

GENERAL STATUTES

33

OF THE

STATE OF MINNESOTA,

IN FORCE JANUARY, 1891.

VOL. 1.

CONTAINING ALL THE LAW OF A GENERAL NATURE NOT
REMEDIAL, THE LATTER BEING IN VOL. 2.

COMPILED AND ANNOTATED

BY

JNO. F. KELLY,

OF THE ST. PAUL BAR.

SECOND EDITION.

ST. PAUL:

PUBLISHED BY THE AUTHOR.

1891.

CHAPTER 27.

REPORTER OF SUPREME COURT.

Const. art. 6, § 2, provides that it shall be the duty of the supreme court to appoint a reporter of its decisions.

Sections.

2148. Oath and bond.
2149-2150. Powers and duties.
2151-2153. Publisher — Copyright — Contract.

Sections.

2154. Reletting of contract.
2155. State to purchase.
2156. Distribution of reports.

SEC. 2148. **Oath and bond.**— The reporter of the supreme court shall take the oath required by law, and shall execute a bond, to be approved by the governor, in the sum of five hundred dollars, conditioned for the faithful performance of the duties of his office.

G. S. ch. 27, § 1.

SEC. 2149. **Powers and duties.**— The reporter shall make careful and accurate reports of all cases argued and decided by the supreme court. He shall be entitled to the possession of the original files in all cases for a reasonable time to prepare copies for publication, and shall report the cases more or less at large, according to their relative importance. The report of each case shall contain concise notes of the points decided, a statement of the facts taken from the record, when the same are not fully given in the opinion of the court, the names of the counsel with the points made and authorities cited, more or less at length in the discretion of the reporter, and the opinion of the court. (He shall publish a volume of such reports as often as there is sufficient matter to form a volume of not less than six hundred pages.) All volumes hereafter published shall bear the uniform title of "Minnesota Reports."

G. S. ch. 27, § 2. The matter in parentheses superseded by subsequent sections.

SEC. 2150. **Furnish copy for publisher.**— The supreme court reporter shall as soon as practicable after the decisions of the supreme court are filed, and within ninety (90) days after the filing of a sufficient number of decisions to constitute a volume as hereinafter provided, furnish and deliver to the contractors with the state for the printing, stereotyping, publishing and selling of the future volumes of the Minnesota Reports as hereinafter provided, copies of such decisions with the syllabi as written by the court, and brief abstracts of the cases, and briefs of counsel if necessary, with names of counsel in such case, and an index, to be published in suitable volumes.

Size of volume.— Each volume of said reports shall contain not less than six hundred (600) pages, to be stereotyped, printed and bound in a good substantial manner and form, of good material for law books, the width of a printed page shall be four and one quarter ($4\frac{1}{4}$) inches or twenty-six (26) ems pica, and in all other respects the same style and quality as volume twenty-five (25) of the Minnesota Reports, to be approved by the supreme court judges, or a majority of them.

1881, ch. 103, § 1: "An act to provide for the reporting, publishing and selling of the Minnesota reports." Approved March 4, 1881. Repeals all inconsistent laws.

SEC. 2151. **Duties of publisher — Copyright.**— The supreme court reporter shall have no pecuniary interest in such reports, but the same shall be published under the supervision of supreme court reporter, by contract to be

MINNESOTA STATUTES 1891

REPORTER OF SUPREME COURT.

[SECS. 2152-2154.]

entered into by the West Publishing Company, present publishers of the supreme court reports, with the state, and said publishers shall agree to publish and sell the same at the place of publication within this state, and at all times keep the same on sale at such place of publication in quantities of one (1) or more, not exceeding twenty-five (25) copies at any one time, and upon reasonable notice of not less than ten (10) days, for the uniform price of two dollars (\$2) per volume, and if any such volume shall in any way, or from any cause, contain more than six hundred (600) pages, no increased or additional price shall be charged therefor, and also publish and deliver to the secretary of state, at the state capitol, at the earliest practicable time, and within sixty (60) days after the return of all proofs of any one volume of said reports from the reporter to the publisher, two hundred copies (200) of such volumes, to be paid by the state at the contract price, and shall agree to stereotype the same, and at all times keep the same on sale in the state of Minnesota at the contract price, and furnish the state any number of additional copies that may be thereafter required at the contract price.

The copyrights of all the reports hereafter published shall vest in the secretary of state for the benefit of the people of this state, but this shall not be construed to prevent the contractors by whom any such volume is published, their representatives or assigns, from continuing the publication and sale of such volume, so long as they shall comply in all respects with the requirements of this act in respect to the character, sale and price of such volume.

1881, ch. 103, § 2. This section supersedes G. S. ch. 27, § 3, which provided that the reporter should print and bind at his own expense; have and retain the exclusive copyright as his own property, and the state shall purchase two hundred copies of each volume at \$6 per copy. Acts 1881, ch. 103, § 9, gave salary of \$1,500 as compensation, and in lieu of copyright.

SEC. 2152. Contract and bond of publishers.— Within thirty (30) days after the passage of this act, the said publishers shall enter into a contract with the secretary of state for the benefit of this state, in accordance with the terms and provisions of this act, and shall file with the treasurer a bond in the penal sum of five thousand dollars (\$5,000.00), conditioned to fulfill such contract in all particulars, with at least two sufficient sureties, residents of this state, to be approved by the secretary of state. Such bond shall by its terms be the joint and several obligations of the persons executing it.

1881, ch. 103, § 3.

SEC. 2153. Same — Covenants in contract.— The contract of the publishers, as required by section three (3) of this act, shall contain among others the following covenants on their part:

First.— That they will print, stereotype, publish and sell, as hereinbefore provided, and in accordance with all the provisions of this act, the Minnesota Reports, commencing with volume twenty-eight (28), for the term of eight (8) years from the passage of this act.

Second.— That they will take out a copyright upon each volume published under said contract, in the name of the secretary of this state [for the benefit of the people of this state].

Third.— In case it shall be determined in an action on the bond that said contractors have failed in any respect to comply with the provisions of their contract, the secretary of state may declare the contract void, and recover such damages to the amount of the bond as the courts may award.

1881, ch. 103, § 4.

SEC. 2154. Reletting of contract.— In case the West Publishing Company should fail to enter into a contract within the time limited by this act, or should forfeit such contract by failure at any time to comply with the provisions of the same, as in this act provided, the secretary of state shall upon such forfeiture and as soon thereafter as may be practicable, advertise in four (4) different newspapers in four (4) different localities in this state for four (4) consecutive weeks, that sealed proposals will be received for the print-

MINNESOTA STATUTES 1891

SECS. 2155, 2156.]

REPORTER OF SUPREME COURT.

ing, stereotyping, binding and selling of the said reports for the unexpired term of this contract at a certain rate per volume, to be stated in such proposals, not exceeding the price fixed by this act, and according to the provisions of this act.

1881, ch. 103, § 7.

SEC. 2155. State to purchase.— Upon delivery of two hundred (200) copies of any one volume of reports published under the contract as required by this act, to the secretary of state, he shall give his receipt for the same, and upon surrender of such receipt to the state auditor, he shall draw his warrant upon the state treasurer for four hundred dollars (\$400) in favor of the contractors or their representatives, or assigns, which said warrant shall be paid upon presentation to the treasurer of this state.

1881, ch. 103, § 6. Section 5 of this act provided that volume 27 be completed and published under prior law. Acts 1881, Ex. S. ch. 50, provided for purchase of two hundred copies of volume 26 at \$5 per copy.

SEC. 2156. Distribution of reports.— Of the two hundred copies deposited with the secretary of state, as above provided, the following state officers shall be entitled to one copy of each volume, to wit: The several judges of the supreme and district courts, the attorney-general, the judges of probate of the several counties. A sufficient number shall be sent as exchanges to the several states of the union by the secretary, and the balance deposited with the state librarian.

G. S. ch. 27, § 4. The librarian exchanges with the several states. See ch. 6.