand, the Senate had the constitutional right of electing its own officers. The point of contention was then: could the public printer properly be called an officer? Whether justifiable or otherwise, the contract was withdrawn and the bond returned to Elair and Rives. The debate had lasted 6 days and the event had assumed the tragic proportions of "shedding the first blood of the first martyrs on their table."

The opposition refused to vote on a new election holding it illegal; it was not until the 51 ballot that a quorum was obtained when Thomas Allen was elected.

Relationship of printers to Congress.

The question as to whether the public printer was an officer of the Senate and House respectively had arisen on various occasions and was of peculiar importance in the election of 1841.

In 1835, in a speech against the election system, Mr. Robertson argued that the printer was an officer because regularly nominated, brought into competition with others, and elected, that he must therefore, be an officer either of the government or of the houses of Congress. On the other hand, since the public printer was not provided for in the constitution along with the Clerk, Speaker and other officers, he was entitled to be called an officer no more than the architect or upholsterer who provided for the reading room. Calhoun drew the clearest distinction when the Senate was debating the abrogation of Elair and Rives' contract (1841): All public employees might be regarded as officers in a certain sense. If capital and material belong to the person employed,
if he hires workmen and runs the risk of loss and gain, he is simply an employee and the transaction is a contract. The distinction, he only illustrated by 2 classes of individuals in the post-office department: (1) The officers are the deputy post-masters who may be dismissed, (2) The employees are those carrying mail at their own expense, a contract. (Closs C. 2c, § 2, p 246.) The point was one which could not be settled by debate and, being a convenient bone of contention, it frequently recurred when one faction or another desired to delay proceedings.

Trouble composition.

It became apparent under the joint resolution of 1818 that if the same individual should at the same time be printer to both houses, compensation might be demanded and received twice for composition performed but once. To obviate this difficulty, a resolution passed the Senate 14 May 1830: "That when the same person shall be printer to both houses, and when the Senate shall order any message, report or other document printed, the Secretary shall ascertain whether the same is to be printed by order of the House of Representatives and if so, shall direct the number of copies required by the Senate to be furnished at the usual charie for additional copies and in such cases where each house has a different printer, the Secretary shall, if practicable, make arrangements with the printer of the House for furnishing the copies required at the usual rate for additional copies and if such arrangements cannot be made, such message, report or document shall be printed by the printer of the Senate." (U.S. 2½, doc. 120.) 14 April, 1884, the Senate rescinded the foregoing resolution but readopted the latter clause in
substance with slight alterations (1846). A proposal was made to rescind so much of the resolution as rendered any order of the Senate dependent on a similar order from the House. It was the result of difficulties arising when the 2 houses had different printers. 1. The Senate can exercise no control over the printer of the House, hence can enforce no contract made by him with the Secretary of the Senate.

2. If the Senate or its committees stand in immediate need of certain documents, they must wait upon the convenience of the printer of the House who supplies the immediate demands of the House first; the delay may be indefinite if the document is not needed by the House. 2. All documents of Congress do not appear among the printed documents of the Senate and as it frequently becomes necessary to refer to a document of a former session, it can be found only in documents of the House.

4. The rule, not reciprocal on the part of the House, operates injuriously to the printer of the Senate by diminishing the amount of labor, hence compensation. Since the House prints all communications from the President and executive departments, the Senate printer is obliged to delay till the orders of the House are ascertained, hence prompt delivery is impossible.

In 1846, the committee on contingent expenses reported a resolution aiming to establish reciprocity between the two houses for the purpose of avoiding double composition; i.e. that it should be the duty of the Secretary of the Senate and Clerk of the House respectively to ascertain whether documents had previously been ordered printed by the other house with the proviso that "if for purpose of dispatch or any other cause it shall be necessary to fulfill any order for printing for
either house or any department which had previously been ordered, the Committee on contingent expenses of the house making such order may direct that such document be again composed or cut into type." (Glooe C. 29 S.1, p 127-8; Stat. v. 9: 112.) Maps and charts were to be obtained under direction of the Committee on contingent expenses of the house making the order; composition was to be paid by the house first ordering the documents. The resolution passed both houses.

Cost.

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Double composition was but one cause to account for the acknowledged costliness of this system of public printing. The tariff of prices established by the joint resolution of 3 mar. 1819, was accepted as standard by which, or in proportion to which, prices were regulated for more than 27 years notwithstanding changes in economic conditions and the great increase in the amount of work ordered by Congress. Need of a revision of the schedule became evident as early as 1828. Ordinarily documents were paid for at the rate of $1.00 per page. Not only was the cost of printing less than in 1819, materials and processes cheaper, but a comparison of documents showed that the specifications of the contract were not observed. It was stated that as much was contained on a single page at a cost to the printer of $3.50 as formerly cost $17.00; or, in the case of documents accompanying the President's message, at the rate of $4.50 per page for what formerly cost $11.00.

Nor was the economy of the system to be estimated from actual expenditure alone. Of almost equal importance was the great amount of time consumed in electing printers, in discussions over which documents
should be printed and the loss of time occasioned by delays in the delivery of documents.

Offers had already been received for transacting the business at much cheaper rates but the wiser method of economy appeared to be in a more judicious selection and compact form of documents as indicated by the following joint resolution (1828): "After the termination of the present session, it should be the duty of the Secretary of the Senate and Clerk of the House so to regulate the printing of Congress as to abolish the practice of individual title pages for executive documents, reports of committees memorials or other documents unless specially directed by them; the whole matter to follow in close order from the first page; the printing of the yeas and nays in consecutive order as ordinary matter; the respective communications of the President and heads of departments bound in distinct volumes." An amendment was agreed to the effect that they might also change the form of the volume by increasing the size as to combine the greatest quantity of matter with the greatest economy in the execution of the work. (Stat. v. 4: 822).

Various other attempts were made to reduce the cost of printing such as recommendations to fix prices by joint resolution (1835) and the House resolution (1837) that the Clerk have no maps accompanying documents printed without special direction.

It became evident in 1840 that the public printing was a lucrative trade and thenceforth the compensation of the printer was a mooted point in party conflicts.

A letter written by a member of the House to Duff Green (1840) proposed that in order to defeat Blair and Rives, he become a candidate for public printer and after election hand the work over to Gales and
Seaton. It was estimated that the total profit would be $80,000, out of which Green might retain the commission of $10,000.

Immediately after the House election of Blair and Givens for Congress 26 (1840), a committee of 5: Black, Prentiss, Evans, Garland, and Garrett Davis, was elected to report to the House in 10 days as to "just and reasonable prices having due regard for the quantity, quality and due execution of the work"; to report also on the separation of the newspaper press from government patronage— to have precedence over all other business until finally disposed of. The report was made in the form of a joint resolution, specifying prices, execution, and quality of materials. The tendency toward compactness, for example in the use of small type where the nature of the material permitted, and economy of space. The investigation showed that for the last 7 years, the printer had received an average annual profit of $66,780.

The minority of the committee favored an average deduction of 25% on account of:

1. Reduction in cost of material since 1819, also in cost of labor due to the introduction of power presses.

2. The greater amount of work ordered by Congress.

3. Large amount of figure work, "printers fat" which yielded unusual profit.

4. Amount of Sunday and night work over estimated.

5. Promptitude and certainty of payment.

The recommendation of the majority was supported and prices reduced 15% on the schedule of 1819.

Congress 26, prices were reduced 20% on the schedule.
of 1819 but Gales and Seaton complained that, owing to a decrease in the amount of work ordered, they were losing money; the Whigs accordingly voted to restore the schedule and the printers were reimbursed. While Gales and Seaton continued as printers to the Senate to receive these prices during Congress 27 (1842-45), Blair and Rives, serving the House, received 15% below.

A committee reported 14 April, 1840:

"The principal reasons alleged why the printing for Congress cost so much more than book work, or work done for individuals are: the irregular manner in which it is ordered; the haste with which it has to be executed; the necessity of keeping hands and machinery constantly ready to execute the orders given; the time lost during the recess of Congress; and the inconvenience and expense arising from being obliged to discharge a number of hands at the close of each session and employing others at the beginning of a succeeding one. Many, if not all, of these evils (if they exist) can, we think, be remedied by having all the printing executed at one establishment and a proper distribution made of the work". (U.S. 298 doc. 232 pt1.)

DEPARTMENT PRINTING

The printing of the executive departments continued to be done by contract independently of congressional printing. The contracts were apparently private transactions, i.e., let at the pleasure or discretion of the heads of departments for in 1839 it was moved to add a new section to the general appropriation bill, specifying that the printing of executive departments be let by contract to the lowest bidder. The Senate agreed to strike out this provision. In 1841,
a thorough investigation was instituted. The House passed a joint resolution providing that 'all printing by order of the heads of executive departments or any other agent of the United States shall, wherever rates are now higher, be done at the same rates established at the present session of Congress by the 2 houses for printing done by their order; and all accounts for such printing shall be settled and paid in strict conformity to such rates by all officers of the United States.' (Globe C.27 S.l., p.422) The Senate laid the resolution on the table contending that a law already existed to the same effect, but that it had been disregarded in behalf of favoritism. Reports were demanded from heads of departments as to whether such a law had been observed, what rates had been paid and in what way these differed from the rates of Congress at the present session. Daniel Webster, secretary, reported that the law had been observed in the Department of State and he also remarked that the department printing differed from that of Congress in form, number of copies and quality of paper, to such a degree that it was found impracticable to fix rates. The appropriation bill for that session specified that the work be given out to the lowest bidder.

REMEDIES.

Committee on Printing.

The resolution of 8d March, 1819 proved inadequate in failing to provide a responsible head to oversee and direct the work of the public printers. Complaint was made that there was no system. Delays occurred; documents did not appear when most needed; many details of the work, important and otherwise, occupied the valuable time of Senate
and House, and others were left to regulate themselves. There was a standing rule (1820) that no paper or document should be printed for the use of the Senate without special order, except reports of committees of the Senate, messages from the President, and communications from the heads of departments. (S.J. C. 16 S. 1 p. 67, sec. 41.)

The retrenchment committee 1828, suggested a standing committee on printing for the purpose of deciding on the amount to be done.

In 1841, the Senate passed a resolution creating such a committee, to whom should be referred every question on printing with the exception of bills, resolutions, reports, etc., originating in Congress. The committee was directed to report in every case within one day or sooner if practicable. Senators Merrick, Young and Mangum were appointed.

During the same session, a select committee on the duties of officers of the House recommended a similar provision to be included in the standing rules, but the resolution was rejected. (H.J. C 27 S. 2 p. 486.)

Investigation.

There was, aside from mere party prejudice against government patronage of the political newspaper press:

The committee on the judiciary in 1835 was directed to inquire into the expediency of altering the laws so that thereafter all printing to be done for the United States in any part of the public service be done in the District of Columbia and not let out to persons concerned in any way of emolument with any public journal or newspaper.
The committee reported that the first point, namely, all printing to be executed in the District of Columbia, was entirely impracticable; for example, in the case of the publication of laws in newspapers. The second point would establish a new principle in government, i.e., "the proscription by law of a particular profession of men from a particular kind of public employment." The committee was of the opinion that it was an extreme application of the power to prescribe qualifications for office, a question to be decided by the voter and not by law. Nor was the affirmative recommendation of the committee of more practical bearing to the legislators; namely, that the better mode of procuring public printing was to employ by election or by contract persons of known fidelity and punctuality in the performance of agreements and to regulate and supervise prices and the execution of the work so as to prevent all possible imposition. "The only safeguard is in the wisdom and discretion of members of the House." (U.S. 276 doc. 128).

In 1827 and frequently thereafter, resolutions of investigation were introduced in either house. A radical reform was attempted in 1828. It was moved that a select committee, appointed to investigate abuses in the legislative branch of the federal government, 'inquire also into the expediency of divorcing by law the government printing from the public press by prohibiting in future every officer thereof in his official capacity from employing any conductor of a political journal to execute any portion of the public printing.' By this means, it was hoped to place the work on a more reliable basis, reduce expendi-
tures and also to regulate the printing of the laws at that time carried on at government expense by 20 printers outside of Washington. The committee should also inquire:

1. If the printer now in office does work at his own establishment and with his own material and employees and under his own orders.

2. If the work has been transferred and on what terms and conditions.

3. If prior to ballot before the close of the last election, some understanding had not existed between the present printers and other political journals whose editors were at the time candidates. The offices referred to were the Madisonian and the National intelligence; Thomas Allen and Gales and Seaton. (Globe C. 85 2.2 o.27c)

A great deal of time was taken up in discussion but the motion was not acted upon.

The alternative solutions of the problem to which committees and members of Congress from time to time returned were: the establishment of a government printing office, and the contract system.

Government Printing Office.

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department included.

The select committee of 1838 reported in favor of centralizing the public printing, of placing under single supervision the printing for departments and publication of laws, which would best be accomplished by the establishment of a national press entirely separate from government patronage.

The report of the minority of a select committee on printing, (1840) signed by George Evans and Rice Garland favors a government press:

"1. Because the public work will be done with more regularity, and much of it can be executed at such periods as will prevent that haste in its execution which, it is alleged, makes it so expensive, and prevents its being well done.

2. It is clear from the evidence taken by the committee that a very large sum can be annually saved, by making an establishment in which printing for Congress and the executive departments can be executed under the direction of a competent superintendent and proper assistants.

3. Because of the beneficial effects it will have upon Congress and the press of the country. (U.S. 398 doc. 832 p.11.)

The first point would be gained by printing during recess the documents which were required to be presented at the commencement of each session, also extra numbers and less important documents ordered by the preceding congress. "By a proper distribution of the work, there would be no necessity for so much haste and working at extra hours; hands and machinery to be kept constantly employed; no time, or cut little, would be lost during recess; and journeymen printers, proof readers, and laborers would be kept constantly employed in a business with which they
would be familiar." The fact of having the printing of both houses and the departments executed at one office would aid in securing this end.

The second point, economy, was based on the opinions and estimates of practical printers. "Mr. Harper, an active partner in an extensive publishing and printing establishment in New York, says he most truly and sincerely believes that the establishment of a national office would be an immense advantage to the country." Mr. Harper estimated an annual saving of $70,000.

Duff Green, printer to the Senate, 1827, believed there would be a great saving in money and "more in the moral and political character of the country."

The beneficial effects enumerated were: the prompt and regular delivery of documents now frequently delayed beyond the stage of usefulness; economy and the abolition of a patronage disgraceful to all parties concerned. The sum of $50,000 was estimated for a building, the purchase of machinery and tools including the equipment for binding. A superintendent was to be appointed by the President, during term of office to have no connection with any other printing establishment; he was to employ assistants and purchase material.

The majority of the committee opposed a government press or any action which would tend to reflect distinctions upon printers as a class. They declared that 'the legislature has no right to prescribe qualifications; that such an act would be a direct attack upon the elective power of the people, unconstitutional, coercive and oppressive.'

A most interesting report was made by the Senate committee
17 June, 1842, in the form of a bill to provide for the public engraving, printing and binding. The bill was prefaced by a long exposition of past abuses, present responsibility and future opportunities, some idea of which may be obtained from the following extracts:

"That plan for executing public printing, the committee conceive should be based upon the principle that the only legitimate objects of the public printing should be, to extend the information of the people, their representatives and other public functionaries, in everything that relates to the administration of their government, and its several departments; the development of the domestic resources and the extension of the commerce of the country, together with its intercourse and relations with foreign governments; and to preserve in the archives of the several states and among the people, the laws, journals, records, statistics and practical history of the general government.

"Nor should this plan be tinged, in the slightest degree with favoritism to a party press; for, in this there would be danger that the great and paramount course would degenerate into the unworthy object of ministering to the curiosity of mere party men, and to the extension of a vast corrupting patronage with the funds of the nation.

"In seeking this plan, therefore, the mind must be totally disengaged from party considerations, as regards both the present and the future, and a determination should be formed to use the printing as a necessary medium of public intelligence rather than as a mere engine of power and corruption..."

"The recurrence, biennially of the election of a printer for each house of Congress, presents the humiliating spectacle of
eagerly contending conductors of party newspapers, claiming the prize as a reward for party services. The array of interest, and the active means adopted on all sides, to insure success, will not be a matter of surprise, when the value which is attached to this prize is considered...

"Thus, while an overgrown press at the seat of government is enjoying the advantages so lavishly bestowed by the government. The regularly established press through the country has been depressed and sometimes ruined for want of the necessary support, being succeeded by the immense emission of party missiles, fabricated by means furnished directly from the National treasury, and circulated gratis, overloading the mails, at a cost, depressing if not ruinous, to the Post-office department, and, from its nature, vitiating the moral sense of the community...

"The impropriety of this system may be sufficiently illustrated by the statement of the simple question: does the constitution of the United States give to Congress or to either house, the power to appropriate, or use, directly or indirectly the public money for any purpose other than for public service, as contradistinguished from mere party purpose, and the advancement of private ambition?"

The legitimate support of the newspaper press would seem to be the private subscriptions of the people...

"A free press has been characterized as the oralladium of liberty, but a press subsidized by a party... cannot be considered in the condition contemplated in the concession of this high attribute, neither can it be a safe expositor of fundamental principles, a proper medium for imparting truth, nor a suitable guide to the moral and intellectual
energies of the American people...

"While the public press may be compared to the copious fountain, where the multitude, thirsting for knowledge, may refresh their wearied minds, anxiously seeking measures of relief, which alas! they have sometimes sought so long in vain, they have found, and will always find, that to seek truth, or pure water in channels flowing from corrupted sources is contrary to the philosophy of nature..."

The need "heretofore, perhaps, but little considered" that legislators should feel assurance of being correctly, freely and impartially reported, was also emphasized. Economy was an important item: "it may be seen on examination of the subject, that the orofibs which had been realized on the public printing for the several departments of the government, during one printer's term, would have been sufficient for the erection of a printing office and the purchase of type and furniture sufficient for executing such printing for many years..."

"By means of a well-arranged and properly conducted establishment, under direction of intelligent, practical printers, there cannot be a doubt that an immense saving to the public treasury and abatement of an extensive political evil would be the certain result..."

"Congress could then afford by its saving, to oromstate, with a liberal hand the information wanted by the people; could publish and republish its laws, journals, statistics and other documents constituting a complete history of the practical operations of the government, from its formation, to be disseminated among the state governments and literary institutions of the country, to enlighten its citizens, and to preserve the archives of the nation from oblivion. Such printing would be exe-
cuted on account of the intrinsic importance of the matter, and not for the private gain of the printer, regardless of matter. Its form and its execution being, at all times, under the immediate control of the government, might be rendered highly conducive to the improvement of typography of the country and creditable to the respectable craft of printers and to the government..."

The bill with which the report was submitted embodied the following points:

1. A superintendent of the public printing, a practical printer of experience and education be appointed by the President for 4 years, also a superintendent of public engraving.

2. The superintendents to be responsible, to purchase material and otherwise disburse funds, to account foremen and employ assistants.

3. Wages to be regulated by those paid for similar services in other printing establishments.

4. Superintendent of public printing to appoint a bookbinder.

5. All government printing to be concentrated in this office; private work excluded.

6. Rules and regulations for conducting the enterprise to be framed by the superintendents, the Secretary of the Senate, Clerk of the House and approved by the committees on printing.

7. Erection of a building.

8. Superintendents to submit annual estimates to the Treasury department and reports to Congress at the beginning of each session.

(U.S. 398 doc.332.)
A few months later, plans and detailed estimates for such an establishment were brought before the House by Mr. Wise. (U.S. 420 doc. 92.)

In the final investigation of which a report was made to the House on July 1846, the project of a national printing office swung to the opposite extreme. Mr. Benton said:

"It is due to the committee to state that they entertained but one opinion in reference to this proposition. From the lights before them, they cannot regard with any favor the idea of a press established and owned by the government..."

"All government establishments are prone to become the source of unnecessary, not to say orfificiate, expenditure. The sagacity and vigilance which contribute so much to the success of individual enterprises, is, to a great extent, wanting in its operations when the government becomes jobber..."

"The design of a 'national printing office', as we understand its advocates, is, to do not only the printing of Congress, but of all departments of government; and those jobs which are now distributed to various sections of the country, advantageously to the public interest and executed through the agency of private capital and enterprise, would be withdrawn and undertaken by the government itself. An establishment equal to such an undertaking would at once constitute a new fortress of patronage and create the necessity of adding some hundreds of recruits to the army of place men..."

"It is admitted that such an establishment might be convenient to Congress and the central power; but we cannot yield so important
a proposition on the argument of convenience, which has ever been the apologist of hoary abuses and sometimes of the most calcable usurpations, by delegated power of the rights of the citizen. If patronage must exist, it should be diffused, not concentrated. Diffusion is the best antidote to its poison. The proposition under review is one to concentrate patronage and to create new offices; thereby ministering to the acquisitive for place already too voracious, and to augment those centralizing tendencies and influences which are at war with republican notions." (U.S. 481, Doc. 754 p. 48.)

The contract system, in spite of the difficulties which it had entailed previous to 1819, was in 1846, the more popular alternative to the elective system.

**Contract System.**

As early as 1826 there had been advocates of a return to this method of procuring public printing.

In 1826 Mr. Robertson of the House offered a motion having in view the centralization of public printing and at the same time aiming to guard against political favoritism by placing responsibility in the hands of 4 officials. He suggested that all printing be done under contract with such persons and under such regulations as authorized and prescribed by law. The Secretary of the Senate, Clerk of the House, Postmaster General and Secretary of the Treasury were authorized to advertise for proposals to print (1) for the Senate, (2) for the House, (3) all work within the District of Columbia for the Post office department and (4) the same, on public account.
Proposals were to be sent to the Attorney-General. Such persons as may be willing to undertake said printing on the most advantageous terms to the public, to receive the contract. (Register, C.23, S.2, p.1716, 1245-52.) The motion was not acted upon.

The tendency toward the contract system was noticeably stronger in 1839 when the election of printer was delayed until Jan. 80 and from that time until the Garrett-revis resolution of 1846, proceedings with regard to printing were attended by the most tiresome and ineffectual discussions.

THE CONTRACT SYSTEM - 1846-52.

A method more vicious in practice than the elective system could scarcely have been devised. "What are the facts presented by this retrospect? Canvassing; electioneering; attempts to involve individuals in interested political considerations; consumption of the time of Congress in electioneering and debating for the printers and in catering for ample documents to satisfy the pampered appetites of the typographical pleasure, during the session, and to last during the recess, so that the victorious press be actively, effectively employed without intermission during the entire term for which its editor was elected, in default of which by Congress, they should not be surprised for colossale breach of vested right." (U.S. 398 doc.392.)

The tariff of prices originally based on careful inquiry and practical experience, had long since been out of date. The cost of printing, aside from the printer's profit was extremely high, in fact, it had been stated that a national press might be established for the amount expended on a single election.

To the printer's behalf, it might be argued that there were
unusual risks in government work: the necessity of large stock and the risk of election and re-election; the wear and tear of material; great rapidity, despatch and punctuality required, the illegibility of many manuscripts; extra wages to be paid for night and Sunday work: necessity of employing first-rate journeymen and the high per cent of credit required for insurance on such an establishment.

On the other hand, the amount of printing had greatly increased and was comparatively regular; cost of materials was less than in 1812; the introduction of machinery was an important item, compensation was regular and to be relied upon; no more congressional printing was performed than ordered and paid for and there was abundant opportunity for gain by means of title pages, blank pages, table work, etc., known as printers' fat.

When the ballot for printer to the House was loved in 1845, an amendment was suggested providing that a committee of five appointed to let the printing of the House to the lowest bidder after 10 days advertisement in the city newspapers.

The recommendation of the contract system was based largely on the success of its application to department printing since 1842:

"the work instead of coming into the hands of politicians — adventurers, hungry cormorants, who hang around the city hunting after spoils from the Treasury department — went into the hands of honest operatives, printers who agreed to perform the work since that time for 1/3 the previous cost." (Globe 7.22, 3.1 c.12)

Long debates were held over the merits of the respective plans, the point which counted most against the Whigs, who, as a body.
favored the contract system, was the fact that they had voted a reimbursement to Sales and Senator for the printing of Congress. Zeal for economy appeared to fluctuate with the balance of political power.

On Mr. Favelly's resolution, it was agreed to appoint a select committee of 5 to whom should be given for consideration the whole subject of public printing for the 3 houses, in the meantime Ritchie and Heiss were elected.

A select committee, Messrs. Favelly, Garrett Davis, Mc Kay, Howe, and Fenton, reported 6 July 1846. Their conclusions were based upon the examination of practical printers, as to prices, conditions of labor and individual opinions on the various methods of producing the public printing.

Fellers and Gideon believed that a printer could make a reasonable profit at prices 95-1/3 to 4½ per cent below the tariff of 1840.

The views of John C. Fives were given with greater circumspection and considerable fulness. The active member of the firm of Blair and Fives, he had since the beginning been interested in the editing of the Congressional Globe; as one time contractor for department work and several times printer to the Senate and House, respectively, notably in 1843 when the House reduced compensation 15% below the prices of 1842. Mr. Fives was apparently qualified to express an opinion. The question of further reducing compensation received, he said, upon many contingencies, "but mainly upon the time given to the printer to execute the work, the kind of work and quantity of matter ordered to be printed. If Congress should order nothing to be printed...
except what is intimately connected with its legislation, order one hundred
number, and order them to be printed, quickly on good paper, and answer is:
that the prices now authorized to be paid are not high enough... but if
the printer to Congress shall be allowed his own time to perform the
printings as to it on such paper as he may select and for less should
order a great many more numbers, then one printer would want more and
others less than a reasonable profit on the work." Varies consider the
principle of the elective system, as, in the long run, most economical and
because it aids in the support of a daily paper in which full reports
of debates and proceedings were given. He recommended, however, the
following modifications:

1. A good printer to be selected by joint select to submit to the
receipt, examination and calculation of the printing for both houses.

2. Certain specifications as to order and time of delivery.

Another proposition was that a fixed per cent on the actual
cost of the work be paid, irrespective of numbers.

The committee favored the contract system: "The single way of
attaining these objects (economy... the provision of (some truth
dependence on the remuneration clause) which has occurred to the committee,
is to divide and classify the printing of the 3 houses of Congress:
forming bills and resolutions into one class, the reports of committees into a second, journals into a third, executive documents into
a fourth, and every other kind of printing into a fifth; per letting
the printing of each class as a separate job, to the lowest bidder,
who shall exhibit satisfactory testimonials of his practical skill
end of his ability for the division of the work, and who will perform.
good and sufficient security for the faithful execution of it. To do all the printing of Congress or all the printing of either of its houses requires a large and extensive establishment, and beyond that of many skillful and industrious practical printers who are in some circumstances. To separate the printing of Congress into several distinct classes, and to let each class as a separate job to the lowest bidder, after sufficient advertising, would unquestionably reduce very sensibly its present cost by inviting a full and free competition for it. To require the person to whom it was to be practically delegated for its execution, would countess acceptable among many skillful, industrious and worthy printers who have not filled accomplishments, a large supply of assistance which too often under the present system tools to block one of the politicians who know nothing or little of the work or business with which they are entrusted. Practical men would thus allow a free competition with politicians - a privilege which is denied them now; and the nature of contracts into which the printing of Congress would be divided would give a reasonable assurance that printers by their own interest, and printers of their own interest, would pursue their business for a living, and who are not politicians by profession, or connected with the necessary class, would undertake the work of Congress and withdraw it from the destruction of being a pretext of party selfish. (U.S. 461 par. 172 p. 4-5.)

The minority of the committee favored a supplementary resolution providing for the composition of documents ordered by both houses, which was passed 12 July 1846 (Dick case A3.) (Star. v. C p. 113). The recommendations of the minority were rejected in the report of the joint resolution of 21 Jan. 1847. With the last report of the
affection of a portion of the Democratic early over the action of
Hinton, were able to carry with a large majority. The main provisions
of the resolution were: That the Secretary of the Senate and Clerk of
the House advertise in all newspapers of the city for 4 weeks at the
beginning of the final session of every Congress, for sealed proposals
to execute the printing of the following convenes: that the advertise-
ments specify the requirements and clearly estimate under a head:
(1) Bills and resolutions (2) reports of committees (3) journals (4)
executive documents (5) every other kind of printing; that each class
be let under separate contract to the lowest bidder who could furnish
satisfactory security. Wherever each house might have one or five
printers according to the range of business. The new feature of the
bill was the provision for a joint committee chosen by the two houses
with the following powers and duties:

1. To adopt necessary measures for the recovery of accounts of

2. To make a just rate reduction in compensation or reduce
work done other in interior or standard.

3. To audit all accounts to b. printing.

4. To report, upon occasion, in behalf of its own house, on
the propriety and expense of printing extra documents whenever a bill
was made to that effect.

Expenses for printing were to be paid from the contingent
fund of the two houses in proportion to the number of votes secured
by each, except the expense of composition, to be paid by the house
first ordering. (See Appendix)
The contract system was as demoralizing as the elective system as the elective system had been to Congress. The year previous to the adoption of the plan the Columbian Biographical Society sent a resolution of remonstrance to the House. It embraced the following objections:

1. That the contract system excited competition and had a tendency to depress prices so as to warrant the employment only of boys, runaway apprentices from other cities, etc.

2. Journeymen of skill were as a result thrown out of employment.

3. The work executed upon inferior material and by bad workmen will be disadvantageous to Congress and to the biographical craft of the nation.

4. Past and present results of the system in the execution of contracts illustrate those evils and should prevent the adoption of so iniquitous a policy by the Congress of the United States. (U.S. 486 Ann. L. 14)

It was conceded in the Senate that "even with the utmost care and vigilance of the Secretary of the Senate and Clerk of the House who were to receive bids, frauds and compositions would occur in obtaining contracts, fictitious bids, buying off, etc." (Globe C. 29 1106.)

Under the new arrangement, the duties of the Secretary of the Senate and Clerk of the House were:

1. Making calculations necessary to ascertaining lowest bids.
2. Preparing contracts and bonds required by law.
5. Attending to the business generally under direction of the presiding officer.

In 1849, it was decided to pay than $800. for each counselor of printing contracts. (S.J. 1:30 S. & O. 203)

The duties of the joint committee were indicated in the provisions of the joint resolution. Reports on the printing of documents were authorized to be made one day, or sooner if practicable, after reference. As a rule, during recess, the powers of the committee were exercised by the Secretary of the Senate, Clerk of the House, and Clerk of the Committee on printing. Senators Secretary succeeded by Erline, Cameron and Greene, and Representatives Longer, Penley, and Thompson composed the first joint committee.

March, 1847, the President and Secretary of the Senate, the Speaker and Clerk of the House submitted reports to their respective houses on the letting of printing for Congress 50. The reports contained roolies of all competing printers and named Kendall and Van Benthuysen the lowest bidders on classes 1 to 4; Tiffin and Ender on class 5. (U.S. 48 Doc. 228)

Van Kendell and Van Benthuysen, Congress 50.

Scarcely 2 weeks had closed of the following session (Comp. 50 Sess. 1.) when complaints of delay became frequent. Feb. 1848, the committee on printing was instructed "to inquire and report why none of the copies of the President's message with documents, have been advertised and bids transmitted by printers see U.S. 500 Doc. 126."
been furnished to the Senate and more than may be furnished by the printers." (Globe C. S0 S.1 p.110.) The committee reported the following day that delays were due to the "magnitude of the documents" and that 1000 copies would be delivered 17 Jan. 1845.

More serious difficulties are betrayed by a resolution introduced in the Senate directing the committee to examine into the printing as to mechanical details and as to whether documents were printed from originals.

Senator Ashley had received an anonymous letter pointing out over 20 mistakes on 2 pages of the document containing the President's message. Aside from typographical errors, there was failure to comply with specifications in regard to quality of paper and size of page. Delays were becoming serious. Senator Hale declared that he would vote for no more documents unless they could be prevented from being "so absolutely ridiculous"; friends asked him if they used wooden type in Washington. "There is not an oranges shop in this city," continued the Senator "that would not be ashamed to put out its advertisements in such a guise as the public documents of last session appeared in." (Globe C. S1 S.1 p.86.)

The supporters of the system realizing that the work had just begun, that it was an enormous undertaking. "The organization of so large an establishment in which... no less than 120 persons were employed... an undertaking of considerable difficulty." (Globe S.10 S.14. p.86) The documents that year were "very voluminous" and the contractors would probably lose. Moreover, there appeared to be a combination of printers and dealers against the contractors for government printing.
Time, instead of systematizing, brought the printing into greater confusion, members of Congress and their constituents, it was said, were much discomfited. As late as March 2, the message and documents for distribution by members had not been delivered; the journal was from 6 to 8 weeks behind. The committee on representing these conditions to the printers were met with excuses and promises by which they appeared for a time to be actually baffled. It was the opinion of some that printing by contract would never be satisfactory, but others felt assured that it would work to the most economical ends if properly conducted under rules rigidly enforced; the statement was made that the work was better, as much as could be expected, and that over $100,000 would be saved on the printing for that session. Congress 30, session 1. (U.S. Doc. 281.)

Nevertheless at the close of their term of service, Ferrall and Van Eenthaysen were so far aware that many documents for the first session had not been delivered and they were obliged to petition Congress for extra compensation.

As the time approached for letting the contract, the Senate, in order to consider new arrangements, passed a joint resolution extending the date for receiving proposals and the House concurred. Senator Fearce produced the strongest and most practical argument against past methods. He showed by samples that the paper used was inferior to that specified; that different type was used—a close body with small line face instead of a small line type, the effect of which was to reduce the number of letters on line without affecting the number of
lines to the page, this decreasing the amount of printed matter in a month not readily observed. By producing duplicate material carefully set up by Holiday of the Globe office and Trenholm of the Union, Mr. Pearce was able to show an exact difference of 1%. Rule and figure work was badly done and covered too much room. Work required for the following day was delayed two to three days. The contract system was denounced "the salt Berg principle", offering "an incentive to irresponsible adventurers to undertow regular mechanics, and if he does not cheat you in the work, he will have to cheat his workman." (Globe, 80 8.1 p. 486)

Trenholm and Felt, Congrass $1.

The printing for Congress $1 was let to Trenholm and Felt*. Former bad conditions continued. The committee instructed to recor on a means for expediting the printing, submit a resolution to the effect that the Secretary of the Senate and Clerk of the House be authorized to cause as much of the printing of the present Congress heretofore ordered as shall be necessary to be of execution to be executed by such person or persons as they shall respectively select at compensation not to exceed $20 below the price of 1816. (Globe 1. 81 8.1 p.415) Mr. Bovland proposed that the printers be disinclined upon relinquishing all claim for indemnity for non-performance of the contract. The committee was agreed that a large amount of work was occ turned out and that delays on a portion of the printing were due to the fact that material had not been furnished them. They were convinced.

*For other proposals, see E.R. 88 doc. 60.
that prices were too low and that no one office in Washington could do the work. The resolution was rejected because of the great increase in cost which it would entail.

Mr. Forland explained the delay in that the first one half dozen or ten volumes bound under the contract were satisfactory and had been accepted; the contractors gave assurance that all documents would be of like quality but on delivery, the volumes proved inferior and were rejected. Much of the blame Mr. Forland attached to the heads of departments, maintaining that information was transmitted in such poor form and great quantity that extra time was required for sorting and selection.

A difficulty more serious in a way because it indicated the essential rottenness of the whole system, came up for consideration the latter part of the session. 7 June, 1869, a petition signed by Willis B. Field stated that he would be able to continue the government printing no longer. He professed reluctance to give up the work, asking consideration and aid. Stock at the Union office where the work was performed, was supposed to be sufficient for the undertaking and every effort had been made to give satisfaction. He assigned as causes of delay:

1. Delay in organization of the House, hence 3 weeks delay in receiving documents.

2. Great variety of documents.

3. Unusual length.

4. Unprecedented number of extra copies.

5. Loss of 4 to 5 weeks in binding.

6. Retention of engravings for which a separate contract was
made entirely without control of the printer.
The contractors asked more reasonable terms for cost as well as future work and expressed willingness to share the printing with some other office or to have it all placed elsewhere. (Globe C. S1 S.1 p.1154-55)
The probability, amounting almost to fact was that Thomas Fitchie, one of Trenholm and Bilt's securities, was the real contractor. This surmise was given color by the fact that the nominal contractors were working of small resources. Bilt was a journeyman in the Union office at $11.00 per week. Trenholm was an expert in his trade out of limited means. No one in the Union office regarded Bilt as having control and it was doubtful whether he had ever possessed any interest in the contract. Moreover, the work had been undertaken at prices lower, yet with full knowledge of the losses which Wordell and Van Benthuysen had sustained. From these and other facts, the contract appeared to have been made with one or more of three ends in view:

1. A political scheme for securing the public printing to Thomas Fitchie.
2. Deliberate underbidding with the expectation of reimbursement.
3. Combination among the printers of the District of Columbia for breaking down the contract system.

A fair survey of the situation is obtained from a resolution passed by the House appointing a committee of 9 with the following points for investigation:

1. Present condition of printing and the causes of delay.
2. Present and former prices.
3. If the present printers had or have now type and presses of their own.

4. Who are their securities and if their securities are not actual owners of the contract using names of employees in order to get the contract and keep back the public printing until higher prices may be extorted from Congress.

5. If the quality of the work and material conforms to the contract, and if there is any difference between those laid on the tables of members and those sent to folding rooms.

6. If the printers have accepted more than stipulated prices.

7. If there exists a combination of printers to break up the contract system and if the present printers or their securities are party to it.

8. If materials in the printing office are not sufficient to allow for more rapid work.

9. If presses are run all the time on congressional printing and if they employ all the workmen in their power.

10. Abuses, profits or losses; alterations in the present law necessary to expedite printing, also to prevent fraud and fictitious bids.

11. Inquiries as to other establishments in the city prepared to do the work, prices, etc. (Globe C. 81 S.1. p. 886)

The report of the committee, as obtained from the Congressional Globe was not as full as might be expected. They were satisfied that the contract was a great loss to the printers and that without some modification, it could not be sustained. The range of prices in
Illustrated by the President's message and documents, a volume of 250 cases at 29-3/4 cents; the Report on Finance, 295 cases at 36-1/4 cents, exclusive of binding. The compensation for nearly all extra copies was in the same ratio; not 1/2 the cost, it was estimated, of case, composition and press-work. Congress had ordered 341,000 extra volumes; 183,450 were printed and in the hands of the binder or delivered. Complaints were not justified because more printing had already been accomplished than was usually ordered. The contractors had printed daily since Jan. 1 at the rate of 1,000 volumes of 700 pages each per day.

The committee, therefore, recommended a resolution embodying the following points: that felt be released from the contract for Congress $1 and be paid for work delivered at the rate of 4% less than prices specified in the joint resolution of 3 March 1819; that Thomas Ritchie and Gales and Seaton be appointed by the Senate to execute printing for the remainder of the Congress at rates 55% below the prices of 1819 on short numbers, 45% below on long numbers.

There was considerable dissatisfaction with the report; while under the resolution proposed, the cost of printing would be 25% less than had ever before been paid, it would more than double the cost as provided by contract with Trenholme and Bell. The report was referred to a select committee on printing, which for several months had been under appointment for investigation of the whole subject. The report of this committee was 2 or 3 times postponed, and if ever made, is not recorded. In the meantime, the Senate passed an amendment to the civil and diplomatic appropriation bill, providing that no further proof being exhibited by the Secretary of the Treasury of any actual loss which the present
contractor may have suffered, the Secretary, shall reimburse him any such actual loss and allow him in place of profit 10% on the amount of work already performed; the contractors to be relieved from the contract and new proposals received for the following session. (Close, S 1 § 1 c. 2027) There was violent objection in the House on the ground that such action not only formed a precedent for future government transactions but entitled fore or contractors to enter claims; it was undeniably an injustice to the honest bidder.

We Lane, a friend of Ritchie, explained in the latter's behalf, that when the real contractor, felt, failed, Ritchie took the business off his hands and became assignee for his own protection.

It is a noticeable fact that proposals in Mr. Ritchie's behalf were framed to appeal more strongly to the emotions than to the intellect, emphasizing the printer's age, his long connection with government interests, his friendship with influential men, and impending ruin. The state of affairs was rendered more confusing by the assertion that Ritchie acknowledged himself principal before the printing was begun; that Frendola previous to contract, had declared the intention of low bidding in order to sneak up the contract system as a result of which it was alleged that Ritchie could be made public printer by the Democrats who were then in power.

Moreover, in spite of the fact that the printing had been undertaken at ridiculously low prices, there was doubt as to whether Ritchie had lost in the aggregate. It appears that his accounts were in a confused state and he could render no statement. The exorbitant charge for printing a certain document belonging strictly to none of
the first four classes; the surplus derived from furnishing paper of inferior grade, the illegal charge for double composition and $6,000 profit on binding, cast doubt on his alleged loss, whereas conformity with specifications would have entailed a deficit of $40,000. It was suggested that Pitkin's losses were due less to congressional printing than to the newspaper since lack of advertisements was it difficult to maintain a daily in Washington.

The House refuses to concur in the Senate amendment. No compromise could be effected; the Senate was obliged to rescind and no provision was made for the following session.

In Feb. 1871, Pitkin asked for a settlement at a reduction of 50% on the prices of 1870. The House committee recommended agreement. Should the resolution pass, Pitkin would receive $38,000 more than allowed by contract on the Patent-office report alone. A letter from John Powers, contractor for Class 1 of the public printing, asked that no discrimination be made. Mr. Pitkin was still unable to furnish a statement or data from which an intelligent estimate might be drawn. Whatever the additional cost to Congress, the principle remained the same: the end of the Academy society would be attained if it could get Congress to deviate from its own law by even so little. The resolution was recommitted to the committee with instructions to inquire and report if Pitkin executed the public printing according to specifications of the quality of work, of time, and what sum had been lost. The committee reported on the whole favorably: the quality of the work corresponded to contract except as to weight of paper used for extra numbers. Paper for the regular issues was better than called for.
delay was due to the great quantity of work which the printers had been unable to foresee. Several weeks were lost at the commencement of Congress owing to difficulty in organizing the house. The unfinished state of the work, uncertainty of amount yet to be ordered, and the fact that the printing of documents was done in common with the newspaper, rendered it impossible to more than approximate actual loss. The resolution proposed release from the contract, compensation at 1/2 the prices of 1818 and vesting of executive powers and duties of the committee on printing in the Secretary of the Senate and Clerk of the House.

(Slope 1.51 i.2 p. 747-8) The affair was not settled till the fall of 1822.

Hamilton, in 1823 3d Session.

8 March 1821, A. Boyd Hamilton was announced lowest bidder on all five classes. The contract proved, however, poor economy to the government. Hamilton was in no way prepared to do the work, and apparently felt little responsibility. What contracted with him, or acknowledged his inability to comply with specifications. As stated by the House committee, prices were ruinously low and according to experienced, practical printers, scarcely equal to the cost of the paper. There was a difference of nearly 100% between the bid of Hamilton and that of the next lowest competitor, John Tows. The result was poor material, poor execution and serious delays. Several of the Congress members complained of being obliged to make personal calls on heads of departments and bureaux in order to obtain information upon which to base their report.
The committee on printing announced in April (1846) that a
pro rate reduction of 10% had been made on all bills presented by the
printer; this did not have the effect of improving work and many documents
were rejected altogether. Hamilton was summoned before the committee,
questioned and admonished but without avail, and the committee, acting
upon the joint resolution of 3 Aug. 1846 sec. 2, passed 3 resolutions:
1. That so much of the public printing as may be deemed
necessary by the committee to remedy neglect or delay on prints or
prices contained in Givens' bid for Congress 1st.
2. That the committee enter into contract with Donelson and
Armstrong for printing of the present session in the House, Gideon 3 Co.
for the Senate.
3. Mr. Corran appointed to obtain their assentance or non-
acceptance in writing. (Journals 22 S. 1 p.1087-88)

The action of the committee aroused a storm of opposition
in both houses. Could the resolution of 1846 be so construed as to
allow the committee to discharge one contractor and employ others?
It gave the committee "power to adopt such measures as may be deemed
necessary to remedy any neglect or delay... to make a pro-rate
reduction in the compensation... and to refuse it altogether should it
be inferior to the standard." (See appendix)

The committee disavowed all intention of discharging the
current printer; the provision related only to such work as he was un-
able to perform. The conviction remained that the committee had over-
stepped its bounds because:
1. The provision related to more printing than was referred to in section 2 of the act of 1846.

2. The committee had established prices independently of the authority of Congress.

3. Unless the printing were re-let to the printer bidding next above Hamilton, the latter could not be held responsible for the difference in cost.

Mr. Benton declared that it was radically wrong to make any committee of that body, (the Senate), a committee to contract for its printing; the duty belonged properly to the officers of the Senate. Senators could not be held responsible for the manner of executing trusts and could not be censured but the Secretary of the Senate failing in his duty, might be dismissed. Various resolutions were proposed in the House aiming to limit the power of the committee by more closely defining their powers and duties, or by making their action dependent upon the direction of Congress. It was recommended that the committee be released from duties, and vacancies filled by the Speaker. Mr.orman, chairman of the Committee on printing, was of the opinion that of all the committees he had ever served on, the Committee on printing was the most burdensome and thankless.

Remedies.

The transactions with Hamilton convinced the cost sanction that however neutral and economical the contract system might be in theory, it did not harmonize with existing conditions. Just how far this was due to the opposition of printers, and tradesmen or to individual nee-
lessness and "suasion of employment," as difficult to carry out. Modifications relating to specific abuses of the contract system were from time to time recommended, e.g., separation of the supply of paper from the printer's contract; placing the work at the disposal of the Secretary of the Senate and Clerk of the House with prescribed rates, or dividing the printing between two or more establishments.

The contract system had scarcely been established when agitation for its removal began. A return to the elective method under a new schedule of prices known as Bowens's estimate ($5 to $6) below the prices of 1819) was advocated by the Democratic party, having received the sanction of a caucus held for the purpose of discussing public printing.

The tendency was noticeably stronger in behalf of a government printing office. Senator Washington (1840) declared that the "printing would never be properly done until Congress had its own printing establishment." Mr. Wentworth (1870) and many of the most prominent congressmen from time to time expressed themselves in favor of a government office.

Under Hamilton, it became evident that specific remedies were no longer possible and preparation was made for a general renovation.

Representative Loty (Jan. 1851) gave notice of a Bill to establish a bureau of printing in the Department of the interior and provide for the execution of all printing required by Congress or by the executive departments.

April 20, a select committee was appointed of which Mr. Seward was chairman; they were to inquire into existing laws and orders on the subject of public printing and report by bill or otherwise within one-
ment was necessary to insure faithful and prompt execution. A thorough investigation was begun.

In the meantime the joint committee reported a resolution re-instituting the elective system with a new schedule of prices, the provision for the maintenance of the joint committee on printing with rates as specified under the contract system, and the important point of variation that the government advertises for and furnishes to the printer all paper used for public printing. (Globe 1. 3d. S. 1 c. 1791-92).

The committees held joint sessions and finally adopted upon a bill as substitute for the resolution of the joint committee. In presenting the bill, Mr. Marshall gave a re-view of conditions under the contract system.

He said that injustice was due partly to the fact that those who thoroughly understood the work might bid to great advantage; i.e., by bidding very low on classes of printing in which there was little to be done and high in those which were likely to contain long numbers, the printers might secure the contract by reason of their average on the whole, falling below that of the fair bidder for a single class. The same held good in bidding for single classes, by bidding high on the part to be done in the type which includes most of the work and low on the other.

The committee on the other hand was placed in a hazardous position. He feared to lay in sufficient stock and machinery because there was no assurance of continued work after the first term of two
years. There was no reward for fidelity and good work, as a good printer underbid by five to ten dollars might lose the contract. The only test was cheapness; the government suffered and the contractor was not infrequently ruined. Bonds were worthless; they could not be practically enforced and never insured the government against loss.

Superintendent of public printing—1852.

The bill which Mr. Marshall, representing the & committees, presented, was very long and to a certain extent combined features of the elective system and the plan for a government printing office. It provided: for a Superintendent of public printing, a practical printer, to hold office for 2 years. His duties included the supervision of all matter printed or to be printed for Congress and the executive department; the inspection of the work and reports on deficiencies to the committee on printing. He issued certificates of work done and advertised for paper, letting the contract to the lowest bidder. The public printer elected by either house was required to execute all printing within 30 days unless otherwise specified. Rates of compensation were specified in great detail—alphabetic, figure work, leaded matter, etc. and the same prices applied to department work. The joint committee had the right to decide disputes between the public printer and superintendent, pass accounts of the superintendent; flight proof measures for neglect or delay with the removal of Congress or either house and consider all motions to print extra copies.

The objections to the bill were: unfair crimes, the superintendent free from the control of Congress, the whole of the printing
under one man, and particularly, including department work with the con-
dressional printing, and at the same rates. By many, the government print-
ing office was preferred, chiefly because it did away with the middle-
man and whatever was paid for printing would go to the men who did
the work.

In spite of opposition, the bill passed both houses and was
approved 26 Aug. 1842 (See appendix). Robert Armstrong was elected
public printer to Senate and House to hold office until 8 March 1846.
Horace Greeley's candidate in the House received 8 out of 187 votes.

DEPARTMENT PRINTING 1846-47.

The strong argument for the contract system in 1840, had been the
success of its operation in department printing since 1842. The committee
reported: "competitors are numerous; the work is neatly, skillfully and
punctually executed. Contract prices have become so low that polit-
ical printers generally refuse to take them; the general average redu-
tion being more than 50%" (U.S. 421 enr. 724 b.6)

The line of distinction between documents ordered printed by the
department and those by orders was evidently not absolute. The census
of 1840 was included in the congressional printing, but in 1846 to the
discontent of Bolt and T.B. Andie, it was again printed by the de-
partment.

In 1842 there was indignation concerning the printing of the
Treasury estimates. The printer and the acting Secretary of the
treasury called upon the committees of ways and means to settle the
account. The Committee thought the estimate a part of the departm-
work but the Secretary declared he had no funds for it. The matter was referred to the Committee on printing enough it too denied responsibility.

In 1852, it was provided in an appropriation bill that it shall not be lawful for the officer or person in charge of any bureau or office in any of the departments of the government, to print or cause to be printed at the public expense, any report he may make to the President of the United States or to the head of the departments. (Stat. v.10 p.98)

Apparently no special provision had ever been made for binding. Custom had left it to the regulation of the printer by whom it was usually re-lot. In 1848, the Secretary of the Senate stated that for a long period it had been customary to insert in the directions to the printer, to retain for binding until the close of the session and then bind a certain number of documents, some in cloth and some in sheep. Nothing was said as to price and the custom has been to allow the usual or customary price. Aug. 3rd 1846, the number thus reserved was 500. Proposals were sometimes issued for binding in muslin and the contract made accordingly. Sometimes with others than the Senate printers, but the number which by standing instructions he had been ordered to retain and bind, were so retained and issued. Prices were fixed and printers had to conform thereto. Boudell and Van Benthuysen has established a bindery but print to the large amount of work and necessity for prompt delivery, were necessitated to sub-let some of it. (U.S. 528 loc. 666)

In 1848 the House agreed to separate the two pieces of work:
and the Clerk set the binding subject to the approval of the committee on accounts. Members who objected to the contract system for binding favored it as the cheapest possible means for binding. "But when you come down to the mere outside of a book," argued Mr. Johnson of Arkansas, "I would go for economy because it involves no question which might injuriously affect the intelligence of the people."

In 1850 a joint resolution provided that all executive documents printed in extra numbers, the size of which should be not less than 500 pages be bound under direction of the joint committee on printing; cost not to exceed $2.00 per volume. (Stat. v. 9 p. 585.)

At this rate of compensation, complaints of stitching were scarcely justified.

**DEBATES AND RECORDINGS. 1855-56.**

The publication of debates continued in newspapers. That the work was not entirely satisfactory may be inferred from the following in 1860: "Stenographers desirous of reporting debates, shall, previous to their admission to tables within the House, swear that they will truth and according to the best of their knowledge, without addition, subtraction, or alteration, report the debates or so much thereof as they shall at any time publish; that in every such report they will as far as practicable, adhere as well to the language as to the import or substance of the records made by the members, and that they will not insert any memos for, or receive from any member, directly or indirectly, any of or any written note or memorandum with intention thereto to make any such report." (81. . 16 61 p.197.) The resolution was adopted.
The following month, Mr. Randolph submitted a resolution: "Sales and Seaton have published an incorrect report of the proceedings of this House, not from their own view or hearing thereof, but on representation of some unknown person whose name they have refused to give. Resolved that unless they give up the author of such report, Sales and Seaton, editors of the National Intelligencer, be excused from this house as reporters of the proceedings." (A. J. L. 16 S. 1 p. 348.) This resolution was also negative.

In 1822, a committee reported the opinion that "the United States being a government which essentially depends upon public opinion, it is of the first importance that the course pursued by immediate representatives of the people in Congress should be immediately presented to the public view." (Annals 4.17 p. 1779-79.) The committee was ready to insist upon rigid adherence to fact but doubted the practicability of minute account; it recommended that the Speaker be requested to receive proposals for the work during the approaching recess.

The Clerk of the House (1827) was directed to subscribe, at $5.00 per volume for 300 copies of the Register of debates.

In 1841 a proposition was made to employ a corps of reporters for each House: the reports to be so conducted as to be in the hands of the printer within three hours after adjournment; the publication of the report to be committed to the publishers of one of the daily papers, who will print entire report in his paper, furnish proof sheets to other printers who will agree to do the same and furnish two copies for the use of each Senator by 9 o'clock the following morning.

Similar resolutions were introduced in either house at various
In 1847, authority was given to each Senator to subscribe for 12 copies of the proceedings of either establishment (Sales and Seaton or Elair and Fives); the Secretary was to make a contract with one or both of these parties, representatives of whigs and democrats, but Sales and Seaton declined.

The Senate adopted a provision whereby members might write out and revise speeches for publication. In 1847, it passed a resolution:

"That the Secretary of the Senate is hereby authorized and directed to contract with Mr. James Benton to furnish full and accurate reports of proceedings and debates in the Senate for the 30th Congress;" cost not to exceed $12000. for the long, and $6000. for the short session: the contractor to employ a sufficient number of stenographers to enable him to furnish full and accurate accounts of each day's proceedings and debates in printed form on the succeeding morning and to have the same neatly made up at the close of the week in quart form for preservation; to furnish to each member of the Senate 20 copies of the daily 12 copies of the weekly publication and that he should also send daily by mail a copy of the daily reports to the principal newspapers of the United States. (Globe 7. 22 s. 2. p. 309.) Mr. Benton declared it impossible to furnish debates in correct form on the following morning; the reporter might as well tell him that he could cut all the water of the Potomac into a quart bottle. He thought the compensation exorbitant, a drain on the contingent fund, and the transaction unfair to other newspapers.

The Congressional Globe was the official publication for...
The reports were at first brief but were gradually made more complete. They were never verbatim; their speeches in the appendix were revised by the authors before going to press. The Globe was published weekly while Congress was in session, and a daily issue for the benefit of congressmen began about 1847. After 1852 a law authorized the transmission of the Globe and appendix containing the laws and ratifications, free of postage, provided that the act shall not relate to the Daily Globe.

**DISTRIBUTION OF PUBLIC DOCUMENTS - 1819-52.**

**usual number**

The bill of 1818 provided for the printing regularly of 600 copies of journals and documents; the joint resolution of 8 March 1818 based its estimate of cost on 600 copies which thereafter came to be known as the "usual number." Again, time to time the number was increased to meet the needs of congressmen and libraries. The usual number in 1840 was 1,100; in 1850, 1,500 to 1,600 copies were usually printed. Apparently larger or extra numbers might be ordered without the usual number, according to the recommendation of the Committee on printing and decision of either house.

"Congress, institutions and individuals".

The distribution of public documents in 1818 was still regulated by the provision of 1818 (see appendix). Reminders were deposited in the Library of Congress subject to future disposition by
members. The reserve copies were, from time to time ordered bound and that Congressmen received the documents only in unbound form is evident from resolutions occasionally introduced to the following effect:

In 1826 the Committee on the library was requested to inquire into the expediency of procuring an additional number of documents, reports and bills, to have the same bound and distributed to members of Congress in the same manner the journals now are. In 1851 the House agreed that the Clerk preserve for each member an extra copy of the reports of Congress at each session, to have the same bound in strong, cheap, ordinary binding. (Register 1826, 2, 817; H.J., 8, 3d, 284)

Just when the practice of distribution to constituents began is uncertain, probably early, with the granting of the franking privilege to Congressmen when it was customary to circulate within the President's audience and a few other publications of locally special interest. Out of this, probably, grew the custom of placing certain classes of documents at the disposal of members, on the theory that they were best acquainted with the needs and desires of constituents.

A resolution of 1848 authorized distribution of documents to clerks of county courts as public property, accessible to the people. Distribution to depositories and officers of the government was through the Secretary of State.

From time to time, colleges, universities, and societies, realizing the value of government publications, petitioned Congress for the privilege of being made regular depositories. In 1848, certain citizens petitioned the House against the passage of a law for the distribution.
among common schools of the Union of all civilized countries. No action was taken. (Gloss C. 80 S. c. 613)

It was customary to allow authors of scientific reports a few copies of their own works for distribution among scientific and learned institutions.

A resolution for supplying heads of departments and bureaux and other offices of the government with public documents, was opposed by Mr. Russel of the house on the ground that "such a resolution is abhorrent to the principles of our government and to the independent legislation of this house, a recognition of responsibility on the part of the house to the executive. That sir! was in 1846, that we shall daily carry to the feet of the throne a report of our proceedings in order to show, not to the President, but to his very underling 'thus far have we gone', in order that they may say 'thus far shall thou go and no farther!'" (Casier C. 24 S. c. 4096-69)

The House in 1846, the Senate in 1848 adopted resolutions to supply newspaper reporters with the documents prepared by each respectively.

Foreign Exchange.

1840. Tilliehqst of the Committee on the library made a report on the memorial of M. Alexandre Vattene of France for establishing throughout the civilized world a system of exchange between governments and literary and philosophical institutions, of books, models of inventions, in useful and fine arts, and specimens of natural history. The bill provided for the exchange of duplicates in the Library of Congress and in future, for the printing of 50 additional copies of
documents for exchange in foreign countries. (Stat. vol. 5 p. 400. See appendix.

The bill passed the House unanimously and the Senate also. No appropriation was made, however, for defraying the expenses of agencies and transportation; documents were only occasionally ordered for distribution, such as the census, laws, and work of the exploring expedition of 1847.

In 1842, Vattemare returned to the United States; he expressed disappointment at the failure of his plan in this country and declared himself confident that it would one day be carried out. "It is unwilling that it should be known in Europe that a law of Congress would be so wholly disregarded" he had given a collection of his own volumes to the government. (U.S. 52 2 doc. 65.) He again urged the cooperation of the United States but said that exchange would be impossible unless documents from foreign countries might be transmitted free of postage. The interest of the government was again enlisted and an act passed by which the joint committee on the library was empowered to appoint agents through whom books for the use of the government, the states, and national institutions might be admitted duty free. $2000. was appropriated for the purpose. (Stat. v. 2 p. 240)

Franking privilege.

In 1841, the franking privilege which before had related only to specified documents, was made permanent, as follows: Be it enacted, etc. That the members of Congress, delegates from the Territories, Secretary of the Senate and Clerk of the House be and they are hereby authorized to transmit free of postage to any post-office in the United States, any documents which have been or may be printed by order of
As distribution became more general, it affected decidedly the character of certain documents. The opinion obtained in some quarters, that it was wholly inappropriate for the government to furnish educational and scientific publications. So ill-timed were many, if not most, of the criticisms that they seemed to be based on political prejudice rather than careful thought or examination of the documents.

The reports of the Patent commissioner on agriculture appear to have been especially objectionable. Mr. Jones "regarded the consistency which would allow gentlemen to fix up a number of extracts from the agricultural journals, call it a Patent office report and order the printing of 50,000 to 100,000 extra copies at a cost of $80,000." (Globe C. 30 S. 2 p. 203.) A report of the Bureau of topographical engineers, valuable to the people about Buffalo and the lakes, was held in abeyance 4 years. Many congressmen shared Mr. Jones' opinion either from conviction or political jealousy, that the journals, documents and bills should be printed in definite numbers, the annual messages and reports in extra numbers "but whenever Congress begins to print books upon science and art for the benefit of the agricultural and manufacturing interests, it assumes a business for which there is no warrant in the constitution." (Globe C. 30 S. 2 p. 238.)

In 1819-20, the question arose as to whether the government should publish maps, in particular, a map of Mexico that had been made.
by the topographical corps during the occupation of Mexico by the United States army. The map was an essential part of the report, of value and general interest to the country. But the opinion prevailed that the government had no more right to publish maps than Prescott's History of Mexico.

"Book Business".

The book business, so called by its opponents, was somewhat broader than the field of public documents. Gradually the practice had formed of subscribing to important legal and historical works published under private enterprise. These were frequently compilations from official sources such as Elliot's debates, The American state papers and the Documentary history of the Revolution. Seybert's Statistical annals and Watterson and Van Zanot's Statistical tables were purchased and distributed to congressmen as contributions to a working library, and occasionally to constituents also. Praiseworthy in theory, the custom operated to the disadvantage of the contingent fund. The majority were zealous for the dissemination of knowledge, the minority declared that a man who had an overstock of old books, had but to influence a friend in congress to move the purchase of such books.

Another abuse lay in the custom of printing "back numbers" for distribution among new members of Congress in order to place them on a footing with the old members. For years the journal of the Continental congress was supplied in this way, and the number of publications increased from year to year. A list of those due to in-
coming members in 1833 included: Elliot's Debates; Land laws; Journals to the end of Congress 13; Legislative history of the bank of the United States; Journals of the Revolutionary Congress; Register of debates; American State papers; Clarke and Force's Documentary history of the revolution and the Fifth census. (H. J. C. 28 S.1 p. 187-82)

An amendment to an appropriation bill, (1834) proposed a remedy in that each house should limit its contingent fund to the printing of such documents only as related to the ordinary proceedings of Congress and were executed by the public printer. The amendment was rejected.

Mr. Benton made a long speech in the Senate, (1837) in which he said that there was no abuse in the government as great as the printing; Senators were accustomed to furnish themselves with books and thus provide work for the printer. "And where are those books for which these enormous expenditures are made? Piled up in your ante-room against the wall. Too numerous to remove and like the Vicar of Wakefield's picture, too large to be got up, there they lie piled up against the wall." (Globe C. 28 S.1 p. 307.)

Many members failed to appreciate these gifts. One Congress-man was known to have disposed of the documents of a single term of service to a foreign minister for $200. In 1846, a committee of 7 was appointed to investigate whether members of Congress have sold or otherwise disposed of Freeront's Report or other books distributed by Congress and whether orders have been drawn upon the Clerk for the delivery of books.

It was argued that the library facilities were adequate and
congressmen should provide their own private libraries. A motion was neg-
ativd in the House (1964) providing that members leave their copies of
the Congressional register in the library for the use of incoming mem-
bers.

Other suggestions were: (1) that all documents such as the
American State papers be placed in the library, (2) that documents
in the possession of former members be restored and that hereafter each
Senator should be furnished with the legislative history of the
period during which he remained in Congress. The resolution was laid
on the table.

SALO OF PUBLIO DOCUMENTS

The first instance of the sale of public documents under
government supervision is probably provided for in section 2 of A reso-
lution directing the distribution of the works of Alexander Hamilton
and for other purposes, 27 Feb. 1851. "And be it further resolved,
That as the appropriation heretofore made for the editing and publica-
tion of said papers is inadequate, the joint committee on the library,
be, and they hereby are, empowered to sell the undistributed resi-
due of the copies of said work and that the proceeds of such sale be
applied by said committee in aid of the said appropriation, to defray the
expense of editing and publishing said works." (Stat. Vol. 5 p. 246.)
A resolution for supplying the House of representatives with necessary stationery and printing. — 26 Feb. 1809.

Resolved, that the Clerk be directed, as soon as may be, after the close of the present session of Congress, to advertise three weeks successively, in two newspapers, printed in the District of Columbia, that he is ready to receive separate proposals for supplying the House of Representatives at their next session, with the necessary stationery and printing, which advertisement shall describe the species of stationery and printing wanted; and that the proposals to be made must be accompanied with sufficient securities for performance. And, in the month of September, he shall publish, in the same newspapers, a statement of the prices at which the stationery and printing are proposed to be furnished by each applicant; and shall notify the lowest bidder or bidders, whose securities are deemed sufficient, of the acceptance of his or their proposals. (P. L. C. 8 S. E., p. 174.)

A resolution for the printing and distribution of an additional number of the journals of Congress, and of the documents published under their order. — [Log. 27. 1818] Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, That of the public journals of the Senate and of the House of Representatives, of the present and every future Congress, commencing with the present session, and of
the documents published under the orders of the Senate and of the House of Representatives respectively, from the commencement of the present session, there shall be printed 200 copies beyond the number usually printed; of which 25 copies shall be deposited in the library of the United States at the seat of government, to be delivered to members of Congress during any session, and to all other persons authorized by law to use the books in the said library, upon their application to the librarian, and giving their responsible receipts for the same, in like manner as for other books. And that so many other of the said copies shall be transmitted, in like manner as the acts of Congress are transmitted to the executives of the several states and territories, as shall be sufficient to furnish one copy to each executive, one copy to each branch of every state and territorial legislature, one copy to each university and college in each state, and one copy to the Historical Society incorporated, or which shall be incorporated, in each state: and that the residue of the said two hundred copies be deposited in the library of the United States, subject to the future disposition of Congress.

(Stat. v. 3: 160-61)

A resolution, directing the manner of providing stationary and procuring the printing for the Senate and House of Representatives.

2-March-1816.

Resolved etc., that the Secretary of the Senate and the Clerk of the House of Representatives be directed, immediately after the adjournment of the present and each succeeding Congress, to advertise three weeks successively, in two newspapers printed in the District of
Columbia, for proposals for supplying the Senate and House of Representa-
tives, during the succeeding Congress, with the necessary stationery and
printing; which advertisement shall describe the kind of stationery
and printing required: and that the proposals to be made accompanying
sufficient security for their performance. And it shall be the duty
of the secretary and clerk aforesaid, in the month of April thereafter,
to notify the lowest bidder or bidders (whose securities are deemed
sufficient) of the acceptance of his or their proposals. Provided
that this resolution shall not extend to the secretary and clerk aforesaid from contracting for separate parts of the
supplies of stationery and printing required to be furnished.
(Stat. v. S: P. 1-50)

A resolution directing the manner in which the printing of con-
gress shall be exercised, fixing the prices thereof, and providing for
the appointment of a printer or printers.  1825April10

Resolved, etc., that the printing of Congress, unless such other-
wise specially ordered, shall be done in the following form and terms,
viz:  1825April10

Piles, as heretofore, with smaller type, or foolscap issue.
Rule or blank form, in royal octavo size, save it can be brought into that
size, by any type or smaller than brevier; and where it cannot be such
form as to fold conveniently into the volume. All other printing, with
a small rice type, on loyal paper, in pages of the same size as those
of the last edition of the laws of the United States, including the or-
dinal notes.
And the following prices shall be allowed and paid for the above described work: for the composition of every page of bills, one dollar; of every page of small pica, plain work, one dollar; of every page of small pica, rule work, two dollars; of every page of brevier, rule work, three dollars and fifty cents; and for a larger form of brevier rule work, in proportion.

For the press-work of bills, including paper, folding, and stitching, for fifty copies, twenty-five cents per page; for four hundred copies, one dollar: for twenty-five cents per page; for the press work of tables, other than those in the regular octavo form, for six hundred copies, including as above, five dollars and fifty cents per form; for the press work of the journals, of five hundred copies, including as above, fifty dollars and fifty cents per form; and for a larger or smaller number in proportion. That as soon as this resolution shall have been approved by the President of the United States, each House shall choose to ballot for a printer to execute its work during the next Congress; and the person having the greatest number of votes shall be considered duly elected; and shall give bond, with sureties, to the satisfaction of the Secretary of the Senate and clerk of the House of Representatives, respectively, for the prompt, accurate, and neat execution of the work; and in case any inconvenient delay should occur at any time, experienced by either House in the delivery of its work, the Secretary and clerk, respectively, may be authorized to employ another printer to execute any portion of the work of the Senate or House, and charge the excess, in the account of such printer.
for executing such work, above what is herein allowed, to the printer fully of such negligence and delay: Enacted. That nothing herein contained shall preclude the choice of the same printer by the Senate and by the House of Representatives. (Stat. v. 3:538.)

Resolution amendatory of a joint resolution passed & vetoed March 1817. February 1818.

Resolved, etc., That, within 30 days before the adjournment of every Congress, each house shall proceed to vote for a printer to execute its work for and during the succeeding Congress; and the person having the majority of all the votes given shall be considered duly elected; and that so much of the resolution, approved the third day of March, one thousand, eight hundred and nineteen, entitled "A resolution directing the manner in which the printing of Congress shall be executed, fixing the rates thereof, and providing for the appointment of a printer or printers," as is altered by this resolution, and the same is hereby rescinded. (Stat. v. 3:568)

Joint Resolution for the exchange of books and public documents for foreign publications. 20 July, 1840.

Be it resolved, etc., That the librarian, under the supervision of the Committee on the Library, be authorized to exchange such duplicates as may be in the library for other books or works.

Second, That he be authorized, in the same way, to exchange documents.

Third. That hereafter, fifty additional copies of the documents.
printed by order of either House, be printed and bound for the purpose of exchange in foreign countries. (Stat. v. 2: 409)

Joint Resolution directing the Manner of procuring the Printing for the two Houses of Congress. 8 Aug. 1846.

Resolved, etc. That the secretary of the Senate and the clerk of the House of Representatives, and they are hereby authorized and required, at the beginning of the final session of every Congress, to advertise, for four weeks consecutively, in all the newspapers published in the city of Washington, for sealed proposals for supplying the Senate and House of Representatives, respectively, of the next ensuing Congress, with the necessary printing for each; which advertisement shall describe the kind of printing and the quality of paper required, as near as may be, in the execution of the work; and said advertisement shall divide and classify the printing of the respective houses, as follows: One of bills and resolutions; one of reports of committees; one of journals; one of executive documents; and one for every other description of printing; each class to be a separate job, and to be provided for by separate contract. The said advertisement shall also contain a designation of the place in the said city of Washington where such sealed proposals shall be received, and the day and time of day at which said secretary and clerk will cease to receive any further proposals. And the secretary and clerk aforesaid shall provide suitable samples of the printing required, and of the paper on which same is to be executed, to be kept at the place so designated as aforesaid at least twenty days successively before the time of receiving proposals shall
expire, open to the inspection of all persons desiring to make proposals for the printing aforesaid, intelligence whereof shall be contained in said advertisement. Immediately on the expiration of the time for receiving said proposals, they shall be opened by the secretary and clerk aforesaid in the presence of the Vice-president or President of the Senate, and the Speaker of the House of Representatives, and of such persons making proposals as may wish to be present. And the Secretary of the Senate, under the supervision of the Vice-President or President of the Senate, and the clerk of the House of Representatives, under the supervision of the speaker, shall, thereupon, let each class of said printing to the lowest bidder, who shall furnish satisfactory evidence of his practical skill and his ability to do the work, and who shall offer good and sufficient security for the faithful execution of the jobs and contracts undertaken by him. And thereupon the Vice-President of the Senate and its secretary, and the Speaker of the House and its clerk, shall proceed to take bond, with good and sufficient security, for the due and faithful performance of the work; and the officers aforesaid shall immediately thereafter report to their respective houses all such lettings of printing, and the contracts relating to the same. Provided, That the said proposals shall remain sealed until the time appointed for examining the same.

Sec. 2. And be it further resolved, that a committee, consisting of three members of the Senate and three members of the House of Representatives, shall be chosen by their respective houses, which shall constitute a committee on printing, which shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay on
the part of the contractor to execute the work ordered by Congress, and to make a pro rata reduction in the compensation allowed, or refuse the work altogether, should it be inferior to the standard; and in all cases the contractor and his securities shall be responsible for any increased expenditure consequent upon the non-performance of the contract. The committee shall audit and pass upon all accounts for printing; but no bill shall be acted upon for work that is not actually executed and delivered, and which they may require to be properly authenticated.

Sec. 5. And be it further resolved, That all motions to print extra numbers of any bill, paper, or document, in either house, shall be referred to the members of the committee of that house, who shall report upon the propriety of printing, and the probable expense thereof, as early as convenient. And all expenses for printing shall be paid from the contingent fund of the two houses, in proportion to the number of copies ordered by each, except the expense of composition, which shall be paid by the house which shall have first ordered the printing of the paper or document; and if there shall be a second composition, it shall be paid for by the house which shall authorize and direct the same; and when extra copies of any document or paper shall be ordered by both houses, they shall be delivered to the two houses simultaneously, in proportion to the number of copies by them respectively ordered.

Sec. 4. And be it further resolved, That all laws and parts of laws now in force, not in conformity with the provisions of this joint resolution, be, and the same are hereby, repealed.

(Stat. v. 9:112-12)
An Act to provide for executing the Public Printing, and establishing the prices thereof, and for other purposes. 26 Aug. 1852.

Be it enacted etc., That the joint resolution entitled "Joint Resolution directing the manner of procuring the printing for each house of Congress," approved August third, eighteen hundred and forty-six, be and the same is hereby repealed.

Sec. 2. And be it further enacted, That there shall be a superintendent of the public printing, who shall hold his office for the term of two years, who shall receive for his services a salary of twenty five hundred dollars per annum, and who shall give bond with two sureties to be approved by the Secretary of the Interior, in the penalty of twenty thousand dollars, for the faithful discharge of his duties under this law. The said superintendent shall be a practical printer, versed in the various branches of the arts of printing and book-binding, and he shall not be interested directly or indirectly, in any contract for printing for Congress or for any department or bureau of the government of the United States. The first superintendent under this law shall hold his office until the commencement of the thirty-third Congress, and the superintendents thereafter appointed shall hold their offices for two years, commencing with the first day of the session of each Congress.

Sec. 3. And be it further enacted, That it shall be the duty of said Superintendent to receive from the Secretary of the Senate and Clerk of the House of Representatives all matter ordered by Congress to be printed, and from the several chiefs of departments and heads of bureaus all matter ordered by them respectively, to be printed at the public expense, and to keep a faithful account of the same, in the
order in which the same shall be received, in a book or books to be by him kept for that purpose. He shall deliver said matter to the public printer or printers in the order in which it shall be received, unless otherwise ordered by the joint committee on printing. He shall inspect the work when executed by the public printer or printers, and shall record in a book or books, to be by him kept for that purpose, the dates at which the returns of said work are made and whether the same is executed in a neat and workmanlike manner, upon the paper furnished to the public printers by said superintendent, and the amount allowed by said superintendent for the said printing. It shall be his duty to supervise the execution of the public printing, to inspect the work when executed, and to see that the same is done with neatness and despatch; to report every failure or delinquency of duty on the part of the public printer, and from time to time report the said delinquencies to the joint committee of Congress on printing. He shall issue his certificate for the amount due to the public printer for such work as shall have been faithfully executed, which certificate shall be made payable to the public printer at the treasury of the United States, and shall not be assignable or transferable by indorsement or delivery to any third party. Said certificate of the superintendent shall be a sufficient voucher for the comptroller to pass, and for the treasurer, upon the order of the second comptroller, to pay the same.

Sec. 4. And be it further enacted, that it shall be the duty of the said superintendent of the public printing to advertise annually in one or more newspapers of general circulation in the cities of Boston, New York, Philadelphia, Baltimore, Washington, New Orleans, Louisville, and
Cincinnati, for the space of sixty days prior to the first of December, for sealed proposals to furnish the government of the United States all paper which may be necessary for the execution of the public printing, of quality and quantity to be specified in the said advertisements from year to year. He shall open such proposals as shall be made, in the presence of the President of the Senate and Speaker of the House of Representatives, on the first Tuesday after the first Monday of December annually, provided a Speaker shall have been elected, or as soon thereafter as a Speaker shall be elected, and shall award the contract for furnishing all of said paper, or such class thereof as may be bid for to the lowest bidder, whose sample accompanying his bid, shall most nearly approximate to the quality of paper (size, weight, and texture all considered) advertised for by the said superintendent. The sample offered with the bid accepted shall be preserved by the said superintendent, and it shall be his duty to compare these with the paper furnished by the public contractor; and he shall not accept any paper from the contractor which does not conform to the sample preserved as aforesaid. It shall be the duty of the superintendent of the public printing to deliver the paper for the printing of the United States upon the requisition of the public printer or printers, and to charge him or them therewith; and as the printing is returned and passed by the said superintendent, he shall credit the public printer with the quantity used in the public service. It shall be the duty of said superintendent to have the requisitions of the printer and the returns of paper by the printer balanced at least once in each year, and in default thereof to report the same to Congress for such proceedings as Congress may direct. In default of
any contractor under this law to comply with his contract in furnishing the paper in proper time and of proper quality, the superintendent is authorized to advertise for proposals, as hereinbefore provided, and award the contract to the lowest bidder; and for any increase of cost to the government in procuring a proper supply of paper for the use of the government, the contractor in default and his securities shall be charged with and held responsible for the same, and shall be prosecuted upon their bond, by the superintendent, in the name of the United States, in the Circuit Court of the United States for the District of Columbia.

Sec. 4. And be it further enacted, That the public printer, shall be required to execute each job of printing intrusted to him within thirty days from the date of its delivery by the superintendent except bills, reports, and joint resolutions, which shall be returned as the Clerk of the House or Secretary of the Senate shall require, unless, for good reasons shown, the superintendent of printing shall extend the time. And should the printer detain any matter longer than thirty days, a deduction of five per centum shall be made by the superintendent, from the account of the printer, for such job, and an additional deduction of five per centum for an additional detention of twenty days. If the public printer shall detain such matter for sixty days, the superintendent shall withdraw it entirely, and shall employ another printer to execute the same with promptness, upon the same terms provided by law; and in such case the public printer shall not be allowed therefor.

Sec. 6. And be it further enacted, That the superintendent of the public printing shall not be directly or indirectly interested in
the business of the public printing, or in any material to be used by the public printer, or in any contract for furnishing paper to Congress to any department or bureau of the government of the United States. For any violation of this provision the superintendent of the public printing shall forfeit his office, and may be indicted before the District Court for the District of Columbia, and if found guilty, shall be imprisoned in the penitentiary of the District of Columbia for any term not less than one nor more than five years, and in addition thereto, may be fined in any sum from one thousand to ten thousand dollars.

Sec. 7. And be it further enacted, That when any document shall be ordered to be printed by both houses of Congress, the entire printing of such document shall be done by the printer of that house which first ordered the same. And whenever the same person or the same firm shall be printer for both houses of Congress, and both houses shall order the same document to be printed within three weeks of the same time, composition shall be charged but once for said document; and no sum shall be paid to said printer for altering the headings from the form in which he printed them first to the form or forms in which such documents shall afterwards be printed.

* * * * * *

Sec. 9. And be it further enacted, That the regular numbers of documents ordered by Congress shall be printed in octavo form, on paper weighing not less than fifty-six pounds for every four hundred and eighty sheets, and measuring twenty-four by thirty-eight inches; and the extra numbers shall be printed on paper weighing not less than forty-five pounds for every four hundred and eighty sheets, and measuring twenty-four by thirty-eight inches. The paper for any other species of printing
ordered by Congress, may be of such size and quality as the superintendent of the public printing may deem suitable and proper.

Sec. 10. And be it further enacted, That the public printer or printers may be required by the superintendent to work at night as well as through the day upon the public printing, during the session of Congress, when the exigencies of the public service require it.

Sec. 11. And be it further enacted, That the same prices shall be paid for printing for the executive departments that are paid for printing for Congress, except for printing post-bills, which shall be printed on paper not less than sixteen by twenty six inches, and for printing on parchment. There shall be paid for printing the post-bills at the rate of one dollar per thousand sheets, and at the rate of ten dollars per thousand for printing parchments; but nothing shall be allowed for altering post-bills when the alteration consists in the mere change of a postmaster's name; and nothing herein contained shall prevent the heads of executive departments from employing printers outside of the city of Washington, to execute such printing for any of said departments as may be required for use out of Washington, when the same can be executed elsewhere as cheap as the rates herein specified, increased by the cost of transporting the printed matter to the State or States where such matter may be required for use in the public service.

Sec. 12. And be it further enacted, That a committee, consisting of three members of the Senate and three members of the House of Representatives, shall be appointed by the President of the Senate and Speaker of the House, to be called the Joint Committee on the Public Printing, which committee shall have a right to decide between the superintendent of the public
printing and the public printer in any dispute which may arise as to the propriety of the decisions of the superintendent making deductions on account of work which the superintendent may refuse to receive, or which, in his opinion, may not be done with proper despatch, as required by law; and the said committee shall pass upon the accounts of the superintendent of the public printing. Said committee shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay in the execution of the public printing, provided that no contract, agreement, or arrangement entered into by this committee shall take effect until the same shall have been approved by that house of Congress to which the printing belongs, and when the printing delayed relates to the business of both houses, until both houses shall have approved of such contract or arrangement. All motions to print extra copies of any bill, report, or other public document, shall be referred to the members of the Committee on Printing from the house in which the same may be made.

Sec. 15. And be it further enacted, That all acts or joint resolutions conflicting with the provisions of this act are hereby repealed; but nothing herein contained shall be construed to authorize the cancel- ment of any contract now or heretofore entered into with any printer under the laws heretofore in force, or to abrogate his rights in any way without his consent. Nothing in this act shall be construed to author- ize the printing of the census, but the same shall be done as may be pro- vided by law hereafter. (Stat. v. 10 c. 30-35)