

*Com on  
Judiciary*

## A BILL

FOR AN ACT TO PROVIDE FOR THE STEREOTYPING, PUBLISHING AND SALE OF THE SUPREME COURT REPORTS, AND TO FIX THE SALARY OF THE SUPREME COURT REPORTER.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* The supreme court reporter shall, as soon as practicable, and within \_\_\_\_\_ days after a decision of the supreme court which is ordered to be published is announced, furnish and deliver, at the office of the supreme court reporter, in Des Moines, Iowa, to the person, persons or corporation having the contract with the state for publishing the same, copies of such decision, with a syllabus and brief abstract of the facts involved, with a list of the authorities cited, and a statement of the legal propositions made by counsel in the argument; but the argument shall not be reported at length; and shall also furnish an index and table of cases to each volume, which shall be submitted to the judge before delivery to the publishers. Each of said volumes shall contain not less than seven hundred and fifty, nor more than eight hundred pages, to be printed and bound in a good, substantial manner, and of the same style and quality as volume forty, of the Iowa reports, to be approved and accepted by the judges of the supreme court, or a majority of them.

SEC. 2. 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 contractor, by whom any volume is published, his representatives or assigns, from continuing the exclusive publication and sale of such volume so long as he or they shall, in all respects, comply with the requirements of this act in respect to the character, sale and price of such volume.

SEC. 3. The supreme court reporter shall have no pecuniary interest in such reports, but the same shall be published under the contract, to be entered into by the executive council with the person, persons or corporation, who shall agree to publish and sell the same on the most advantageous terms to the people of this state, at a price not to exceed two dollars per volume, of the size and quality as provided for in this act. And if any such volume shall, in

6 any way, or from any cause, contain more than eight hundred pages, no increased or addi-  
7 tional price shall be charged therefor.

SEC. 4. The executive council shall, commencing in the first week in April, and every  
2 eight years thereafter, advertise in six different newspapers in different localities in this state  
3 for the term of six weeks, that sealed proposals will be received at the office of the secretary  
4 of state for printing, publishing and selling the said reports for the term of eight years next  
5 thereafter, at a certain rate per volume to be stated in said proposal, not exceeding the maxi-  
6 mum price fixed by this act, and in accordance with the provisions of this act.

SEC. 4. Each bidder shall deposit with the state treasurer the sum of one thousand dol-  
2 lars before making his proposal, to be forfeited to the state in case he shall not make a con-  
3 tract according to his proposals if accepted, and according to the requirements of this act,  
4 and shall take a receipt of said treasurer, and deposit the same with his proposal, and upon  
5 entering into the contract herein provided, or upon the proposal being rejected, the said  
6 sum shall be returned.

SEC. 6. The successful bidder shall enter into a contract that he will publish the reports  
2 of the state of the quality, style and character in all respects as set out in section 1 of this  
3 act; that he will publish and deliver to the secretary of state, at the capitol, in Des Moines,  
4 two hundred and fifty copies free of charge, at the earliest practicable time, and within sixty  
5 days after the delivery of the manuscripts for any one copy of reports to the publishers; that  
6 he will stereotype the same, and at all times keep the same on sale in the state of Iowa, to  
7 residents of this state for actual use at the contract price, in suitable quantities, in the city  
8 of Des Moines; that he will furnish the state any number of additional copies that may be  
9 required for its own use at the contract price, and procure new stereotype plates whenever  
10 the original plates shall become defaced or destroyed; and the said contract shall fully pro-  
11 vide for the carrying into effect of all the provisions of this act, and shall be made within  
12 thirty days after he is notified of the acceptance of his proposal.

SEC. 7. The successful bidder shall, at the time of making his contract, execute and file  
2 with the treasurer of state a bond, in the penal sum of ten thousand dollars, conditioned to  
3 fulfill such contract in all particulars, with at least two sufficient sureties, residents of this  
4 state, to be approved by the executive council of the state. Such bond shall, by its terms, be  
5 the joint and several obligations of the persons executing it. If the successful bidder shall  
6 fail to complete his contract, or shall forfeit the same for any cause, the executive council  
7 shall relet the contract as soon thereafter as practicable in the manner provided in this act:  
8 *provided, however,* that such bidder, in lieu of sureties to such bond, may deposit therewith

9 bonds of the United States, payable to the bearer, amounting to not less than ten thousand  
10 dollars.

SEC. 8. The contract of the successful bidder required by this act shall contain, among  
2 others, the following covenants on his part:

3 *First*—That he will not take out in his own name, nor procure to be taken out in the name  
4 of any person other than the secretary of state of this state, a copyright upon any volume  
5 published under such contract; and that, upon any breach of this covenant, he will pay to  
6 the treasurer of this state the sum of two thousand dollars as liquidated damages.

7 *Second*—That in case it shall be determined in any action upon the bond of such con-  
8 tractor that he has failed in any respect to comply with the provisions of this act or his con-  
9 tract, the executive council may declare the contract forfeited; and that, upon such forfeiture  
10 so declared, such contractor will, upon demand, transfer to the secretary of state of this state,  
11 for the use of the state, the stereotyped plates of all volumes published under such contract,  
12 or will pay to the treasurer of this state two thousand dollars for each such volume as liqui-  
13 dated damages for a failure to make such transfer, and such failure shall be deemed a breach  
14 of the conditions of such bond, and such liquidated damages may be recovered by action on  
15 such bond.

SEC. 9. The annual salary of the supreme court reporter shall be two thousand two hun-  
2 dred dollars.

SEC. 10. Sections 155, 156, 157 and 160, of chapter 4, title III, of the Code, and all acts  
2 and parts of acts conflicting with the provisions of this act, are hereby repealed: *provided*,  
3 that the passage of this act shall not be construed to affect the publication of the reports up  
4 to and including volume fifty-one; but in all other respects the provisions of this act shall be  
5 in force from the time it takes effect as hereinafter provided.

SEC. 11. This act, being deemed of immediate importance, shall take effect from and after  
2 its publication in the *Iowa State Register* and the *State Leader*, newspapers published at Des  
3 Moines, Iowa.

SENATOR WRIGHT, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred senate files Nos. 65, 66 and 52, bills for an act to provide for the publishing, stereotyping and sale of the supreme court reports, and to fix the salary of the supreme court reporter, beg leave to report that they have had the same under consideration, have adopted a substitute, and have instructed me to report the same back to the senate with the recommendation that it do pass.

GEO. F. WRIGHT, *Chairman pro tem.*

Ordered passed on file.

SUBSTITUTE FOR SENATE FILES NOS. 65, 66, AND 52.]

## A BILL

FOR AN ACT TO PROVIDE FOR THE STEREOTYPING, PUBLISHING AND SALE OF THE SUPREME COURT REPORTS, AND TO FIX THE SALARY OF THE SUPREME COURT REPORTER.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* Within sixty days  
2 after sufficient opinions are announced to make a volume, as herein provided, the supreme  
3 court reporter shall furnish and deliver, at his office in Des Moines, Iowa, to the person,  
4 persons or corporation having the contract with the state for publishing the same, copies of  
5 such opinions; and with each opinion a syllabus, a brief statement of the facts involved, and  
6 the legal propositions made by counsel in the argument, with the authorities cited. But the  
7 argument shall not be reported at length; and within forty days after the proof sheets for a  
8 volume are furnished to him by the publishers, at his office in Des Moines, Iowa, he shall  
9 furnish to said publishers an index and table of cases to such volume. Each of said volumes  
10 shall contain not less than 750 nor more than 800 pages, exclusive of table of cases and index,  
11 and shall be printed and bound in a good, substantial manner, and of the same style and  
12 quality as volume XL of the Iowa supreme court reports, and shall be approved and accepted  
13 by the executive council.

SEC. 2. The copyrights of all the supreme court reports hereafter published shall vest in  
2 the secretary of state for the benefit of the people of this state; but this shall not be con-

3 strued to prevent the contractor, by whom any volume is published, his representatives or  
 4 assigns, from continuing the exclusive publication and sale of such volume so long as he or  
 5 they shall, in all respects, comply with the requirements of this act in respect to the charac-  
 6 ter, sale and price of such volume.

SEC. 3. The supreme court reporter shall have no pecuniary interest in such reports, but  
 2 the same shall be published under the contract, to be entered into by the executive council  
 3 with the person, persons or corporation, who shall agree to publish and sell the same on the  
 4 terms most advantageous to the people of this state, at a price not to exceed two dollars per  
 5 volume, of the size and quality as provided for in this act. And if any such volume shall, in  
 6 any way, or from any cause, contain more than eight hundred pages, no increased or addi-  
 7 tional price shall be charged therefor.

SEC. 4. The executive council shall, commencing in the first week in April, A. D. 1880, and  
 2 every eight years thereafter, advertise weekly in six different newspapers in different locali-  
 3 ties in this state, for the term of six weeks, that sealed proposals will be received at the office  
 4 of the secretary of state for printing, publishing and selling the said reports for the term of  
 5 eight years next after the first day of June of said year, at a certain rate per volume, to be  
 6 stated in said proposal, not exceeding the maximum price fixed by this act, and in accordance  
 7 with the provisions of this act.

SEC. 5. Each bidder shall deposit with the state treasurer the sum of one thousand dol-  
 2 lars before making his proposal, to be forfeited to the state in case he shall not make a con-  
 3 tract according to his proposal if accepted, and according to the requirements of this act,  
 4 and shall take a receipt from said treasurer, and deposit the same with his proposal, and upon  
 5 entering into the contract herein provided, or upon the proposal being rejected, the said sum  
 6 shall be returned.

SEC. 6. The successful bidder shall enter into a contract that he will publish the supreme  
 2 court reports of the state of the quality, style and character in all respects as set out in sec-  
 3 tion 1 of this act; that he will publish and deliver to the secretary of state, at the capitol in  
 4 Des Moines, two hundred and fifty copies free of cost for publication or delivery at the earli-  
 5 est practicable time, and within sixty days after the delivery of the manuscripts for any one  
 6 copy of such reports to the publishers; that he will stereotype the same, and at all times keep  
 7 the same on sale in the state of Iowa, to residents of this state for actual use at the contract  
 8 price, in suitable quantities, in the city of Des Moines; that he will furnish the state any  
 9 number of additional copies that may be required for its own use at the contract price, and  
 10 procure new stereotype plates whenever the original plates shall become defaced or de-

11 stroyed; and the said contract shall fully provide for the carrying into effect of all the pro-  
 12 visions of this act, and shall be made within thirty days after he is notified of the acceptance  
 13 of his proposal.

SEC. 7. The successful bidder shall, at the time of making his contract, execute and file  
 2 with the treasurer of state a bond, in the penal sum of ten thousand dollars, conditioned to  
 3 fulfil such contract in all particulars, with at least two sufficient sureties, residents of this  
 4 state, to be approved by the executive council of the state. Such bond, shall, by its terms,  
 5 be the joint and several obligations of the persons executing it. If the successful bidder shall  
 6 fail to complete his contract, or shall forfeit the same for any cause, the executive council  
 7 shall re-let the contract as soon thereafter as practicable in the manner provided in this act;  
 8 *provided, however,* that such bidder, in lieu of sureties to such bond, may deposit therewith  
 9 bonds of the United States, payable to the bearer, amounting to not less than ten thousand  
 10 dollars.

SEC. 8. The contract of the successful bidder required by this act shall contain, among  
 2 others, the following covenants on his part:

3 *First*—That he will not take out in his own name, nor procure to be taken out in the name  
 4 of any person other than the secretary of state of this state, a copyright upon any volume  
 5 of the supreme court reports published under such contract: and that, upon any breach of  
 6 this covenant, he will pay to the treasurer of this state the sum of two thousand dollars  
 7 as liquidated damages.

8 *Second*—That in case it shall be determined in any action upon the bond of such con-  
 9 tractor that he has failed in any respect to comply with the provisions of this act or his con-  
 10 tract, the executive council may declare the contract forfeited; and that, upon such forfeiture  
 11 so declared, such contractor will, upon demand, transfer to the secretary of state of this state,  
 12 for the use of the state, the stereotyped plates of all volumes of such reports published un-  
 13 der such contract, or will pay to the treasurer of this state two thousand dollars for said  
 14 stereotype plates of each such volume as liquidated damages for a failure to make such trans-  
 15 fer, and such failure shall be deemed a breach of the conditions of such bond, and such liqui-  
 16 dated damages may be recovered by action on such bond.

SEC. 9. The supreme court reporter shall receive as his compensation for all services up  
 2 to the first day of January, 1881, such sums as shall be paid to him by the state under exist-  
 3 ing laws for the publication of the supreme court reports, up to and including volume fifty-  
 4 one. After the first day of January, 1881, the supreme court reporter shall receive an annual  
 5 salary of two thousand two hundred dollars, payable monthly.

SEC. 10. Sections 155, 156, 157 and 160, of chapter 4, title III, of the Code, and all acts  
2 and parts of acts conflicting with the provisions of this act, are hereby repealed: *provided*,  
3 that the passage of this act shall not be construed to affect the publication of the supreme  
4 court reports up to and including volume fifty-one; but in all other respects the provisions of  
5 this act shall be in force from the time it takes effect as hereinafter provided.

SEC. 11. This act being deemed of immediate importance, shall take effect from and after  
2 its publication in the *Iowa State Register* and the *State Leader*, newspapers published at Des  
3 Moines, Iowa.