

8th CONGRESS.]

No. 165.

[1st Session.]

REPRINTING OF THE LAWS, JOURNALS, AND OTHER DOCUMENTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, NOVEMBER 14, 1803.

Mr. SAMUEL L. MITCHELL made the following report:

The committee to whom was referred, on the 29th ultimo, the resolution of the House directing an inquiry to be made as to the expediency of reprinting the laws, journals, and other public documents, have, according to order, taken the same into consideration, and prepared thereon a report, which they respectfully submit to the consideration of the House.

First, of the statutes. It appears that there are on hand in the Department of State only seventy-seven entire sets of the first *five* volumes; of the *four* first of those there are also a few sets, but they are irregular. There are no copies left of the laws of the seventh Congress, that is, of the acts of the two last sessions, but such as are subject to legal appropriations. It was upon the reason of the case only that new members of the Legislature have been furnished with complete copies of the printed laws. Such copies have latterly been purchased by the Department of State, and paid for out of the money appropriated for the contingencies of that office. As far as can be judged, the copies are becoming scarce in the market, and, in a very short time, it will be impossible to buy them. It does not appear to the committee that any law at present exists which would authorize a new edition of the statutes at the public expense. The act for the more general promulgation of the laws, passed 3d March, 1795, is inoperative as to this object at present.

That there must be provision made for a republication of the laws of the United States, is too evident to be urged upon the consideration of the House. It may, nevertheless, be not unseasonable to submit a few considerations on the manner of executing this edition. There is a great deficiency in the three first volumes, inasmuch as statutes which are repealed or have expired are printed only by their titles. If the statute-book, published by authority, is to contain the whole body of legislative acts of Congress, which it might be expected to do, then every law and resolve which has passed the two Houses, and received the 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 the treaties and conventions subjoined in chronological series, with marginal abstracts, tables of contents, and indexes.

The expense of this new edition, especially if executed upon this enlarged plan, will considerably exceed the cost of the former edition, printed by Follwell, in Philadelphia. The price paid for five thousand copies of the three volumes then published, was fifteen thousand four hundred dollars, as appears by the charge on the books of the Register of the Treasury. The price for a new edition of those three volumes, and the additional three which contain the laws which have been enacted since that time, would be increased to a sum at least double that amount: and this even upon the estimate that none of the repealed, expired, or private acts were to be inserted. It is estimated that ten thousand copies will be wanted for public use. These ten thousand copies, if printed on a type like that of the present fifth volume, are estimated to cost thirty-one thousand six hundred and forty-eight dollars, in sheets; to this must be added the price of binding, which, upon the average between boards, sheep, and calf, is estimated at forty-five cents per book. To which must be added somewhat of extra charge, for printing treaties in foreign tongues, and setting the indexes in smaller type, amounting, however, to no great matter of difference. The binding of fifty thousand books thus coming to twenty-two thousand five hundred dollars, and added to the price of the printed sheets, will amount to a sum of fifty-four thousand one hundred and forty-eight dollars for ten thousand copies of the laws, as they now stand in our books, supposing no augmentation of matter to be made.

On investigating this subject, three modes of publication have successively been contemplated by the committee:

1st. The publication of the statutes *at large*; 2d. A digest of the laws of the United States; 3d. An edition of the public acts *only*, now in force, and which constitute the actual supreme law of the land. The latter of these recommends itself by the qualities of conciseness, clearness, economy, and despatch. For obvious reasons, the superintendence of the edition, the correctness of the proof-sheets, and the employment of a printer to execute the work, with authority to conduct all the details of the undertaking, ought to be vested in the Secretary of State, who is the keeper of the enrolled originals, and the publisher of their contents to the nation. To carry into effect this object, the following proposition is submitted:

Resolved, That the Secretary for the Department of State shall, after the end of the next session of Congress, cause to be printed and collated, at the public expense, a complete edition of laws of the United States, to consist of _____ copies, comprising the constitution, public acts in force, and treaties, together with marginal abstracts, tables of contents, and indexes, to be distributed as Congress shall direct.

Secondly, of the journals. The committee submit herewith a correct list of the journals of the different sessions of Congress, since their first publication under our present happy federal constitution. By this it appears that but a single complete set of these national records remains among our archives. All the rest are broken, and are lying in very different numbers on the shelves of the Capitol. It would be highly desirable to multiply and perpetuate these memorandums of our Congressional history, and to diffuse them through the States. Although not replete with every thing that the historical inquirer searches for, they have nevertheless a substantial use and value, and show the progress of legislation and laws in this new and unexampled Government.

The following is an inventory of the journals of the House of Representatives, taken November 8th, 1803.

| | No. of copies. | | No. of copies. |
|---------------------------------|----------------|--------------------------------|----------------|
| *1st Congress, { 1st Session, - | 1 | 5th Congress, { 1st Session, - | 329 |
| { 2d Session, - | 4 | { 2d Session, - | 349 |
| { 3d Session, - | 133 | { 3d Session, - | 124 |
| †2d Congress, { 1st Session, - | 33 | 6th Congress, { 1st Session, - | 132 |
| { 2d Session, - | 27 | { 2d Session, - | 110 |
| 3d Congress, { 1st Session, - | 145 | 7th Congress, { 1st Session, - | 13 |
| { 2d Session, - | 271 | { 2d Session, - | 17 |
| 4th Congress, { 1st Session, - | 329 | | |
| { 2d Session, - | 305 | | |

* There are four copies of the 1st, 2d, and 3d sessions, bound together.

† There are four copies of the 1st and 2d sessions, bound together.

Pressed as Congress is at this time, by demands upon the Treasury of a more serious nature, it does not appear that the reprinting the journals would, at this time, be seasonable. The following resolution is thereupon submitted to the House:

Resolved, That it is inexpedient, at present, to reprint the journals of the House.

Thirdly, of other public documents. With concern the committee find that several State papers, belonging to this class, are already become very scarce. Certain of the early reports from the heads of Departments, which may be considered as the germs whence our system of laws have sprouted, are already dissipated and gone; so that none but office copies are to be found, and even those extremely few. The more excellent of these appear worthy of republication. A list of them is herewith submitted, consisting of select reports, made soon after the establishment of the Government, by the Secretary of State, the Secretary of the Treasury, and the Attorney General.

Reports by the Secretary of State.

| | | | | Folio pages. |
|--------------|-------|--|---|--------------|
| July 4, | 1790, | On the uniformity of weights and measures | - | 24 |
| February 1, | 1791, | On the cod and whale fisheries | - | 33 |
| November 10, | 1791, | On the quantity of lands unsettled in the United States not claimed by Indians or citizens | - | 11 |
| | | | | <u>68</u> |

Reports by the Secretary of the Treasury.

| | | | | |
|--------------|-------|---|---|------------|
| January 9, | 1790, | On the support of public credit | - | 53 |
| July 20, | 1790, | On the disposition of vacant lands | - | 4 |
| December 13, | 1790, | On further provision for public credit, | - | 4 |
| December 13, | 1790, | On a plan for a national bank, | - | 22 |
| January 28, | 1791, | On the establishment of a mint, | - | 22 |
| December 5, | 1791, | On the subject of manufactures, | - | 61 |
| | | | | <u>166</u> |

By the Attorney General.

| | | | | |
|--------------|-------|----------------------|---|----|
| December 27, | 1790, | On judiciary system, | - | 35 |
|--------------|-------|----------------------|---|----|

But, desirable as it is to multiply copies of these valuable documents, the committee are unwilling to press the House for an immediate order for printing them. They, therefore, submit the following resolution:

Resolved, That the further consideration of reprinting the other public documents be postponed until the next session of Congress.

[8th CONGRESS.]

No. 166.

[1st SESSION.]

ARREST OF ZACHARIAH COX BY THE GOVERNOR OF THE MISSISSIPPI TERRITORY.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, NOVEMBER 24, 1803.

To the House of Representatives of the United States:

NOVEMBER 24, 1803.

In conformity with the desire, expressed in the resolution of the House of Representatives of the 15th instant, I now lay before them copies of such documents as are in possession of the Executive, relative to the arrest and confinement of Zachariah Cox, by officers in the service of the United States, in the year 1798. From the nature of the transaction, some documents relative to it might have been expected from the War Office; but if any ever existed there, they were probably lost when the office and its papers were consumed by fire.

TH: JEFFERSON.

Extract of a letter from Governor Sargent to the Secretary of State, dated

MISSISSIPPI TERRITORY, August 20, 1798.

To one act I have been constrained since my arrival, which will be explained to you fully] by the enclosures marked A, B, C, D, E, F, upon which I request immediate instructions. Mr. Cox was at large within the Territory, and an armed party at his command. Before my arrival his coming was talked of amongst some few disaffected persons here, and that he was to assume the Government for the State of Georgia. He is now in close confinement, but with every indulgence that a State prisoner could expect; for I am not disposed to torture even a criminal. I wish ardently for the President's instruction in this business as early as possible, for until I may receive it, Mr. Cox will be continued a prisoner.

Copy of the enclosure marked A, a letter from General Wilkinson to Governor Sargent.

DEAR SIR:

HEAD-QUARTERS, MASSAC, August 2, 1798.

I arrived here yesterday, and find that subsequent to your departure, but previous to my arrival, Mr. Cox had contrived, through the agency of a Colonel Shelby, of Kentucky, (who it seems has taken part in his usurpa-