

Chapter 26

SUPREME COURT REPORTS

SUPREME COURT REPORTS

Act 385 of 1927

AN ACT to provide for the publication, reproduction, printing, binding, distribution and sale of the reports of decisions of the supreme court of Michigan and the advance sheets of such reports of decisions.

History: 1927, Act 385, Eff. Sept. 5, 1927 ;-- Am. 1948, 1st Ex. Sess., Act 15, Imd. Eff. Apr. 28, 1948

The People of the State of Michigan enact:

26.1 Michigan reports and advance sheets; publication, sale and distribution.

Sec. 1.

The reports of decisions of the supreme court of Michigan and the advance sheets of such decisions shall be published, sold and distributed as hereinafter provided. The reports of decisions of the supreme court of Michigan shall be called "Michigan reports" and the advance sheets of such decisions shall be called the "Advance sheets of Michigan reports".

History: 1927, Act 385, Eff. Sept. 5, 1927 ;-- CL 1929, 523 ;-- CL 1948, 26.1

Former Law: See Act 168 of 1879, being CL 1915, §§ 857 to 868.

26.2 Bids for publication, printing, binding, sale; contracts.

Sec. 2.

The board of state auditors is hereby authorized and directed to solicit bids for the publication, electrotyping, printing, binding and sale of Michigan reports and of the advance sheets of Michigan reports, and to contract therefor in accordance with the provisions of this act.

History: 1927, Act 385, Eff. Sept. 5, 1927 ;-- CL 1929, 524 ;-- CL 1948, 26.2

26.3 Advertisement for bids; award of contract.

Sec. 3.

The board of state auditors shall, commencing the first week in January, 1956, and every 8 years thereafter, and as often as any contract let hereunder shall be forfeited or terminated in any way, advertise in 3 Michigan newspapers of paid general circulation at least once in each week for 3 successive weeks, that sealed proposals will be received by said board at Lansing and opened at the end of the period of said publication of notice, on a stated date, for the publication, electrotyping, printing, binding and sale of said Michigan reports and advance sheets of Michigan reports, as herein provided, for the term of 8 years from and after the 13th day of May, 1956, at a certain price per volume for the Michigan reports and at a certain price per year for the advance sheets of Michigan reports to be stated in such proposals, and shall, within 10 days thereafter, award said contract to the lowest bidder complying with the provisions of this act.

History: 1927, Act 385, Eff. Sept. 5, 1927 ;-- CL 1929, 525 ;-- Am. 1933, Act 8, Imd. Eff. Feb. 13, 1933 ;-- CL 1948, 26.3 ;-- Am. 1956, Act 101, Imd. Eff. Apr. 9, 1956

26.4 Bidder's deposit; forfeiture.

Sec. 4.

Each bidder shall deposit with the state treasurer before making his proposal a certified check for the sum of 1,000 dollars which is to be forfeited to the state in case he shall fail to enter into a contract in accordance with this act if said board shall declare him to be the successful bidder, and he shall take a receipt from said treasurer and deposit it with his proposal.

History: 1927, Act 385, Eff. Sept. 5, 1927 ;-- CL 1929, 526 ;-- CL 1948, 26.4

26.5 Contract; terms; bond; failure to complete, forfeiture of contract.

Sec. 5.

The successful bidder shall make a contract according to the terms of his proposal and the provisions of this act, which shall be made and considered part thereof, within 30 days after notice that the same is accepted, and shall also file with the state treasurer a bond in the penal sum of 10,000 dollars, conditioned to fulfill said contract in all particulars. Said bond shall be signed by a surety company authorized to do business in the state of Michigan and shall be the joint and several obligation of said company and the person bound by such contract. If the successful bidder shall fail to complete his contract, or shall forfeit the same for any cause, the said board shall relet the contract as soon thereafter as practicable, in the manner provided by section 3 of this act, and said contractor shall also pay to the state all expense thereof, and said board may also complete any part of such first or any subsequent contract not fulfilled at the reletting of the same at the expense of such contractor.

History: 1927, Act 385, Eff. Sept. 5, 1927 ;-- CL 1929, 527 ;-- CL 1948, 26.5

26.6 Contract; contents, copyright; noncompliance with act or contract; delivery of electrotyped plates; work done in state.

Sec. 6.

The contract of the successful bidder shall contain, among others, the following covenants:

1. That he shall take out no copyright except to the secretary of state for the use and disposal of the state, upon any volume published under such contract.

2. That if it shall, on petition by any citizen of Michigan, be made to appear to the justices of the supreme court that such contractor has in any respect failed to comply with the provisions of this act or his contract, said justices may, upon hearing had in such manner as they may direct, declare the contract forfeited, and on such forfeiture being declared, such contractor shall upon demand of said board transfer to the secretary of state of this state for the use of the state, all the electrottype plates of all volumes published under such contract, or in default thereof will pay to the treasurer of this state \$1,000.00 for each such volume as liquidated damages for failure to make such transfer.

3. That he will, as often and as soon as any and every volume is ready for binding, deliver to the secretary of state at Lansing, free of all charge whatsoever, a set of electrotyped plates thereof in good order for printing, or in default thereof he shall pay to the treasurer of this state the like sum of \$1,000.00 as liquidated damages for failure to deliver the same. Moneys received under this section shall be used as far as necessary to procure electrotyped

plates of such published reports, to be paid for by said treasurer on the draft of the board of state auditors approved by the secretary of state, who shall certify that such plates have been deposited with him.

4. That the board of state auditors may require that the contractor have all of the composition, plating, presswork and folding and substantially all of the binding done within this state.

History: 1927, Act 385, Eff. Sept. 5, 1927 ;-- CL 1929, 528 ;-- Am. 1943, Act 226, Eff. July 30, 1943 ;-- CL 1948, 26.6

26.7 Authority as to publication, printing, sale and distribution; printing by state.

Sec. 7.

In the event that no bid is received by the board of state auditors for the publication of the Michigan reports and advance sheets of Michigan reports, or in the event that in all of the bids so received, the charge per volume at which the same are to be sold shall be in excess of what said board and the justices of the supreme court shall determine to be a fair price therefor, said board may proceed to secure such publication of the Michigan reports and advance sheets of Michigan reports and the electrotyping of said plates or such other method of reproduction as may be found expedient at the expense of the state of Michigan. Said board shall also have like authority with reference to the publication of former volumes of the reports from the plates now owned by the state. Authority is hereby granted to the board to determine the manner in which the publication, printing, binding, sale, and distribution of said reports and advance sheets shall be done, and to enter into a contract, or contracts, for all or any part of the necessary work, labor and material. In its discretion the board may require that the printing and binding of said reports or advance sheets, or either of them, shall be done under the general contract for state printing and binding entered into in pursuance of the provisions of Act No. 12 of the Public Acts of 1903. In the making of any contract or contracts contemplated by this section, said board shall not be subject to the provisions, specifications, limitations or restrictions contained in other sections of said Act No. 385 of the Public Acts of 1927 as amended. The moneys for such publication, reproduction, sale and distribution shall be paid by the state treasurer out of any moneys in the general fund of the state on the order of the board of state auditors, and any moneys received by said board on account of such sales shall be deposited by it in said general fund.

History: 1927, Act 385, Eff. Sept. 5, 1927 ;-- CL 1929, 529 ;-- Am. 1948, 1st Ex. Sess., Act 15, Imd. Eff. Apr. 28, 1948 ;-- CL 1948, 26.7

Compiler's Notes: Section 2, Act 15 of 1948, 1st Ex. Sess., provides: "For the purpose of carrying out the provisions of this amendatory act there is hereby appropriated for the use of the board of state auditors from the general fund for the fiscal year ending June 30, 1949, the sum of \$10,000.00, and for the fiscal year ending June 30, 1949, the sum of \$30,000.00." Act 12 of 1903, referred to in this section, was repealed by Act 139 of 1967.

26.8 Supreme court reporter, duties; size of volumes; original plates to be state property.

Sec. 8.

The supreme court reporter shall, as soon as practicable, after the decisions of the supreme court are announced, furnish and deliver to the person or corporation having the contract with the state for publishing the same, copies of such decisions, with a syllabus and brief statement of the case, and a proper index and digest of such decisions to be published in and as part of such volumes. Each of said volumes shall contain not less than 700 pages, unless printed on thin paper as provided for in section 10 of this act, to be electrotyped, printed and bound in a good and substantial manner and form, of good material for law books, and printed in not larger type, set in the same manner, and of the same style and quality as volume 234 of the Michigan reports in the state library at Lansing, and to be approved and accepted by the justices of the supreme court, or a majority of them. The original electrotyped plates shall be at all times the property of this state, subject to the right of such contractor to use the same during the term of his contract or until the same shall be declared forfeited as herein provided.

History: 1927, Act 385, Eff. Sept. 5, 1927 ;-- CL 1929, 530 ;-- CL 1948, 26.8

26.9 Purchase of plates by board of state auditors; payment.

Sec. 9.

The board of state auditors is hereby authorized to secure all electrotyped plates for all reports belonging to the state, and it is hereby authorized to secure or purchase any electrotyped or stereotyped plates of reports that the state does not now own, and thereafter said board shall at all times keep complete electrotyped or stereotyped plates for all volumes of the reports in good order for printing. Any moneys paid for the purchase of such plates of reports not now owned by the state shall be paid out of any moneys in the general fund of the state on the order of the board of state auditors.

History: 1927, Act 385, Eff. Sept. 5, 1927 ;-- CL 1929, 531 ;-- CL 1948, 26.9

26.10 Advertisement for bids for printing on thin paper; contracts.

Sec. 10.

The board of state auditors in advertising for bids as provided for in section 3 of this act shall also ask for bids for the bound volumes of Michigan reports printed on thin opaque paper equivalent to a paper 25 by 38, weighing about 40 pounds to the ream, such volumes to contain not less than 1400 pages of text, and in case the said board and the justices of the supreme court shall determine that it is in the public interest to have such reports printed on thin paper, the said board may enter into a contract therefor in like manner as provided for in section 8 of this act, except that each volume shall contain 1400 pages instead of 700 pages as therein provided.

History: 1927, Act 385, Eff. Sept. 5, 1927 ;-- CL 1929, 532 ;-- CL 1948, 26.10

26.11 Supervision of publication by supreme court reporter; final authority of supreme court.

Sec. 11.

Said reports shall be published under the supervision of said reporter, and subject at all times to the directions of the justices of the supreme court, or a majority of them, to whom shall be referred any matter of dispute, and their decision shall be final and binding upon the contractor and the state.

History: 1927, Act 385, Eff. Sept. 5, 1927 ;-- CL 1929, 533 ;-- CL 1948, 26.11

26.12 Delivery of copies to state librarian by contractor.

Sec. 12.

Such contractor shall, within 60 days after receiving the final manuscripts of any volume from the reporter, deliver to the state librarian at Lansing, free of cost for publication or delivery, 375 copies of the Michigan reports and 25 copies of the advance sheets of Michigan reports, in good order and according to contract, to be distributed by the state librarian as authorized in writing from time to time by the justices of the supreme court.

History: 1927, Act 385, Eff. Sept. 5, 1927 ;-- CL 1929, 534 ;-- CL 1948, 26.12

26.13 Distribution and sale of published reports by contractor.

Sec. 13.

Said contractor shall, within the same time, place the same on sale in the city of Detroit and city of Lansing, and such other places in Michigan as may be directed by said justices in writing, in quantities sufficient to meet all demands, and shall thereafter at all times keep the same on sale to citizens of this state, at the places aforesaid, in sufficient quantities, at a price not exceeding the price named in the contract.

History: 1927, Act 385, Eff. Sept. 5, 1927 ;-- CL 1929, 535 ;-- CL 1948, 26.13

26.14 Separate contract for printing and sale of former volumes.

Sec. 14.

In any publication for and letting of contracts, the board of state auditors shall let as a separate part of such contract the publication of reports from the plates of former volumes owned by the state, as now provided by law, the same to be published and bound in like manner, style, and quality, and put and kept on sale, at such separate contract price in like manner as new reports.

History: 1927, Act 385, Eff. Sept. 5, 1927 ;-- CL 1929, 536 ;-- CL 1948, 26.14

REPUBLICATION OF SUPREME COURT REPORTS

Act 234 of 1897

AN ACT to provide for the republication and sale of certain volumes of the reports of the supreme court of this state, and to repeal Act No. 40 of the session laws of 1881, relating to such reports.

History: 1897, Act 234, Eff. Aug. 30, 1897

The People of the State of Michigan enact:

26.21 Reprinting of former volumes of supreme court reports; sale, distribution, price.

Sec. 1.

That whenever a majority of the justices of the supreme court shall deem it necessary to republish any volume or volumes of the reports of the supreme court of this state, they shall so certify to the board of state auditors, and it shall be the duty of the said board of state auditors to cause the same to be reprinted under any contract which the state may have for doing its printing and binding and in such quantity, number and quality as such board may direct, and to provide for the sale, distribution and disposition of such reports as the interests of the state may require at a price not to exceed 25 per cent in excess of the cost thereof, the proceeds of all such sales to be paid into the general fund.

History: 1897, Act 234, Eff. Aug. 30, 1897 ;-- CL 1897, 1571 ;-- CL 1915, 869 ;-- CL 1929, 538 ;-- CL 1948, 26.21

FURNISHING PROBATE COURTS WITH SUPREME COURT REPORTS

Act 195 of 1887

AN ACT to provide for the furnishing to the probate court of each organized county in this state with a full set of the reports of the supreme court of the state of Michigan.

History: 1887, Act 195, Imd. Eff. June 18, 1887

The People of the State of Michigan enact:

26.31 Copies of supreme court reports to be furnished to probate courts; price of certain volumes.

Sec. 1.

That the secretary of state is hereby authorized and directed to procure and furnish, as hereinafter provided, to the probate court of each organized county in this state not already supplied a complete set of the reports of the supreme court of the state of Michigan, including all annotated reports of the present edition, or so many of said reports as may be necessary to complete a full set for the probate court of each organized county in this state: Provided, That the price to be paid for the reports of Harrington, Walker and Douglas and volumes 1 to 22 inclusive of the Michigan reports shall not exceed the sum of 3 dollars per volume: Provided, further, That each of said volumes shall be printed and bound in as good and substantial a manner as the present edition of said reports.

History: 1887, Act 195, Imd. Eff. June 18, 1887 ;-- How. 6812d ;-- CL 1897, 1572 ;-- CL 1915, 871 ;-- CL 1929, 540 ;-- CL 1948, 26.31

26.32 Distribution of reports to probate courts.

Sec. 2.

The secretary of state is hereby authorized and directed to distribute to the probate courts herein named such of said reports as are now owned by the state and available for the purpose of this act and to procure and distribute within 90 days after the passage of this act so many of said reports mentioned in section 1 of this act as can be procured within that time.

History: 1887, Act 195, Imd. Eff. June 18, 1887 ;-- How. 6812e ;-- CL 1897, 1573 ;-- CL 1915, 872 ;-- CL 1929, 541 ;-- CL 1948, 26.32

SALE OR EXCHANGE OF SUPREME COURT REPORTS

Act 174 of 1871

AN ACT to provide for the appointment of a state reporter.

History: 1871, Act 174, Eff. Jan. 1, 1872

The People of the State of Michigan enact:

26.47 State librarian; authority to exchange or sell reports; bond; printing of new editions.

Sec. 7.

The state librarian may exchange any of said reports for such other reports or law books as shall be approved by the chief justice of the supreme court, which reports or other books, procured by such exchange, shall be kept in the state library. After the publication of any volume under the provisions of this act the state librarian may sell the same at a price per volume not exceeding the actual cost to the state of publication thereof, to be determined by the board of state auditors, and 20 per cent added thereto. The state librarian shall give a bond in the penal sum of 5,000 dollars to the state, conditioned for the faithful performance of the duties imposed by this act. He shall keep an account of all moneys received by him for said reports, and shall pay the same monthly to the state treasurer, who shall credit the same to the general fund. In case of sales to any 1 person at 1 time of 25 volumes or over, the 20 per cent aforesaid may be deducted from the selling price of such volumes. When the edition of any volume authorized to be sold by the state librarian, shall be exhausted a new edition of the same number of volumes shall be printed, bound, and sold, as provided in this act relative to the first edition.

History: 1871, Act 174, Eff. Jan. 1, 1872 ;-- CL 1871, 5657 ;-- Am. 1873, Act 137, Eff. July 31, 1873 ;-- How. 7201 ;-- CL 1897, 229 ;-- CL 1915, 874 ;-- CL 1929, 543 ;-- CL 1948, 26.47

Compiler's Notes: This section was expressly excepted from the repeal of Ch. 21 of CL 1897 by Act 314 of 1915, being MCL 681.1.

FURNISHING CERTAIN COUNTIES WITH LAWS AND REPORTS

Act 190 of 1909

AN ACT in relation to the distribution of the Compiled Laws of 1897, and of the reports and decisions of the supreme court.

History: 1909, Act 190, Eff. Sept. 1, 1909

The People of the State of Michigan enact:

26.51 Compiled Laws of 1897, subsequent legislation, and all Michigan reports; distribution to county clerks by state librarian.

Sec. 1.

In all counties in which circuit court is held in more than 1 place, it shall be the duty of the secretary of state to furnish to the county clerk of such county, for the use of said circuit court, 1 complete set of the Compiled Laws of 1897, together with the index thereof and acts passed by the legislature subsequent to 1897, and the state librarian shall furnish 1 complete set of the Michigan supreme court reports: Provided, That if for any reason the state librarian shall be unable to furnish any of the volumes of said reports, the board of state auditors is hereby authorized, and it is its duty, to purchase such missing volumes to complete such set: Provided further, It shall be the duty of the state librarian to furnish from time to time to said county clerk, the current volumes of Michigan supreme court reports as they are issued.

History: 1909, Act 190, Eff. Sept. 1, 1909 ;-- CL 1915, 875 ;-- CL 1929, 544 ;-- CL 1948, 26.51