

GENERAL STATUTES <sup>36</sup>  
OF THE  
STATE OF MINNESOTA

IN FORCE

JANUARY 1. 1889.

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COMPLETE IN TWO VOLUMES.

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VOLUME 1, the General Statutes of 1878, prepared by GEORGE B. YOUNG, edited and published under the authority of chapter 67 of the Laws of 1878, and chapter 67 of the Laws of 1879.

VOLUME 2, Supplement.—Changes effected in the General Statutes of 1878 by the General Laws of 1879, 1881, 1881 Extra, 1883, 1885, and 1887, arranged by H. J. HORN, Esq., with Annotations by STUART RAPALJE, Esq., and others, and a General Index by the Editorial Staff of the NATIONAL REPORTER SYSTEM.

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VOL. 2.

SUPPLEMENT, 1879-1888,

WITH

ANNOTATIONS AND GENERAL INDEX TO BOTH VOLUMES.

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ST. PAUL:  
WEST PUBLISHING CO.  
1888.

## CHAPTER 27.

## REPORTER OF SUPREME COURT.\*

## \*§ 4a. Minnesota Reports—Distribution.

The secretary of state is hereby authorized to furnish to the several clerks of the district courts and judges of the municipal courts one copy each of Minnesota Supreme Court Reports; such reports to remain the property of the state in the custody of said clerks during their respective terms of office, and then to be delivered by them to their successors in office. (1885, c. 218, § 1.)

## \*§ 4b. Same—Custody.

It shall be the duty of each of said clerks to keep the said reports in the court-rooms during sessions of court, and at other times they shall be kept in the office of the clerk of the district court, for the use of the county and town officers and other citizens of the state. Said clerks shall not permit any of said reports to be taken out of their offices except during sessions of the district court in their respective counties, at which times said clerks shall keep the reports in the court-rooms, and shall not permit them to be taken therefrom. (*Id.* § 2.)

[§§ 3, 4, provide for the purchase by the secretary of state of the requisite number of volumes, and make an appropriation therefor.]

## \*§ 5. Publication of reports—Furnishing copy—Style.

The supreme court reporter shall, as soon as practicable after the decisions of the supreme court are filed, and within ninety 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. Each volume of said reports shall contain not less than

\*As to furnishing Minnesota Reports to Benton county, see Gen. Laws 1887, c. 150.

Chapter 216, Gen. Laws 1885, entitled "An act to provide for an index-digest of the Minnesota Reports," provides as follows:

§ 1. CONTRACT—PRICE. The secretary of state is hereby authorized to contract for the furnishing to the state of three hundred copies of an index-digest of the Minnesota Reports, at a price not to exceed five dollars per copy of the completed work.

§ 2. PREPARATION—STYLE. Said work shall be prepared by such persons and in such manner as the judges of the supreme court shall designate and approve: *provided*, that it shall be a full and complete index to volumes one to thirty-four, inclusive, of the Minnesota Reports; shall be printed on paper equal to that used in the current volumes of Minnesota Reports, and bound in full law sheep binding, and shall be ready for delivery within nine months from January first, one thousand eight hundred and eighty-seven. (*As amended* 1887, c. 24.)

§ 3. DISTRIBUTION. The volumes furnished to the state, as provided for in sections one and two of this act, shall be distributed as follows: To the several departments of state, to the judges of the supreme court and supreme court reporter, the several judges of the district courts, the municipal courts and judges of probate, one copy each; to the clerks of the district courts, one copy each; and to the state library, ten copies; the Minneapolis Bar Association library, two copies. The remaining copies to be delivered to the state librarian to safely keep for further distribution by law.

§ 4. APPROPRIATION. The sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of paying for said books.

six hundred 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 inches, or twenty-six ems pica, and in all other respects the same style and quality as volume twenty-five of the Minnesota Reports, to be approved by the supreme court judges, or a majority of them. (1881, c. 103, § 1.\*)

**\*§ 6. Same—Contract—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 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 or more, not exceeding twenty-five copies at any one time, and upon reasonable notice of not less than ten days, for the uniform price of two dollars per volume; and if any such volume shall in any way, or from any cause, contain more than six hundred 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 days after the return of all proofs of any one volume of said reports from the reporter to the publishers, two hundred copies of such volumes, to be paid [for] 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. (*Id.* § 2.)

**\*§ 7. Same—Contract and bond.**

Within thirty 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, 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. (*Id.* § 3.)

**\*§ 8. Same—Terms of contract.**

The contract of the publishers, as required by section three 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, for the term of eight 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

\*"An act to provide for the reporting, publishing, and selling of the Minnesota Reports." Approved March 4, 1881.

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. (*Id.* § 4.)

**\*§ 9. Same—Volume twenty-seven.**

Volume twenty-seven of the Minnesota Reports, being now in the hands of the printer, may be completed and published under existing laws. (*Id.* § 5.)

**\*§ 10. Same—Manner of payment.**

Upon delivery of two hundred 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 in favor of the contractors, or their representatives or assigns, which said warrant shall be paid upon presentation to the treasurer of this state. (*Id.* § 6.)

**\*§ 11. Same—Proceedings in case of forfeiture.**

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 different newspapers in four different localities in this state for four consecutive weeks, that sealed proposals will be received for the printing, 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. (*Id.* § 7.)

**\*§ 12. Salary of reporter.**

That the reporter of the supreme court, in lieu of the copyright heretofore held by him, and as a compensation for his services as such reporter, shall receive an annual salary of fifteen hundred dollars.\* (*Id.* § 9.)

**\*§ 13. Publication of reports—Renewal of contract.**

The secretary of state is hereby authorized and empowered to contract with the West Publishing Company for the continuance of the publication of the Minnesota Reports for eight years from the termination of the contract now existing between the state and the said company. (1887, c. 230, § 1.)

**\*§ 14. Same—Style—Price of reports—Copyright.**

The reports so published to be of the same quality and description as required by the terms of the present contract, and to be sold to this state, and to all citizens of this state, at two dollars per copy. The copyright of all volumes published under such contract to be taken out in the name of the secretary of state, for the benefit of the state. (*Id.* § 2.)

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