

MESSAGE FROM THE GOVERNOR.

To the House of Representatives:

House concurrent resolution No. 16 is herewith returned without approval.

The facts necessary to a proper understanding of the resolution and this communication are, that as provided by article 3994 of the Revised Statutes the Printing Board entered into a contract with the public printers to print the Daily Record of the Legislature and the Legislative Journal in brevier type at a cost of 44 cents per thousand ems. This contract has been violated by the public printers. The work is done by machine, which greatly reduces the cost to the printers, and the type is therefore minion and not brevier, as required by the contract.

The resolution provides that the Legislature accepts the Record and Journal in the style and type now being used, and authorizes the Printing Board to accept and pay for them, provided the total cost shall not exceed the cost in brevier measurement. If it be conceded that a statute should or may be repealed or disregarded by a concurrent resolution, direct and material loss to the State will follow the adoption of this resolution, if observed by the Printing Board, and that, too, when the contract has been violated by the printers. As has been stated, the contract is for brevier type at 44 cents per thousand ems. With brevier measurement authorized by the resolution, though the type be minion, there will be a saving to the State of about 20 per cent of the price that would have been paid had the contract been complied with. But the rule of law is that where a contract has been departed from, compensation, if paid at all, is measured by the reasonable value of the work done, regardless of the contract. According to the estimate of the Expert Printer engaged by the State the value of the work as done by machine is 25 cents per thousand ems as against 44 cents if done under the contract, a reduction of 19 cents per thousand ems. This would amount to a reduction of about 43 per cent, and consequently the average loss to the State if the resolution becomes effective would be 23 per cent.

C. A. CULBERSON.