

HOUSE No. 538.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-nine.

AN ACT

To provide for a Continuation of the Publication of
the Decisions of the Supreme Judicial Court.

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

1 SECTION 1. The secretary of the Common-
2 wealth is hereby authorized to enter into a con-
3 tract in writing, in behalf of the Commonwealth,
4 with the firm of Little, Brown and Company of
5 Boston, for a continuation of the publication of
6 the decisions of the supreme judicial court, upon
7 the following terms: —

8 Said Little, Brown and Company shall agree
9 to print and publish the reports of the decisions
10 of the supreme judicial court promptly, and
11 within the time now required by law, from the
12 manuscript to be supplied to them by the reporter

13 of the decisions, uniform in size, style and form
14 with volume numbered one hundred and twenty-
15 four of said series, and not inferior in quality of
16 work and material; to keep always on hand for
17 sale in Boston a sufficient number of the volumes
18 which they shall so publish, in order to supply
19 the public demand therefor; to furnish to the
20 Commonwealth a number of copies of each vol-
21 ume, equal to the number of cities and towns in
22 the Commonwealth at any time during the term
23 of said contract, and one hundred copies in
24 addition, at the price of one dollar and fifty cents
25 per copy; and to sell the volumes to the public
26 of this Commonwealth at the same price per
27 copy.

28 The contract shall continue for the term of five
29 years from its date, with the option on the part
30 of the Commonwealth to extend the same for a
31 further period of five years, by a written notice
32 given at any time before the expiration of said
33 first period by the governor and council, who
34 are hereby authorized in their discretion so to
35 extend the same.

36 If at any time, in the opinion of the governor
37 and council, the said Little, Brown and Company
38 shall fail to publish the reports promptly, or
39 otherwise fail satisfactorily to fulfil the terms of
40 the contract, and any such failure shall, in their
41 opinion, continue for a period of six months after
42 a written notification thereof, given by them to
43 said Little, Brown and Company, then, at any
44 time after the expiration of said period, the

45 governor and council may, by any instrument
46 or paper in writing, terminate the contract in
47 such manner and to take effect at such date as
48 they shall deem just and proper.

1 SECT. 2. The performance of the contract
2 on the part of said Little, Brown and Company
3 shall be secured by a bond in the penal sum
4 of twenty thousand dollars, with sureties satis-
5 factory to the treasurer of the Commonwealth,
6 and the form of the contract and bond shall be
7 approved by the attorney-general.

1 SECT. 3. During the term of the contract the
2 reporter of decisions shall not be required or
3 allowed to publish the reports thereof, but shall
4 prepare and furnish the same to said Little,
5 Brown and Company seasonably for publication
6 according to the contract and the existing re-
7 quirements of law, and shall prepare and furnish
8 therefor suitable head notes, tables of cases and
9 indexes, and shall, in the usual manner of authors,
10 superintend the publication, correction and proof-
11 reading of such reports, and shall perform the
12 other duties of his office according to the present
13 requirements of law.

14 The stereotype plates and copyright of the
15 volumes published under said contract shall be
16 the property of said Little, Brown and Company.

1 SECT. 4. The reporter shall receive from the
2 treasury of the Commonwealth a salary of forty-

3 eight hundred dollars per year in equal monthly
4 instalments, and in the same proportion for
5 any part of a year, which sum, with the amount
6 to be paid to him under the said contract, shall
7 be in full compensation for his services and
8 for clerk hire and for the incidental expenses
9 of his office. All sums of money received by
10 the reporter for the copies of opinions, rescripts
11 and other papers shall be paid over by him
12 quarterly to the treasurer of the Commonwealth
13 with a detailed statement of the same.

14 In case, however, the number of volumes to be
15 published during the term of the contract shall
16 average less than two volumes a year, the amount
17 to be paid to the reporter shall be reduced
18 proportionately.

1 SECT. 5. This act shall take effect upon its
2 passage.