

## THOMAS ALLEN JENCKES



1818

November 2: **THOMAS ALLEN JENCKES** was born in **CUMBERLAND**, **RHODE ISLAND**.

1838

**THOMAS ALLEN JENCKES**, a product of the **RHODE ISLAND** public schools, graduated from **BROWN UNIVERSITY**. He would serve as a tutor at his alma mater in **PROVIDENCE** during the 1839-1840 school year.<sup>1</sup>

1840

After studying law, **THOMAS ALLEN JENCKES** was admitted to the **RHODE ISLAND** bar. He would commence practice in **PROVIDENCE**, and would serve as Clerk in the Rhode Island legislature until 1844.

1841

November: The Landholders' Constitutional Convention of **RHODE ISLAND** met, but only to adjourn until February 1842. At this Law and Order convention, **THOMAS ALLEN JENCKES** was a secretary.

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1. This public-domain image of Jenckes was obtained from the Library of Congress by Professor Scott A. Sandage of Carnegie-Mellon University, and provided for use in the Kouroo Contexture.

## 1842

February: In **RHODE ISLAND**, the Landholders's Constitutional Convention reconvened and this time it drafted a new constitution. At this Law and Order convention, **THOMAS ALLEN JENCKES** was a secretary.

May 3: The People's Party having duly held its election and counted its ballots, it pronounced **THOMAS WILSON DORR**, the winner, to be the new governor of the state. The preexisting government of course would not recognize him, and thus for a time **RHODE ISLAND** would have two administrations. The Charter government would lock his people out of the State House in **PROVIDENCE**. The People's Legislature would meet elsewhere and draw up reform laws. Both sides would appeal to President John Tyler for support and recognition. Dorr would himself visit Washington DC to meet with the President. Then, a minor armed clash would occur.

During Dorr's rebellion **THOMAS ALLEN JENCKES** would be serving the side of the "Law and Order" landholders both in a civil and in a military capacity. He was Secretary of the **RHODE ISLAND** constitutional convention. When the governor's council was established he became its secretary. In the case of *Hazard v. Ires*, involving the right of the Rhode Island legislature to direct a new trial, he convinced the legislature and carried it against its previously expressed opinion, and against all other obstacles. He may or may not have been on the side of evil, but he was good, really good.



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1845

**THOMAS ALLEN JENCKES** became **RHODE ISLAND**'s Adjutant General. He would serve in this capacity until 1855, when he would be appointed as one of the commissioners to revise the state's laws.

1854

**THOMAS ALLEN JENCKES** became a member of the **RHODE ISLAND** House of Representatives. He would be a Representative until 1857.

1855

**THOMAS ALLEN JENCKES** was appointed as one of the commissioners to revise the laws of the state of **RHODE ISLAND** and Providence Plantations. He would in particular be revising the patent and copyright laws, and the laws regulating the civil service. Refer to Ari Hoogenboom's "Thomas A. Jenckes and Civil Service Reform" (Mississippi Valley Historical Review 47 for March 1961: 636-58).

1860

We know from Stanley Lebergott's *MANPOWER IN ECONOMIC GROWTH* (NY: McGraw-Hill, 1964) what monthly farm wages typically amounted to in Massachusetts during this period, over and above of course one's room and board:

### Massachusetts Farm Wages

1818	\$13.50
1826	\$13.50
1830	\$12.00
1850	\$13.55
1860	\$15.34

Incidentally, although such wages were ordinarily significantly higher in Massachusetts than elsewhere, during this period the wage was higher in **RHODE ISLAND**.

Martin Johnson Heade was still maintaining his studios in New-York City, at the Tenth Street Studio Building. His "Sunset on the Meadows" and "Approaching Thunder Storm" were on exhibit at the National Academy of Design in New-York. During this year he would visit Burlington, Vermont and the Thousand Islands of the St. Lawrence River, and then reside at 25 Waterman Street in **PROVIDENCE**, **RHODE ISLAND**. It was during this year, or possibly the next, that he prepared his intriguing oil on canvas, "Two Owls at Sunset," with its exceedingly Thoreauvian perspective of the two tiny owls silhouetted against the sky above the barren dark landscape: "Nature ... invites us to lay our eye level with the smallest leaf, and take an insect view of its plain."<sup>2</sup>

Within the **PROVIDENCE** city limits were the Providence Steam Mill that had been established by **SAMUEL SLATER** and others in 1827, the Oriental Mills at the corner of Admiral and Whipple Streets, the Elmwood Cotton Mills on Mawney Street, the factories of B.B. & R. Knight at Carpenter Street and Broad Street, and the factories of the Fletcher Manufacturing Company on Charles Street. In addition, 77 cotton-mills located outside the city had their business offices there.

Witnessing a torchlit parade in the political canvass of this year, **THOMAS ALLEN JENCKES** remarked that it would “not take much to turn those men into soldiers.”

By this point the rising price of cotton had utterly revolutionized the American South. Cotton had become king — and this king was demanding field slaves.

W.E. Burghardt Du Bois: The history of slavery and the slave-trade after 1820 must be read in the light of the industrial revolution through which the civilized world passed in the first half of the nineteenth century. Between the years 1775 and 1825 occurred economic events and changes of the highest importance and widest influence. Though all branches of industry felt the impulse of this new industrial life, yet, “if we consider single industries, cotton manufacture has, during the nineteenth century, made the most magnificent and gigantic advances.”<sup>3</sup> This fact is easily explained by the remarkable series of inventions that revolutionized this industry between 1738 and 1830, including Arkwright’s, Watt’s, Compton’s, and Cartwright’s epoch-making contrivances.<sup>4</sup> The effect which these inventions had on the manufacture of cotton goods is best illustrated by the fact that in England, the chief cotton market of the world, the consumption of raw cotton rose steadily from 13,000 bales in 1781, to 572,000 in 1820, to 871,000 in 1830, and to 3,366,000 in 1860.<sup>5</sup> Very early, therefore, came the query whence the supply of raw cotton was to come. Tentative experiments on the rich, broad fields of the Southern United States, together with the indispensable invention of Whitney’s cotton-gin, soon answered this question: a new economic future was opened up to this land, and immediately the whole South began to extend its cotton culture, and more and more to throw its whole energy into this one staple.

Here it was that the fatal mistake of compromising with slavery in the beginning, and of the policy of *laissez-faire* pursued thereafter, became painfully manifest; for, instead now of a healthy, normal, economic development along proper industrial

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2. It has been suggested that this painting might be the perfect illustration to accompany Walden’s “I rejoice that there are owls. Let them do the idiotic and maniacal hooting for men. It is a sound admirably suited to swamps and twilight woods which no day illustrates, suggesting a vast and undeveloped nature which men have not recognized. They represent the stark twilight and unsatisfied thoughts which all have.”

3. Beer, *GESCHICHTE DES WELTHANDELS IM 19<sup>TE</sup> JAHRHUNDERT*, II. 67.

4. A list of these inventions most graphically illustrates this advance: —

1738, John Jay, fly-shuttle. John Wyatt, spinning by rollers.

1748, Lewis Paul, carding-machine.

1760, Robert Kay, drop-box.

1769, Richard Arkwright, water-frame and throstle. James Watt, steam-engine.

1772, James Lees, improvements on carding-machine.

1775, Richard Arkwright, series of combinations.

1779, Samuel Compton, mule.

1785, Edmund Cartwright, power-loom.

1803-4, Radcliffe and Johnson, dressing-machine.

1817, Roberts, fly-frame.

1818, William Eaton, self-acting frame.

1825-30, Roberts, improvements on mule.

Cf. Baines, *HISTORY OF THE COTTON MANUFACTURE*, pages 116-231; *ENCYCLOPÆDIA BRITANNICA*, 9th ed., article “Cotton.”

5. Baines, *HISTORY OF THE COTTON MANUFACTURE*, page 215. A bale weighed from 375 lbs. to 400 lbs.

lines, we have the abnormal and fatal rise of a slave-labor large farming system, which, before it was realized, had so intertwined itself with and braced itself upon the economic forces of an industrial age, that a vast and terrible civil war was necessary to displace it. The tendencies to a patriarchal serfdom, recognizable in the age of Washington and Jefferson, began slowly but surely to disappear; and in the second quarter of the century Southern slavery was irresistibly changing from a family institution to an industrial system.

The development of Southern slavery has heretofore been viewed so exclusively from the ethical and social standpoint that we are apt to forget its close and indissoluble connection with the world's cotton market. Beginning with 1820, a little after the close of the Napoleonic wars, when the industry of cotton manufacture had begun its modern development and the South had definitely assumed her position as chief producer of raw cotton, we find the average price of cotton per pound, 8½d. From this time until 1845 the price steadily fell, until in the latter year it reached 4d.; the only exception to this fall was in the years 1832-1839, when, among other things, a strong increase in the English demand, together with an attempt of the young slave power to "corner" the market, sent the price up as high as 11d. The demand for cotton goods soon outran a crop which McCullough had pronounced "prodigious," and after 1845 the price started on a steady rise, which, except for the checks suffered during the continental revolutions and the Crimean War, continued until 1860.<sup>6</sup> The steady increase in the production of cotton explains the fall in price down to 1845. In 1822 the crop was a half-million bales; in 1831, a million; in 1838, a million and a half; and in 1840-1843, two million. By this time the world's consumption of cotton goods began to increase so rapidly that, in spite of the increase in Southern crops, the price kept rising. Three million bales were gathered in 1852, three and a half million in 1856, and the remarkable crop of five million bales in 1860.<sup>7</sup>

Here we have data to explain largely the economic development of the South. By 1822 the large-plantation slave system had gained footing; in 1838-1839 it was able to show its power in the cotton "corner;" by the end of the next decade it had not only gained a solid economic foundation, but it had built a closed oligarchy with a political policy. The changes in price during the next few years drove out of competition many survivors of the small-farming free-labor system, and put the slave régime in position to dictate the policy of the nation. The zenith of the system and the first inevitable signs of decay came in the years 1850-1860, when the rising price of cotton threw the whole economic energy of the South into its cultivation, leading to a terrible consumption of soil and slaves, to a great increase in the size of plantations, and to increasing power and effrontery on the part of the slave barons. Finally, when a rising moral crusade conjoined with threatened economic disaster, the oligarchy, encouraged by the state of the cotton market, risked all on a political *coup-d'état*, which failed in the war of 1861-1865.<sup>8</sup>

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6. The prices cited are from Newmarch and Tooke, and refer to the London market. The average price in 1855-60 was about 7d.

7. From United States census reports.

8. Cf. United States census reports; and Olmsted, THE COTTON KINGDOM.

**1862**

**THOMAS ALLEN JENCKES** was elected as a Lincoln Republican to represent a district in **RHODE ISLAND** to the 38th federal Congress, and would be re-elected to succeeding Congresses (March 4, 1863-March 3, 1871, 38th through 41st Congresses). He would serve as Chairman of the Committee on Patents and as Chairman of the Judiciary Committee. He would be for many years engaged in litigation of the Sickles and Corliss steam-engine patents, and the Day and Goodyear rubber suits. He would have an office in New-York for many years, as well as in **PROVIDENCE**, and would be retained by the United States government in their cases brought against parties to the Crédit Mobilier.

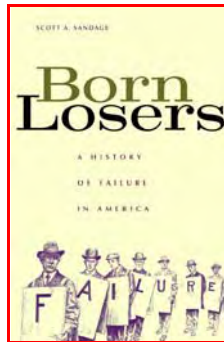
**1864**

February 5: The US Congressman **THOMAS ALLEN JENCKES** received a letter from a private citizen who was, shall we say, generally in favor of standardized and liberalized federal bankruptcy legislation:

*If the administration could know the feelings of the thousands who are tied in stronger chains than the Black man ever was, they would as a matter of policy (if not of justice) remove the shackles from off us.*



Racist comparisons defined failure and rebuked the government for letting white men fall so low.



June 1: The longest and bloodiest civil war of which we have ever had any information, the Christian rebellion that had begun in 1850, ground toward its belated and sanguine conclusion with the Confucian and Buddhist forces of the *Ch'ing* emperor of China in Beijing besieging the capital city of the *Tai-p'ing T'ien-kuo* or "Central Kingdom of Great Peace," Nanjing.

Since it had become very clear that it was, finally, all over except for the shouting, the raping and looting, and of course the bayoneting, private military groupings such as the Ever Victorious Army would in this month be in the process of being disbanded.

It is to be noted that, in the 77 years since 1787, there had been in the USA a grand sum total of merely 4 years in which there had existed uniform federal laws for bankruptcy. In the US House of Representatives, therefore, on this day Congressman **THOMAS ALLEN JENCKES**, a Lincoln Republican, addressed the US House of Representatives in sponsorship of a new uniform federal bankruptcy law, urging "emancipation" for Union soldiers who were bankrupt. "What to them are the guarantees of the Constitution?" Their present choice, it seemed to this orator, consisted in either "[laying] their bones upon the battle-fields," or "[returning] to a life-long servitude."



*If hopeless insolvency be commercial death, then the bankrupt laws open to the honest bankrupt freedom from his debts, and the road to a new commercial life.*

However, it was within the authority of the US Congress to ameliorate the life condition of these loyal veterans, for “The power to make this declaration of freedom stands written upon the face of the Constitution” in that the US Constitution was written in such manner as to allow Congress to enact “uniform Laws on the subject of Bankruptcies.” These loyal veterans should be granted “opportunity of liberating themselves from their bondage.” They should return to civil life to “walk free in the exercise of those rights which the immortal Declaration declares inalienable.” Note that Congressman Jenckes, a white man, was speaking not on behalf of “Colored troops,” *sic*, who had been held in the real manacles of slavery, but on behalf of white soldiers who had been merely entangled in the abstract “bondage of debt.”



Jenckes’s plan to free men in debt became the first comprehensive bankruptcy law in American history, the Act of 1867, which surmounted the politics of failure by invoking the Civil War legacies of abolition and ambition. Debtors neither bled like chattel slaves nor belied the terms of the Constitution, which charged Congress to make “uniform Laws on the subject of Bankruptcies.” And yet, between 1787 and 1865, the stopgap laws of 1800 and 1841 lasted a total of barely four years. Bankruptcy and slavery met similar obstacles on the dead-end roads of antebellum politics. People in slavery were presumed incapable of moral responsibility; such was a white man’s burden, a set of obligations that supposedly made unpaid bills inescapable. Freeing slaves divested masters of legal property, and discharging debtors stripped creditors of the fruits of legal contracts. Bankruptcy and abolition posed taboo questions: could the federal government narrow property rights to expand civil rights; and if so, should it? The two controversies intersected in theory and chronology. The panic of 1819 introduced a new order of economic crisis; the Missouri Compromise of 1820, a new era of political crisis. Secession in April 1861 induced cessation in May – debtors on both sides quit paying enemy creditors, ruining thousands. The Emancipation Proclamation of 1863 gave impetus to the bankruptcy bill of 1864. “Men ruined by the war” had begun to make noise about a debtors’ uprising when Jenckes’s “bondage of debt” speech hit the papers on June 1.

A congressman made an unlikely Spartacus, even for rhetorical bondsmen, yet Jenckes’s words rallied an army of debtors. “Allow me,” one wrote on June 6, 1864, “in behalf of the *thousands* ... bound down with a bondage worse than slavery, to thank you for your efforts to release them through the medium of the bankrupt law.” Overnight, the smallest state’s freshman representative had a national constituency, whose letters brought individual voices of failure into federal politics. Metaphoric bondage couched their fears in racist jealousy, lest they be left behind when the war ended. In December 1864, a week after the completion of Sherman’s march to the sea, an Ohioan looked toward Union victory “with grateful Emotions for your Efforts to Emancipate the *white slaves*.” If the politician spoke their language, he shared little else with his followers. Thomas Allen Jenckes was property interests incarnate, a major industrial patent lawyer born into a century-old political and commercial dynasty. Friends joked that he had nary a wild hair in his long black beard.

This new federal bankruptcy act would be defeated by one vote:

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The question was this: Having seceded without paying their bills, should the former Confederates be readmitted to the Union without paying?

June 2: A Philadelphian, feeling that business bankruptcy had deprived him of a kind of respect for personhood that any white American ought to be able to count upon, wrote to US Representative [THOMAS ALLEN JENCKES](#), the sponsor of a new uniform federal bankruptcy law, describing how he had “passed Ten years in worse bondage than that of the black man in the South — more humiliating and degrading for I was no longer regarded as an equal amongst my old associates.”

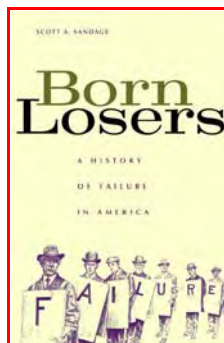


Such bromides sounded visceral, but they actually preserved careful distinctions between “the bondage of past debt” and “the slavery of the colored man.” His servitude was perpetual, but “bondage” involved a contract and could, therefore, be revoked. When bankrupts complained about feeling useless, they meant that unpaid debts made them idle – kept them from starting again and making money to support their families or pay their creditors. By characterizing this as bondage or slavery, bankrupts used the language of enforced *labor* to describe a condition of enforced *idleness*. The image of an idle slave was, to say the least, an egregious oxymoron, one that drew upon insidious prejudices about the work habits of African Americans. Idle slavery made sense, however, to bankrupts worried about lost status, manhood, and economic freedom. “In common with thousands of others,” a typical letter began, “I am living on the hope that Congress will break our chains and restore us to the activities and ambitions of life, ere it is – ‘too late’!” Melodramatically, the final words invoked the civic death associated with slavery. Thomas Jenckes addressed this common fear in his speech of June 1, 1864. “If hopeless insolvency be commercial death,” he declared, “then the bankrupt laws open to the honest bankrupt freedom from his debts, and the road to a new commercial life.”

December 15: A bankrupt who out of his personal experience had become a flaming advocate of Representative [THOMAS ALLEN JENCKES](#)’s federal uniform bankruptcy act wrote to him that President Abraham Lincoln’s Republican Party was going to lose at the polls “if this administration refuse to grant us that which they do not refuse to the *meanest negro*.”



Racist comparisons defined failure and rebuked the government for letting white men fall so low.





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December 19: An Ohioan wrote to Representative [THOMAS ALLEN JENCKES](#), the sponsor of a new uniform federal bankruptcy law, “with grateful Emotions for your Efforts to Emancipate the white slaves.” Clearly, this correspondent perceived that a direct parallel existed between, on the one hand, the impact of the Emancipation Proclamation on the lives of previously unfortunate American blacks, and, on the other hand, the impact of this federal bankruptcy act on the lives of previously unfortunate American whites. The subtext of this, of course, would be: whites are at least as deserving of considerate treatment as blacks.



**1866**

January 23: US Representative **THOMAS ALLEN JENCKES** pointed out that the draft language of the 2d section of the XIVth Amendment, punishing disenfranchisement of voters on the basis of race, was defective. The section says nothing whatever about “the qualification of property.” It punished this disenfranchisement only if it were overtly based upon race, and failed to punish it if (relying upon the fact that the black freedmen were greatly impoverished) disenfranchised persons of color as persons without property. Representative Jenckes pointed out that, in the 1790 constitution of South Carolina, there had been exactly such property restrictions!

February 28: A St. Lewis bankrupt wrote to US Representative **THOMAS ALLEN JENCKES**, who would sponsor the federal Bankruptcy Act of 1867, to point up the fact that since “the slavery of the colored man was upon one uneducated or refined,” and therefore had psyches that weren’t that greatly damaged, the slavery still being imposed by personal business bankruptcy upon the white American was upon a sort of person who was educated and refined, whose psyche was therefore being very badly damaged.



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March 28: US Representative **THOMAS ALLEN JENCKES**’s federal uniform bankruptcy bill again went down to defeat:



The question was this: Having seceded without paying their bills, should the former Confederates be readmitted to the Union without paying?

June 13: When the XIVth Amendment to the Constitution of the United States of America was approved, guaranteeing due process and equal protection under the law to all our citizens, its wording granted voting suffrage of the vote only to all males. Thus, in the future, this franchise was to be based upon sex rather than race (note that this was the 1st time the US Constitution had utilized such a term as “male”). This revision of Section 2 of the amendment had proved to be necessary because of the defect that had been noticed early on by Representative **THOMAS ALLEN JENCKES** of **RHODE ISLAND**, that in the earlier draft language, disenfranchisement was to be punished only if overtly based upon race, but not at all if in a state (relying upon the fact that the black freedmen were greatly impoverished) persons of color were disenfranchised as persons without property.

**1867**

February 23: A New York bankrupt wrote to US Representative **THOMAS ALLEN JENCKES**, sponsor of the federal Bankruptcy Act of 1867, to point out that white American bankrupts needed to be emancipated from “a slavery which to a high minded honest ambitious man is worse than that the poor African ever endured.”



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March 2: This was the final day of the 39th US Congress. The Congress managed to enact both the Bankruptcy Act of 1867 and the Reconstruction Act of 1867 (the 1st of four major provisions for readmission of the formerly rebelled states, this provided for the enfranchisement of those formerly held in slavery).

US Congressman [THOMAS ALLEN JENCKES](#) would receive fan mail such as this one from Baltimore:

*Our beloved and lamented Lincoln, in his Emancipation Proclamation, gave Freedom to the Slaves of the South. You Sir, by your persistent perseverance, indomitable energy, and ability as a Statesman, have literally forced Congress to grant the same boon to the Slave-debtors of the Nation.*

### 1868

May 14: While attempting to reform the civil service as chairman of the joint select committee on retrenchment, [THOMAS ALLEN JENCKES](#) presented an elaborate report on the civil-service laws of the world. (In large part due to his efforts, the Congress would in 1871 enact a Civil Service Reform Act.)



1870

When a statue of General [NATHANAEL GREENE](#) of [RHODE ISLAND](#) was dedicated in Washington DC, [THOMAS ALLEN JENCKES](#) of Rhode Island made the presentation address. Unsuccessful in his campaign for reelection to the US House of Representatives, however, this Representative would be forced to return to his home state and devote himself energetically to the practice of law.

1872

[RHODE ISLAND](#) attorney [THOMAS ALLEN JENCKES](#) helped prosecute the railroad profiteers and the congressmen on-the-take of the “Crédit Mobilier” scandal.



There had been no death penalty in [RHODE ISLAND](#) for three decades. At this point the General Assembly decided to re-enact the penalty of death by [HANGING](#), in the case of murder committed while under sentence of life imprisonment.

1873

[RHODE ISLAND](#) attorney [THOMAS ALLEN JENCKES](#) continued to help prosecute the railroad profiteers and the congressmen on-the-take of the “Crédit Mobilier” scandal.

1875

November 4: [THOMAS ALLEN JENCKES](#) died in Cumberland, [RHODE ISLAND](#). In the New-York Times, his obit would characterize him as having been, as a legislator, more “useful” than “magnetic,” but would go on to deny that as a politician he had been “of the oily variety.” Indeed, he had gained “the implicit confidence of the people.” His body would be interred in Swan Point Cemetery in [PROVIDENCE](#) (refer to “In memoriam. Thomas Allen Jenckes” — presumably published in Providence in 1876).



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“It’s all now you see. Yesterday won’t be over until tomorrow and tomorrow began ten thousand years ago.”  
- Remark by character “Garin Stevens”  
in William Faulkner’s INTRUDER IN THE DUST



Prepared: January 21, 2008



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## *ARRGH: THE AUTOMATED RESEARCH*

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