

CHAPTER 331

NEWSPAPERS

331.01 NEWSPAPER.

HISTORY. 1931 c. 293 s. 6; M. Supp. s. 7352-16.

331.02 LEGAL NEWSPAPER.

HISTORY. 1893 c. 33 ss. 1, 3, 4; G.S. 1894 ss. 7993, 7996; 1895 c. 121; 1897 c. 285; 1899 c. 10; 1903 c. 322; 1905 c. 174 s. 1; R.L. 1905 s. 5515; 1907 c. 3; 1911 c. 379 s. 1; G.S. 1913 ss. 9413, 9414; 1921 c. 484 s. 3; G.S. 1923 s. 10935; M.S. 1927 s. 10935; 1939 c. 128 s. 1; M. Supp. s. 10935-1.

"The Northwestern Reporter," a weekly publication "devoted specially to the interests of the legal profession," is not a newspaper within the meaning of General Statutes 1878, Chapter 65, Section 13, publication of municipal court notices. *Beecher v Stephens*, 28 M 146.

A paper issued weekly, containing principally religious news, but containing other news as well is a "newspaper" within the meaning of General Statutes 1878, Chapter 81, Section 5, in which notice of sale on mortgage may be published. *Hull v King*, 38 M 349, 27 NW 792.

A newspaper printed and published each day of every week, except Monday, is a daily newspaper within the intent of Laws 1889, Chapter 47. *Tribune v City of Duluth*, 45 M 27, 47 NW 309.

Provisions of Laws 1893, Chapter 33, presumably superseded a similar provision in the Duluth city charter and consequently the awarding of the contract to the "Commonwealth" as official newspaper for the year, was proper and valid. *Norton v City of Duluth*, 54 M 281, 56 NW 80.

In amending a city charter it was required that the proposed amendment be published in three papers for at least 30 days: The publication in a daily paper for 31 days and for at least 32 days in five consecutive issues of two weekly newspapers, conformed to the law. *Wolfe v City of Moorhead*, 98 M 113, 107 NW 728.

"Finance and Commerce," a daily paper published in Minneapolis, is a newspaper qualified as a medium of official publications under Revised Laws 1905, Section 5515. *Olsen v Ribb*, 117 M 214, 135 NW 385; *Legal Ledger v Hodgson*, 176 M 635, 222 NW 646; *North Central v City of St. Paul*, 198 M 335, 269 NW 835.

The newspapers publishing notices regarding the charter amendment were not only "legal" newspapers, but papers of "general circulation" as well. *Williams v City of St. Paul*, 123 M 1, 142 NW 886.

The requirement that the newspaper must "be circulated in or near its place of publication to the extent of at least 240 copies" is not satisfied by showing that 240 copies are published, without showing where they were circulated. *Lovine v Goodridge*, 130 M 202, 153 NW 517; *Burbridge v Warren*, 139 M 348, 166 NW 403.

A legal newspaper is not being published where the mechanical work is all done elsewhere, the publisher having no equipment of his own. OAG July 21, 1932.

Laws 1933, Chapter 373, is not prospective and does not authorize such consolidation of shops as would permit issuance of various papers from one shop. 1934 OAG 631, Oct. 31, 1933 (314b-11).

County board proceedings cannot be published in a paper circulated for less than a year. Proceedings may be published only in a legal newspaper. 1934 OAG 632, Dec. 31, 1934 (314b); OAG May 17, 1935 (314b-3).

If a reasonable amount of the work is done in the place of publication, a part may be done elsewhere. OAG Dec. 28, 1934 (314b-19).

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Suspension for not more than three months due to accident does not affect qualifications after resumption. 1938 OAG 318, July 27, 1937 (314b-6).

Neither change of location within the county, nor change of ownership, deprives a legal newspaper of its standing. 1938 OAG 317, Dec. 22, 1937 (314b-7).

Where two weekly newspapers in same city buy a press to be used jointly in shop of one, neither paper is deprived of its legal standing. 1938 OAG 316, April 19, 1938 (314b-11).

Where all press work is done outside the alleged office of publication, the publication is not a legal newspaper. OAG March 31, 1938 (314b-17).

331.03 NEWSPAPERS TO REGISTER STATEMENT OF OWNERSHIP; EXCEPTIONS.

HISTORY. 1931 c. 293 ss. 1, 2; M. Supp. s. 7352-11, 7352-12.

School publications must file their statement of ownership. OAG Feb. 8, 1934.

331.04 SHALL PUBLISH NAMES.

HISTORY. 1931 c. 293 s. 3; M. Supp. s. 7352-13.

The failure of an owner of a newspaper to describe himself as owner, as well as publisher and editor, is a technical, rather than a material, violation of the statute. *Fryberger v Anderson*, 194 M 443, 260 NW 625.

331.05 COURT TO DETERMINE OWNERSHIP.

HISTORY. 1931 c. 293 s. 5; M. Supp. s. 7352-15.

331.06 AFFIDAVIT OF PUBLICATION.

HISTORY. 1893 c. 33 s. 2; G.S. 1894 s. 7994; R.L. 1905 s. 5516; G.S. 1913 s. 9418; 1921 c. 484 s. 4; G.S. 1923 s. 10936; M.S. 1927 s. 10936.

Where notice of the foreclosure sale was first published August 6, 1932, and the last on September 10, 1932, there was insufficient publication to meet statutory requirements. *White v Mazal*, 192 M 522, 257 NW 281.

331.07 MEASUREMENT OF TYPE.

HISTORY. 1921 c. 484 s. 1; G.S. 1923 s. 10939; M.S. 1927 s. 10939.

Section provides the basis of measurement for publication of required notices. 1940 OAG 61, Dec. 21, 1939 (277e).

331.08 FEES FOR PUBLICATION OF LEGAL NOTICES.

HISTORY. R.S. 1851 c. 73 s. 32; P.S. 1858 c. 63 s. 31; G.S. 1866 c. 70 s. 28; 1869 c. 80 s. 1; G.S. 1878 c. 70 s. 31; G.S. 1894 s. 5581; R.L. 1905 s. 2714; G.S. 1913 s. 5780; 1921 c. 484 s. 2; G.S. 1923 s. 10939-1; M.S. 1927 s. 10939-1.

Publication of wheat and acreage statements, made by county association members as required by the agricultural adjustment administration is not a legal publication as respects rates. OAG Nov. 8, 1933.

A publisher is not entitled to extra compensation for printing tabular matter. OAG Nov. 9, 1933.

Section does not take precedence over Laws 1895, Chapter 8, Section 146. OAG Dec. 13, 1933.

Where a personal property tax list is given to a newspaper for publication without any agreement as to charges, the rate fixed by law as the limit of compensation becomes a part of the contract. OAG Feb. 25, 1936 (277a-11).

An unorganized school district is required to print a financial statement, and the charge is limited to the general provisions of this section. OAG Aug. 17, 1939 (277e).

A city charter may provide a lesser maximum fee than that prescribed by statute. 1942 OAG 231, March 14, 1941 (277-A-11).

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In printing the delinquent tax list under the provisions of section 279.08, the rate of charge must not exceed 45 cents per description. OAG Feb. 17, 1945 (412a-13).

331.09 CONTROVERSY BETWEEN PUBLISHER AND PUBLIC OFFICIAL.

HISTORY. 1921 c. 484 s. 6; G.S. 1923 s. 10938; M.S. 1927 s. 10938.

Where suspension was forced by an exigency attributable to the World War, and the proper affidavit is filed, the qualifications of the newspaper were not lost. OAG January 10, 1944 (312b-6).

Unless the request comes from a public official, the commissioner of administration need not issue a certificate as to the measurement of a village financial statement as printed. OAG Feb. 9, 1945 (340).

331.10 VIOLATION A GROSS MISDEMEANOR.

HISTORY. 1931 c. 293 s. 4; M. Supp. s. 7352-14.

331.11 NEWSPAPERS LEGALIZED.

HISTORY. 1921 c. 407 s. 1; G.S. 1923 s. 10934; M.S. 1927 s. 10934.

A legal newspaper may completely suspend publication for a period of one week without its status being affected when resuming publication. 1938 OAG 318, July 27, 1937 (314b-6).

If a legal newspaper suspends its publication for a period not exceeding three months because of damage by fire to its building and equipment, and during that time has its paper printed outside its county, as to such time, the status of the paper is not legal even though actually put in circulation from its known office. 1938 OAG 318, July 27, 1937 (314b-6).

A legal daily paper may change to being weekly or semiweekly without changing its status, but no notice should be published on any day of the week other than that on which it was originally commenced. 1938 OAG 318, July 27, 1937 (314b-6).

Section provides the basis of measurement for publication of required notices. 1940 OAG 61, Dec. 21, 1939 (277e).

331.17 CONTINUANCE AS QUALIFIED NEWSPAPER.

HISTORY. 1943 c. 13.