

CHAPTER 331

NEWSPAPERS

331.02 LEGAL NEWSPAPER.

Amended by L. 1947 c. 239 s. 1.

The Midway News is a newspaper qualified to publish legal and official publications even though the typesetting and press work is done by a job printer in a place separate from the office of publication. *North Central Co. v City of St. Paul*, 198 M 335, 269 NW 835.

331.06 AFFIDAVIT OF PUBLICATION.

Where an affidavit has been filed with the county auditor by the publisher of a newspaper, the presumption is that the newspaper therein shown to be qualified continues so to be until the contrary is established. A change in publishers does not require a new affidavit. *Wyman v Baker*, 83 M 427, 86 NW 432.

Where a notice of expiration of time from redemption from a tax sale is served by publication, it must be shown that the newspaper in which it was published possessed the qualifications required by statute, and the requirement that it must "be circulated in or near its place of publication to the extent of 240 copies," is not satisfied by showing that 240 copies were circulated without showing where they are circulated. *Lovine v Goodridge*, 130 M 202, 153 NW 517.

331.08 FEES FOR PUBLICATION OF LEGAL NOTICES.

Amended by L. 1947 c. 318 s. 1.

The publisher cannot recover extra compensation for "tabular matter" contained in public printing, even where such extra compensation is within the maximum charge fixed by statute, when the work is done under an express contract binding the publisher to print the documents in question at stated prices, lower than those fixed by statute. *Transcript Co. v County of Morrison*, 157 M 435, 196 NW 485.

Charter provisions may provide for a lower rate for official printing than is specified by statute. OAG June 21, 1943 (277-A-11).

Where a contract for the publication of proceedings of the school board is entered into between the board and the publisher in January 1947, the agreed price of 50 cents per folio governs during the life of the contract, notwithstanding the provisions of L. 1947, cc. 318, 377. OAG June 3, 1947 (277-E).

L. 1947, c. 318, amending section 331.08, and fixing the fee per folio for publication of legal notices, does not prohibit the publisher from charging a less fee, but it controls in the absence of specific agreement as to rate. OAG June 10, 1947 (277-a-5).

331.09 CONTROVERSY BETWEEN PUBLISHER AND PUBLIC OFFICIAL.

Before spending money for official legals the public official may have the state printer make necessary measurements. To be entitled to a certificate the request must come from a public official. OAG Feb. 9, 1945 (277-B-2).

331.17 NEWSPAPERS TO CONTINUE TO BE OFFICIAL PUBLICATIONS UNDER CERTAIN CONDITIONS.

If suspension of a newspaper is forced by any contingency directly attributable to World War, the qualifications of legal newspaper is not lost. The filing of the affidavit required preserves the legal standing of the newspaper after resumption of publication. OAG Jan. 10, 1944 (314-B-6).