

SENATE FILE NO. 68.]

[BY KELLER.

A BILL

FOR AN ACT REPEALING SECTION 3791, OF THE CODE OF 1873, AND PROVIDING
COMPENSATION FOR MEMBERS OF THE BOARD OF SUPERVISORS.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 3791, of
2 the Code of 1873, be and the same is hereby repealed and the following enacted in lieu
3 thereof:

4 Sec. 3791. The members of the board of supervisors shall each receive three dollars per
5 day for every day necessarily employed in the discharge of the duties of their office.

A BILL

FOR AN ACT AMENDING SECTION 145, OF CHAPTER 1, TITLE III, OF THE CODE OF 1873, RELATIVE TO THE DUTY OF JUDGES OF THE SUPREME COURT, AND TO REPEAL CHAPTER 4, TITLE III, OF THE CODE OF 1873, RELATIVE TO THE DUTIES OF THE SUPREME COURT REPORTER, AND TO ENACT A SUBSTITUTE THEREFOR, AND TO PROVIDE FOR THE PUBLICATION, DISTRIBUTION AND SALE OF THE DECISIONS OF THE SUPREME COURT.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 145, of chapter 1, of title III, of the Code of 1873, be and the same is hereby amended by adding thereto the following: "It shall be the duty of each judge to prepare a brief abstract of the facts involved in each case, the opinion of which is written by him, and also, either previous to the filing of such opinion, or as soon as practicable thereafter, he shall prepare a syllabus of such opinion to be published therewith."

Be it further enacted, That chapter 4, of title III, of the Code of 1873, be and the same is hereby repealed, and the following enacted as a substitute therefor:

Sec. 1. The supreme court reporter, as soon as practicable after the opinions of the supreme court are announced, shall carefully prepare a copy of such decisions, together with a copy of the statement, or abstract thereof, and the syllabus of such decision to be prepared and furnished by the judge preparing such opinion as herein provided, and shall also prepare a table of cases, and an index, so soon as there shall be sufficient matter to constitute a volume of seven hundred pages, exclusive of index and table of cases, and shall furnish and deliver the same to the person, persons or corporation having the contract with the state for the publication of the same. Each volume shall contain not less than seven hundred pages, exclusive of table of cases and index, to be stereotyped, printed and bound in a good and substantial manner and form, of good material for law books, and of the same style and quality as volume _____, of Iowa reports, to be approved and accepted by the judges of the supreme court, or a majority thereof.

SEC. 2. The contract for the publication of said reports shall be entered into by the ex-

2 executive council in behalf of the state, and the person, persons or corporation who shall agree
3 to publish and sell the same on the most advantageous terms to the state, and the people re-
4 siding therein; but the price shall not exceed two dollars per volume of not less than seven
5 hundred pages, exclusive of table of cases and index, and not more than eight hundred pages,
6 exclusive of table of cases and index, and if from any cause any volume shall contain more
7 pages than the maximum as herein provided, no extra charge shall be made on account of
8 said increased size; and said reports shall be published and delivered at the earliest practica-
9 ble time, and within ninety days after the delivery of the manuscripts for any one copy, to
10 the publisher or publishers of the same; and there shall be delivered to the secretary of state
11 three hundred and fifty copies of each volume, as soon as published, free of all costs of car-
12 riage and transportation, for which he shall execute a receipt, upon presentation of which
13 the auditor of state shall draw a warrant on the state treasury in payment of the same, at
14 the price per volume agreed upon for their publication as herein provided. The publisher or
15 publishers of said reports shall keep the same on sale at retail in the state of Iowa, to resi-
16 dents of this state at the contract price, in suitable quantities to supply the demand as herein
17 provided, at such place or places as shall be designated by the executive council, and shall
18 furnish any additional copies that may be hereafter required at the contract price, and shall
19 procure new stereotype plates whenever the original plates shall become defaced or destroyed.
20 The copyright of all the reports hereafter published shall vest in the secretary of state for
21 the benefit of the state; but this shall not be construed to prevent the contractor, by whom
22 any volume is published, his representatives or assigns, from continuing the publication and
23 sale of such volume so long as he or they shall comply, in all respects, with the requirements
24 of this act with respect to the character, sale and price of such volume.

SEC. 3. The executive council shall, in the first week in May, 1880, and every eight years
2 thereafter, advertise in five different newspapers, in different parts of the state, for the term
3 of six weeks, that sealed proposals will be received at the office of the secretary of state for
4 the printing, publishing and selling, as in this act provided, the said reports for the term of
5 eight years next thereafter, at a rate per volume, to be stated in proposals, not exceeding the
6 maximum price fixed by this act, and in accordance with the provisions of this act.

SEC. 4. The successful bidder shall make a contract according to the terms of his pro-
2 posals, and according to the terms of this act, with in thirty days after notice that the same is
3 accepted, and shall also file with the state treasurer a bond in the penal sum of five thousand
4 dollars, to be approved by the executive council, conditioned to fulfill such contract in all
5 particulars. If the successful bidder shall fail to complete his contract, or shall forfeit the

6 same for any cause, the executive council shall relet the contract, as provided by section 2
7 hereof. Said bond shall be deemed forfeited to the state of Iowa, in case of the failure of
8 such bidder to fulfill any of the conditions of said bond by him to be performed.

SEC. 5. The contract of the successful bidder shall contain, among others, the following
2 covenants on his part:

3 *First*—That he will not take out in his own name, nor procure to be taken out in the
4 name of another, 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 one thousand dollars as liquidated damages.

7 *Second*—That, upon forfeiture of the bond as herein provided, said contractor will, upon
8 demand of the executive council, transfer, to the secretary of state of this state, for the use of
9 the state, the stereotyped plates of all volumes published under said contract, or will pay
10 to the treasurer of this state the sum of fifteen hundred dollars for each volume, as liqui-
11 dated damages for a failure to make such transfer, and such failure shall be deemed a breach
12 of the conditions of said bond, and such liquidated damages may be recovered by action upon
13 said bond.

SEC. 6. If, at the time of the taking effect of this act, there is in the hands of the printer,
2 for publication, sufficient manuscript for one volume, such volume may be completed and
3 published under existing laws.

SEC. 7. The supreme court reporter shall prepare the syllabi of all decisions filed before
2 the taking effect of this act, and shall also prepare a brief abstract of the facts involved in the
3 case, and shall receive as full compensation for his services as reporter the sum of fifteen
4 hundred dollars for the year 1880, and one thousand dollars per annum for each and every
5 year thereafter during his term of office, payable quarterly out of the state treasury.

SEC. 8. After the expiration of the term of office for which the supreme court reporter is
2 now elected, said office shall be filled by appointment by the judges of the supreme court, or
3 a majority thereof, from time to time, of a suitable person, who shall be subject to removal
4 by the judges of said court, or a majority thereof; and said reporter so appointed shall enter
5 into a bond, to be approved by the secretary of state, in the penal sum of two thousand dol-
6 lars, conditioned for the faithful performance of his duties as such reporter. He shall re-
7 ceive a salary of one thousand dollars per annum, payable quarterly, out of the state
8 treasury.

SEC. 9. The copies of the reports received by the secretary of state, as herein provided,
2 shall be disposed of by him as follows: Two copies of each volume to the library of con-

3 gress and the library of the supreme court of the United States; one copy to the library of
 4 each state and territory in the United States, to each judge of the supreme, district and cir-
 5 cuit courts, to the clerk of the supreme court, and attorney-general; fifty copies to the state
 6 library, to be and remain therein as a part thereof; one copy to each county in this state;
 7 twenty copies to the law department of the state university; twenty copies to the state hor-
 8 ticultural society, for exchange in such manner as the proper officers thereof think advisa-
 9 ble; and the remaining copies, together with all reports now in the office of the governor,
 10 secretary, auditor, treasurer of state, register of the land office, and the superintendent of
 11 public instruction, shall be used by the trustees of the state library in exchange for such
 12 books on law or equity, or reports of other states, as they may select. All books received by
 13 such exchange shall be deposited in and become a part of the state library.

SEC. 10. All acts and parts of acts conflicting with this act are hereby repealed.

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