

# MAINE STATE LEGISLATURE

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# DOCUMENTS

PRINTED BY ORDER OF

# THE LEGISLATURE

OF THE

# STATE OF MAINE,

DURING ITS SESSIONS

**A. D. 1842.**

*AUGUSTA:*

SMITH & Co., PRINTERS TO THE STATE.

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1842.

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**TWENTY-SECOND LEGISLATURE.**

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**NO. 40.]**

**[HOUSE.**

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**REPORT**

**OF THE**

**COMMITTEE**

**ON THE**

**JUDICIAL REPORTS.**

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**[WM. R. SMITH & Co.....Printers to the State.]**



## STATE OF MAINE.

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THE joint select committee to whom was referred an order directing them to inquire into the expediency of making some alteration in the law upon the subject of reporter and judicial reports of this State, have had the same under consideration and ask leave to submit the following

### **REPORT:**

Four hundred and twenty copies of each volume of the Maine Reports have been purchased by the State at \$2 25 each, amounting to the sum of \$945 00 for each volume. Mr. Shepley, the present reporter, will make up six volumes in five years; and dividing the amount paid for the sixth volume between the five years, will show that the State have paid, and will pay, the sum of \$1,134 00 per annum for the reports purchased up to this time. A resolve passed by this Legislature will increase that number to more than five hundred, and make it necessary to purchase for the State not less than five hundred and fifty copies, increasing the amount to be paid by the State to about \$1,485 00, which added to the salary of \$600 00 now paid to the reporter di-

rectly from the State treasury, makes up the sum of \$2,085 00 a year paid on account of the reports and reporter.

Under the present law, the reporter receives \$600 00 in a direct salary from the treasury of the State, and is also entitled to the copy right of the reports, for which he receives from the publishers the sum of \$865 00 per volume, and thirteen copies of each volume of the reports, amounting to about \$900 00. Dividing as before the sum received for the sixth volume between the five years, and it will be seen that the reporter receives the sum of \$1,180 per annum, for the copy right, in addition to the \$600 00 which he receives from the State in a direct salary. It may however be remarked, that the committee are informed by the present reporter that the thirteen volumes of the reports which he receives from the publishers, do not go to increase his salary, inasmuch as a long established custom obliges him to distribute them gratuitously to different officers of the State. It should however be recollected that the reporter disposes of the copy right to only one thousand copies, reserving in himself all over that number; and whenever the demand shall be such, if ever, as to require a new edition of the reports, the copy right reserved by the reporter will be valuable.

It appears from a statement of the present publishers, and others more or less acquainted with the

business, who have been examined by your committee, that the actual cost of publishing the reports will not vary much from \$1 15 per copy for one thousand copies, this being the number uniformly published. They are sold to the State, as has been stated, at \$2 25 per copy, and to individuals at \$3 75 per copy. It is the opinion of the committee that this fact exhibits a disproportion between the original cost and the price of the laws of our State greater than is necessary.

The question arises, can a change be made in the present arrangement which will save something to the State, and the people of the State, without incurring the risk of corresponding disadvantages of sufficient magnitude to discourage the undertaking. Your committee believe a change advantageous to all concerned may be made. They have ascertained that publishers may be found who, paying nothing for the copy right, will furnish the reports to the State at \$1 36 and to the public at \$2 25 per copy—finishing them in the ordinary style, and making them sufficiently large to contain one year's matter in each volume, provided it does not exceed in amount the average of the last five years. At this price, five hundred and fifty copies will cost the State but \$748 00, and the State will pay annually only that sum for reports. To this must be added the reporter's salary.

It is the opinion of the committee that \$1000 00

in a yearly salary, will compensate the reporter as liberally for his services as most of the other officers of the State are now paid. If such should be the opinion of the Legislature, there will then be paid, under this view of the subject, \$748 00 for the reports and \$1000 00 for reporter's salary, amounting to \$1,748 00, being a net saving in the treasury of the State of \$337 00, as compared with the arrangement now in force.

Then, if these calculations and conclusions be correct, a change may be made in the law now regulating this subject, by which a volume one fifth larger than those now published, in a style equally good, can be furnished to the people of this State at \$2 25 per copy, instead of \$3 75, and by which there will be a saving to the State of \$337 00 per annum.

Your committee have thus, in the fewest possible words, thrown together what they have thought to be the most material facts upon this subject. Other opinions, upon which they have agreed, are indicated in the bill which they ask leave to bring in, and which is herewith submitted.

M. SHERBURNE, *Chairman.*



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# STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND FORTY-TWO.

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AN ACT relating to the publication of the decisions  
of the Supreme Judicial Court.

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*Be it enacted by the Senate and House of Rep-  
2 resentatives in Legislature assembled—as follows :*

3 SECT. 1. The Governor, with the advice of  
4 the Council, shall once in three years, and  
5 oftener if necessary, contract with some suitable  
6 person or persons to publish the decisions of the  
7 supreme judicial court, and shall take from  
8 such person or persons a bond, running to the  
9 treasurer of the State, with sufficient sureties  
10 and penalty to insure the publication of the  
11 reports in the manner and for the prices pro-  
12 vided by this act.

SECT. 2. The reports shall not hereafter be  
2 published oftener than once in each year, and

3 the volumes shall be so enlarged as to meet this  
4 provision, provided that they are not thereby  
5 enlarged more than one fifth of the ordinary  
6 size of Shepley's reports. They shall be pub-  
7 lished in a reasonable time after the copy is  
8 furnished to the publisher, in a style in no way  
9 inferior to that of the seventeenth volume of  
10 Maine reports, and shall be supplied to the  
11 State at one dollar and thirty six cents per copy.  
12 And during the term of five years from the time  
13 of their publication, they shall be kept for sale  
14 in the town of Augusta and in the cities of  
15 Portland and Bangor, in a sufficient quantity  
16 to supply the demand, at a price not exceeding  
17 two dollars and twenty five cents per copy, and  
18 interest on the same at six per cent. per annum  
19 after one year from the time of their publica-  
20 tion; but this shall not apply to the sale of  
21 reports to be carried out of the State.

SECT. 3. It shall be the duty of the secretary  
2 of State to secure to the use of the State the  
3 copyright of each volume of the reports which  
4 may hereafter be published.

SECT. 4. The reporter shall be paid a yearly

2 salary of one thousand dollars, in four quarterly  
3 payments ; and he shall receive from the secre-  
4 tary of State thirteen copies of each volume of  
5 his own reports, published under the provisions  
6 of this act ; and this shall be in full for his ser-  
7 vices as reporter.

SECT. 5. The duties of the reporter in pre-  
2 paring the reports for the press, and superin-  
3 tending the publication thereof, shall be the  
4 same as heretofore.

SECT. 6. All acts and parts of acts inconsis-  
2 tent with the provisions of this act are hereby  
3 repealed.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
March 7, 1842. }

Five hundred copies of the foregoing Report and Bill were  
ordered to be printed for the use of the Legislature.

Attest,

WM. T. JOHNSON, *Clerk.*