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.

Transfer of powers: See MCL 18.1 et seq.

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

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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 electrotype 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 note: 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

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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.

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