

day of June, 1880. Said Banks & Bros. further agree to deliver to the secretary of state, at the capitol, at Des Moines, 250 copies of each volume of said Reports free of cost of publication or delivery, at the earliest practicable time, and within 60 days after the delivery of the manuscript for any one copy of such Reports to them; that they will stereotype the same, and at all times keep said Reports on sale in the state of Iowa to residents of said state, for actual use, at the price of 94 cents per volume, in suitable quantity, in the city of Des Moines; that they will furnish the state any number of additional copies that may be required for its own use, at said price, and will procure new stereotype plates whenever the original plates shall become defaced or destroyed. The said Banks & Bros. further agree that they will not take out in their own name, nor in the name of any other person than the secretary of state of the state of Iowa, a copyright for any one of the volumes published under this contract, but that they will take out the copyright in the name of the secretary of state as aforesaid; and they hereby covenant that, in case they should take out a copyright for any one of said volumes in the name of any other person than said secretary of state, they will forfeit and pay to the state of Iowa the sum of \$2,000 for each breach of this contract. Said sum of \$2,000 is hereby agreed on as liquidated damages for each breach of said covenant.

It is further agreed by the said Banks & Bros. that if it is determined in any action on their bond, given for the faithful performance of this contract, that they have failed in any respect to comply with the provisions of said chapter 60, or of this contract, the executive council may declare the contract forfeited; and that upon such forfeiture so declared they will, upon demand, transfer to the secretary of state of the state of Iowa, for the use of said state, the stereotype plates of each volume of said Reports published under this contract, or, in default, will pay to the treasurer of the state of Iowa \$2,000 for each of such volumes, as liquidated damages for failure to make such transfer.

It is agreed on the part of the state of Iowa that the reporter make a volume as provided for in section 1 of said chapter 60,—copies of such opinions, with syllabus, with statement of facts involved, and legal propositions made by counsel in the arguments, with authorities cited,—and within 20 days after the proof-sheets for a volume are furnished to said reporter at his office in Des Moines, Iowa, by said Banks & Bros., it is agreed that said reporter shall furnish to the said Banks & Bros. an index and table of cases to such volume.

The said Banks & Bros. further agree to furnish to the reporter, as soon as they may be issued, two copies of the revised proof-sheets of the opinions, head-notes, indexes, and table of cases of each volume, for correction and approval by the judges of the supreme court, and will cause such corrections to be made as indicated by the judges.

It is further agreed and understood that each of said volumes of Reports shall contain not less than 750 nor more than 800 pages, exclusive of table of cases and index, and said Banks & Bros. further undertake and agree that the workmanship and quality of material in said volumes of Reports published by them under this contract shall in every respect be equal to that of the first issue of volume 40 of Iowa Reports; and, further, that each of said volumes published under this contract shall be approved and accepted by a majority of the judges of the said supreme court of Iowa.

It is further agreed that the said Banks & Bros., their successors and assigns, shall have the right to the exclusive publication and sale of each of said volumes of Reports so long as they shall in all respects comply with the requirements of the act hereinbefore mentioned in respect to the character, sale, and price of such volume, and the copyright of the Reports published under this contract shall rest in the secretary of state for the benefit of the people of the state of Iowa, in accordance with section 2 of said act.

In witness whereof, the said Banks & Bros. and the executive council of

the state of Iowa have hereunto set our hands this eighth day of July, A. D. 1880.

BANKS & BROTHERS.

Signed and witnessed, as to Banks & Bros., June 24, 1880.

JOSEPH G. JENNINGS.

JOHN H. GEAR, Governor.

J. A. HULL, Secretary of State.

B. R. SHERMAN, Auditor of State.

GEO. W. BEMIS, Treasurer of State.

(Title III., Iowa Code 1873, page 26.)

#### CHAPTER 2.

##### OF THE CLERK OF THE SUPREME COURT.

Sec. 146. The office of the clerk of the supreme court shall be kept at the seat of government, and he shall keep a complete record of all proceedings of the court.

Sec. 147. He must not allow any written opinion of the court to be removed from his office except by the reporter, but shall permit any one to examine or copy the same, and shall, when required, make a copy and certify to the same.

Sec. 148. He shall promptly announce by letter any decision rendered to one of the attorneys of each side when such attorneys are not in attendance at the place of court.

Sec. 149. He shall record every opinion rendered by the court as soon as filed, and shall perform all the duties pertaining to his office.

#### CHAPTER 4.

##### OF THE SUPREME COURT REPORTER.

Sec. 154. When the opinions filed at any term of the supreme court are recorded by the clerk, the reporter may take and retain the same for a period not exceeding four months, to prepare a report therefrom, but within such time they shall be returned to and remain in the office of such clerk.

Sec. 155. He shall, as soon as practicable after a case is decided, prepare for publication a syllabus of the opinion, a brief abstract of the facts involved, and a statement of the legal propositions made by counsel in the argument; but the argument shall not be reported at length.

Sec. 156. As often as there shall be sufficient matter to constitute a volume of 600 pages, exclusive of the index and table of cases, the reporter shall arrange the same, with a table of cases and an index, and publish the same in a manner and style as neat and substantial as that of the thirteenth volume of Iowa Reports; but the supreme court may increase the size of the volumes when necessary. Two volumes only shall be published in a year.

Sec. 157. The secretary of state shall take for the use of the state 500 copies of each volume of such Reports as soon as published, upon presentation of a certificate signed by a majority of the judges of the supreme court, showing that such volume is prepared and published as provided in this chapter; and shall execute a receipt therefor; upon presentation of which the auditor of state shall draw a warrant on the state treasury in payment for the same at the rate of five dollars per volume. None of said volumes shall be sold or disposed of before the same have been approved by the judges aforesaid.

Sec. 158. The copyright of all Reports prepared or published after the first day of January, A. D. 1875, shall be the property of the state. But the reporter shall own the copyright of all Reports published before that time, and the supreme court may order the publication of a new edition of any volume of which the copyright is owned by the reporter when the public interest requires it, and may require compliance therewith within six months by an order entered of record; and if the reporter neglects or refuses to comply with such order, then such copyright shall be forfeited to the state.