

HOUSE.....No. 81.

Commonwealth of Massachusetts.

April 16, 1838.

The Committee on Accounts, who were directed, by an order of the 6th inst. to examine and audit such accounts as might be presented to them on or before the 12th inst., ask leave to

REPORT:

That in the accounts presented agreeably to the Order referred to, are charges by the proprietors of various newspapers, for publishing the Laws and Resolves of the Commonwealth for the past year.

On recurring to the Resolve which authorizes an allowance to printers for performing this service, (passed June 25, 1794,) the committee find its provisions to be as follows :

“*Resolved*, That there shall be allowed and paid out of the Treasury of this Commonwealth, the sum of *five pounds* annually, to every publisher of a newspaper, in

this Commonwealth, who shall republish in their several newspapers, all such Acts, Resolves, Proclamations, and Orders of Government, as respect the Commonwealth in general, and which shall be caused by the Secretary to be published in the newspaper published at Boston, by the Printer for the General Court, and for the time being; *provided*, that such republication shall be made within twenty-one days after the publication of the same by the Printer for the General Court, as aforesaid; and that one copy of the papers in which such republication shall be made, shall be exhibited to the Committee on public accounts, as evidence of said republication."

The 2d Sect. provides, that such acts and resolves as relate to a particular county, shall be published in the several newspapers printed in such county.

The Resolve, it will be seen, requires that *all* the "Acts, Resolves, Proclamations, and Orders of Government, which respect the Commonwealth in general," as well as such local acts and resolves as relate to his particular county, shall be published, in order to entitle the proprietor of any newspaper to the allowance provided for in the Resolve of 1794; also, that the republication from the official newspaper shall be made within twenty-one days; and that "*one copy of the papers in which such republication shall be made*, shall be exhibited as evidence of such republication."

In only two instances have the publishers of newspapers furnished to the Committee copies of their papers containing the laws, &c. they have republished; and on examining these papers and comparing the republications made in them, with the laws actually passed during the session of 1837, the Committee found that only a small portion of the general laws had been thus republished in

these papers, leaving many of the most important laws and resolves unpublished—at least, this is the fair presumption, from the deficiency of evidence.

The Committee have good reason to believe that this failure to comply with the provisions of the resolve, this incomplete and partial republication of the laws, in the newspapers of the Commonwealth, has prevailed to a great extent for years, so that, notwithstanding the large number of newspapers authorized to promulgate the laws from year to year, they are very inadequately and imperfectly diffused amongst the people. The very small allowance made by the Resolve of 1794, is the probable cause of the indifference of newspaper publishers as to a strict compliance with its provisions; but the Committee are unanimously of opinion, that this allowance, trifling as it is, ought not to be made, in cases where no evidence is exhibited of a compliance with the law, or in cases, where the evidence shows only a partial and limited performance of the service required. The Committee also entertain the belief, that a republication, in a newspaper, professedly under the provisions of the Resolve, requiring the whole of the laws to be published, when, in reality, it republishes only a portion of them, leaving the readers of such paper in ignorance as to another portion equally important, is not only of no public benefit, but may do an injury, because such of the citizens as depend upon this method of promulgation for their knowledge of the laws, will lean upon a broken staff, and may be led astray to their serious injury.

It is not the object of the Committee, at the present time, to recommend any change as to the manner in which the laws shall in future be promulgated; but merely to request the advice and direction of the two Houses, as to

the allowance of the accounts presented, under the circumstances above stated. These accounts have heretofore, for several years, been allowed, under similar circumstances; but the committee felt it to be their duty to call the attention of the Legislature to the subject, to state the facts, and leave it to the two branches to take such measures in relation to them, as in their wisdom they may deem expedient.

All which is respectfully submitted.

In behalf of the Committee.

WARWICK PALFRAY, JR.,

Chairman.