35TH CONGRESS, 1st Session. } SENATE. { REP. COM. No. 65.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 11, 1858.—Ordered to be printed.

Mr. EVANS submitted the following

REPORT AND RESOLUTION.

[Resolution printed as agreed to.]

The Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution in the following words, viz: "Resolved, That the Secretary of the Senate be, and he is hereby, directed to pay to Cornelius Wendell, out of the contingent fund of the Senate, the sum of fifteen cents per hundred pages for twenty thousand copies of the Opinions of the Judges of the Supreme Court of the United States in the case of Dred Scott vs. *John F. A. Sandford," have considered the same, and submit the following report:*

On the 11th of March, 1857, the following resolution was submitted by Mr. Benjamin, viz:

"*Ordered*, That the Secretary of the Senate obtain, for the use of the Senate, from the reporter of the decisions of the Supreme Court, twenty thousand copies of the Opinions of the Judges of the Supreme Court in the case of Dred Scott *vs.* John F. A. Sandford, the same to be furnished as an extract from the forthcoming volume of the reports of the decision of that court during the December term, 1856, and that the same be paid for, out of the contingent fund of the Senate, at a rate not exceeding fifteen cents per hundred pages, provided the same shall be delivered, stitched, with paper covers, in pamphlet form."

This resolution was referred the next day (March 12) to the Committee to Audit and Control the Contingent Expenses of the Senate. On the same or the next day the committee met to consider this and some other matters which had been referred to them. On consultation, it was thought a different mode of obtaining the same result was preferable, and it was agreed to submit, as a substitute for the said resolution, the following:

Resolved, That there be printed by the printer of the Senate, for the use of the Senate, twenty thousand copies of the Opinions of the Judges of the Supreme Court in the case of Dred Scott *vs.* John F. A. Sandford, the same to be stitched, with paper covers, in pamphlet form, provided that the copyright of the reporter can be purchased for

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fifteen hundred dollars; the expense incurred in the execution of the above resolution to be paid out of the contingent fund of the Senate."

This expense, according to an estimate furnished by the Superintendent of Public Printing, would amount to four thousand four hundred and twenty dollars, exclusive of the copyright and the clerk's charges for copying. A report was accordingly prepared to carry out this decision of the committee, but the Senate having resolved to adjourn on the 14th at one o'clock, no opportunity was offered to present it with any expectation that it could be acted on. On the day of the adjournment—but whether before or after is not recollected with certainty—there was a meeting of certain members of the Senate who belong to the democratic party, at which there was an understanding that the report of the case above stated should be printed, and if the Senate refused to order the payment it should be paid for by those who sanctioned it. The statement of what was done by the said meeting is made by the chairman of this committee, who was present at the meeting, and assented to the agreement. How, or by whose direction, the work has been done, is unknown to the committee; but the work has been done, and has either been or is ready for distribution among all the members of the Senate.

A majority of the committee have agreed to recommend to the Senate the payment of a reasonable compensation to the printer for printing the said report, but in doing so they are not disposed to go beyond the estimates furnised by the Superintendent of Public Printing. These, with the addition for the copyright, and a small sum paid by the printer to the clerk of the Supreme Court for copying, amount to six thousand one hundred and fifty dollars, and is about a thousand less than would be paid under the resolution referred to the committee.

In making this recommendation, your committee are influenced by these considerations:

1. If the report agreed on by the committee at the close of the extra session in March last had been made and acted on, no doubt is entertained that the Senate would have concurred.

2. There had been discussed in that case great constitutional questions. The argument was full and elaborate on both sides, and it was important that these opinions should be published in some authentic form, so that the people of all political parties might have the means of deciding for themselves.

The committee submit as a substitute for the resolution referred to them the following:

Resolved, That there be paid, out of the contingent fund of the Senate, to Cornelius Wendell, the sum of six thousand one hundred and fifty dollars, as a compensation for publishing twenty thousand copies of the Opinions of the Judges of the Supreme Court in the case of Dred Scott *vs.* John F. A. Sandford; the said sum to be in full for all charges incident to the said publication.