

THE 79
GENERAL STATUTES

OF THE
STATE OF MINNESOTA

As Amended by Subsequent Legislation, with which are Incorporated
All General Laws of the State in Force December 31, 1894

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AND A GENERAL INDEX BY THE EDITORIAL STAFF OF THE NATIONAL
REPORTER SYSTEM

COMPLETE IN TWO VOLUMES

VOL. 1

CONTAINING THE CONSTITUTION OF THE UNITED STATES, THE ORDINANCE OF 1787,
THE ORGANIC ACT, ACT AUTHORIZING A STATE GOVERNMENT, THE STATE
CONSTITUTION, THE ACT OF ADMISSION INTO THE UNION, AND

Sections 1 to 4821 of the General Statutes

ST. PAUL, MINN.
WEST PUBLISHING CO.

1894

CHAPTER 27.

REPORTER OF SUPREME COURT.

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§ 2278. 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. 1866, c. 27, § 1; G. S. 1878, c. 27, § 1.)

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§ 2279. 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. 1866, c. 27, § 2; G. S. 1878, c. 27, § 2.)

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§ 2280. 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. 1866, c. 27, § 4; G. S. 1878, c. 27, § 4.)

*This duty is now imposed on the state librarian. See § 370.

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§ 2281. Reporter to furnish copy—Style of reports.

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 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; G. S. 1878, v. 2, c. 27, § 5.)

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

§ 2282. Publication under contract—Copyright.

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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.

(1881, c. 103, § 2; G. S. 1878, v. 2, c. 27, § 6.)

§§ 3-7 have reference to the contract with the publisher.

§ 8 repeals all inconsistent acts.

§ 2283. Salary of reporter.

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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.

(1881, c. 103, § 9; G. S. 1878, v. 2, c. 27, § 12.)

See § 530, subd. 25, which makes the reporter's salary \$3,500 per annum, but does not repeal this section.

§ 2284. Publication of reports—Renewal of contract.

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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; G. S. 1878, v. 2, c. 27, § 13.)

§ 2285. 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.

(1887, c. 230, § 2; G. S. 1878, v. 2, c. 27, § 14.)

§ 2286. Same—Additional copies.

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The secretary of state is hereby authorized to so modify and change the contract now existing between this state and the publishers of the Minnesota Reports as to add to the number specified in said contract to be delivered to the state, one hundred and twenty-five copies of volume thirty-two, and of each succeeding volume.

(1889, c. 240, § 1.)

² An act to modify the contract for the publication of the Minnesota Reports. Approved April 17, 1889.

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§§ 2287-2292

REPORTER OF SUPREME COURT.

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§ 2287. Same—How disposed of.

Of the additional copies delivered to the state, as provided in section one of this act, five copies shall be furnished the state library, and one copy each to the clerks of the several district courts, and the judges of the municipal courts of this state; such copies to remain the property of the state, as provided by law.

(Id. § 2.)

§ 2288. Same—Distribution to district courts, etc.

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. And also to furnish to the attorney general one set and to the state library as many sets of said reports as may be required therefor. The number to be determined by the judges of the supreme court; all such reports to remain the property of the state.

(1885, c. 218, § 1; G. S. 1878, v. 2, c. 27, § 4a; as amended 1889, c. 116, § 1.)

As to furnishing Minnesota Reports to Benton county, see Laws 1887, c. 180.

§ 2289. 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.

(1885, c. 218, § 2; G. S. 1878, v. 2, c. 27, § 4b.)

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

§ 2290. University of Minnesota to receive 100 copies of Session Laws, etc.

The secretary of state shall deliver to the University of Minnesota one hundred copies of each volume of the general and special laws of this state, and of the reports of the decisions of the supreme court, hereafter published, for use in the way of exchanges, and otherwise, in the establishment and maintenance of a law library for the law-department of said university.

(1889, c. 241, § 1.)*

§ 2291. Same—Additional copies of reports hereafter published.

The secretary of state is hereby authorized and directed to procure, for the purpose aforesaid, from the publishers of the supreme court reports, one hundred copies of each volume thereof hereafter published, in addition to the number authorized for other purposes, to be paid for at the same price and in the same manner as such reports delivered to the secretary for other purposes.

(Id. § 2.)

§ 2292. Same—Laws and reports already published.

The secretary of state is hereby authorized and directed to deliver to the University of Minnesota, for the purposes aforesaid, ten copies of each volume of the general and special laws and supreme court reports heretofore published, if he shall have in his possession so many copies not required by law to be disposed of for other specific purposes, or so many of each of said volumes,

*An act to provide the university of the state of Minnesota with the general and special laws and the reports of the decisions of the supreme court, for library purposes. Approved April 3, 1889.

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not exceeding ten, as he shall have in his possession not so required by law for other specific purposes; and if he shall not have in his possession, subject to delivery to the university under the provision aforesaid ten copies of each volume of said reports of which additional copies may now be obtained from the publishers by the state, under existing contracts, at the price now paid by the state for such reports, he is authorized and directed to procure from the publishers, to be paid for at the price and in the manner aforesaid, and deliver to the university enough additional copies of every such volume to make the number of ten.

(Id. § 3.)

§ 2293. United States Circuit Court of Appeals.

The secretary of state shall furnish two complete sets of the Minnesota supreme court reports, session laws and statutes, for the use of the United States Circuit Court of Appeals; one set for the use of said court at the city of St. Paul and the other for the use of said court at St. Louis.

(1893, c. 18, § 1.4)

§ 2294. Same.

The said secretary of state shall furnish the current numbers of each of said sets of reports as fast as they are published, and shall furnish the session laws each session of the Legislature when published.

(Id. § 2.)

*An act to furnish the reports and laws of Minnesota for the use of the United States Circuit Court of Appeals. Approved April 17, 1893.

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