

CHAPTER 331

NEWSPAPERS

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331.01 NEWSPAPER. The term "newspaper" includes any newspaper, circular, or other publication issued regularly or intermittently by the same parties or by parties one of whom has been associated with one or more publications of such newspaper or circular, whether the name of the publication be the same or different.

[1931 c. 293 s. 6] (7352-16)

331.02 LEGAL NEWSPAPER. Subdivision 1. **Qualifications.** A newspaper, in order to be qualified as a medium of official and legal publications, shall:

(1) Be printed in the English language from its known office of publication within the city, village, or town from which it purports to be issued and in newspaper format and in column and sheet form equivalent in space to at least 450 running inches of single column, two inches wide;

(2) Be issued at least once each week and, if a daily, at least five days each week, from a known office established in such place for such publication and employing skilled workmen and the necessary material for preparing and printing the same; except in any week in which a legal holiday or Thanksgiving day is included, not more than four issues of a daily paper shall be necessary, which provision shall apply when the legal holiday falls upon Sunday; provided that the press work on that part of the newspaper devoted to local news of interest to the community which it purports to serve shall be done in its known office of publication;

(3) Have 25 per cent of its news columns devoted to local news of interest to the community which it purports to serve, and may also contain general news, comment, and miscellany, and must not wholly duplicate any other publication, and be not entirely made up of patents, plate matter, and advertisements;

(4) Be circulated in and near its place of publication to the extent of at least 240 copies regularly delivered to paying subscribers and have entry as second-class matter in its local post-office;

(5) Have complied with all the foregoing conditions for at least one year last past.

Subd. 2. **Requisites.** Any publication which shall have been a duly qualified medium of legal publication or which shall have filed with the proper county auditor an affidavit purporting to set forth its qualifications as a legal publication, under the laws of this state, prior to the passage of this section, shall be a legal newspaper and a duly qualified medium of official and legal publication so long as the publication complies with subdivision 1, clause (4).

Subd. 3. **Publication; suspension, change of date or place of.** Suspension of publication for a period of not more than three months within any year resulting from the destruction of its office by the elements or unforeseen accident to the equipment thereof shall not affect the qualification of such newspaper; nor shall the consolidation of one newspaper with another published in the same county, nor any change in the name or ownership there, or the temporary change in the place of the printing and publication thereof in the same county, disqualify it or invalidate any publication continuously made therein, before and after the change, and any change of the day of publication, the frequency of publication, or the change of

office or place of publication from one place to another within the same county shall not deprive any such publication of its standing as a legal newspaper, or its designation as the official newspaper for the publication of the proceedings of any county board.

Subd. 4. Proof of legality. Any person interested in the legality of any publication may request the auditor of the county in which such publication is published to furnish proof of the legal standing of the publication in which such legal publication is contained. The county auditor shall then demand of the publisher of such publication to furnish written proof of its qualifications, together with a list of the 240 paying subscribers, which shall then be filed by the auditor in his office as a public record. Failure of the publisher to comply with this demand within ten days after receipt of such request shall forfeit the legal standing of the publication and it shall not be a medium of legal publication until such written proof and list shall have been so furnished.

Subd. 5. Legal notices, how printed. All legal notices shall be printed in the English language.

Subd. 6. Military service of editor or publisher. Notwithstanding the provisions of subdivision 1, clause (5), a newspaper shall be declared an official and legal publication upon the filing of an affidavit with the county auditor showing that the newspaper was in existence but publication thereof was suspended before the completion of one full year because the editor or publisher was forced to enter active military service after December 7, 1941, and prior to December 31, 1946, under the Selective Service Act of 1940, and publication of the newspaper was resumed after honorable discharge of the editor or publisher.

[1939 c 128 s 1; 1947 c 239 s 1; 1951 c 385 s 1] (10935-1)

331.03 STATEMENT OF OWNERSHIP. Each newspaper printed or published within the state, excepting legally qualified newspapers, shall register in the office of the register of deeds a statement of the owners, printers, and publishers of the paper and the residence of each and, if the same shall be published by a corporation, the names and residences of the president, secretary, and editors thereof. The register of deeds shall provide a suitable book in which to register the names as herein provided, and charge therefor a fee of 50 cents.

[1931 c. 293 ss. 1, 2] (7352-11, 7352-12)

331.04 SHALL PUBLISH NAMES. No newspaper, except a legally qualified newspaper, shall be printed or published within the state without the names of the owners, publishers, and editors thereof stated and set forth therein.

[1931 c. 293 s. 3] (7352-13)

331.05 COURT TO DETERMINE OWNERSHIP. In the event of the publication of any newspaper within the state without the names of the owners and publishers thereof fully set forth therein, the court or the jury may determine such ownership and publisher on evidence of the general or local reputation of that fact. Opinion evidence may be offered and considered by the court or jury in any case arising in connection with the ownership, printing, or publishing of any such publication or of any article published therein, either in a criminal action for libel by reason of such publication or in any civil action based thereon.

[1931 c. 293 s. 5] (7352-15)

331.06 AFFIDAVIT OF PUBLICATION. No compensation shall be recoverable for publishing legal or official matter in any newspaper not so qualified, nor until there shall have been filed with the county auditor the affidavit of a person having knowledge of the facts, showing the name and location of the newspaper and the existence of conditions constituting its qualifications as a legal newspaper as required and set forth in section 331.02. If the matter published relates to proceedings in another county, a like affidavit must be filed with its auditor. Such affidavit, if it states the required facts, shall be prima facie evidence thereof and of such qualification. No compensation shall be recoverable for publishing legal or official matter in any newspaper unless the bill for same is accompanied by an affidavit of the publisher, or printer in charge, of such newspaper having knowledge of the facts, setting forth the fact that such newspaper has complied with all the requirements that constitute a legal newspaper, and such affidavit must contain a printed copy of the lower case alphabet from A to Z, both inclusive, which copy

of the alphabet must be acknowledged in the affidavit by the publisher, or printer in charge, having knowledge of the facts, as being the size and kind of type used in the composition and publication of the legal or official matter published in such newspaper for which such compensation is claimed; and the affidavit must set forth the dates of the month and year and the day of the week upon which such legal or official matter was published in such newspaper.

[1921 c. 484 s. 4] (10936)

331.07 MEASUREMENT OF TYPE. Subdivision 1. **Basis.** The basis of measurement of type used in the publications of notices and forms required by law to be published in a newspaper in this state shall be as follows:

- (1) One inch in length shall contain 72 points of type measurement;
- (2) Nonpareil or six-point type shall be 12 lines to the inch, and the length of the lower case alphabet from A to Z, inclusive, set in compact form shall be nine and one-half ems pica, or 12-point type, a total of 114 points in length; (A folio of nonpareil or six-point type, as described herein, shall be 260 square ems; a square em of nonpareil is six points square);
- (3) Brevier or eight-point type shall be nine lines to the inch, and the length of the lower case alphabet from A to Z, both inclusive, set in compact form, shall be ten ems pica, a total of 120 points; (A folio of brevier or eight-point type shall be 208 square ems; a square em of brevier or eight-point type as described herein shall be eight points square);
- (4) Long primer or ten-point type shall be seven and two-tenths lines to the inch, and the length of the lower case alphabet from A to Z, both inclusive, shall be 11 and three-fourths ems pica, a total of 141 points; (A folio of long primer or ten-point type as described herein shall be 187 square ems; a square em of long primer is ten points square);
- (5) Agate type shall be 14 lines to the inch, and the length of the lower case alphabet from A to Z, both inclusive, set in compact form, shall be seven and one-half ems pica, a total of 90 points; (A folio of agate type shall be 250 square ems; a square em of agate is five and one-seventh points square).

Subd. 2. **Deductions.** In the measurement of type as set forth in these rules, leads and slugs between lines, if any, are to be deducted and the deduction for over-spacing between words, if any, shall be made, but this rule must not be construed to preclude a reasonable amount of spacing for headings and sub-headings of a legal notice, which headings and sub-headings with the proper spacing are to be measured as being of the same type of the body of the notice published.

Subd. 3. **Difference in size of type used.** In all instances where notices for publication are set in type that does not conform to the sizes herein set forth as the standard type for the basis of measurement for legal notices for publications in newspapers in this state, whatever difference there may be in size must be taken into consideration in determining the number of folios in the legal notice in order that the same shall be made to conform with the standard.

Subd. 4. **Fractions of folios.** In the measurement of a legal notice a fraction over a full number of folios equal to one-half folio or less shall be computed as one-half folio; a fraction over one-half and less than one folio shall be computed as one folio.

[1921 c. 484 s. 1] (10939)

331.08 FEES FOR PUBLICATION OF LEGAL NOTICES. The fee for publication of a legal notice in any legal newspaper in this state shall be \$1.20 per folio for the first insertion and 60 cents per folio for each subsequent insertion of a notice. The fees for the publication of the delinquent tax list shall be the same as now provided by section 279.07; provided that in all cases where a notice for publication contains tabular matter in whole or in part, or what is termed "price and one-half" or "double price" composition, an additional fee of 40 cents per folio shall be paid for all such price and one-half and double price composition matter for the first insertion of a notice; and in the publication of official ballots for elections in the counties and the state the same shall be measured as though the entire space occupied is that of solid brevier or eight-point type, and no additional fee shall be allowed on account of tabular matter.

[1921 c 484 s 2; 1947 c 318 s 1; 1949 c 111 s 1] (10939-1)

331.09 CONTROVERSY BETWEEN PUBLISHER AND PUBLIC OFFICIAL.

In case of controversy or disagreement between a publisher of a newspaper and a public official of this state as to the measurement of any legal notice published or required by law to be published in newspapers, such public official is hereby required to submit a copy of the printed notice to the commissioner of administration, who shall measure such notice and attach thereto a certificate signed by him giving the number of folios and the amount of the fees allowed for the publication of such notice.

[1921 c. 484 s. 6] (10938)

331.10 VIOLATION A GROSS MISDEMEANOR. In the event of any newspaper failing to file and register, as provided for in section 331.03, the party printing or publishing the same shall be guilty of a gross misdemeanor.

[1931 c. 293 s. 4] (7352-14)

331.11 NEWSPAPERS LEGALIZED. No newspaper in this state which conforms in all respects to the statutes defining a legal newspaper, with the exception that the same has not been published for the requisite length of time, shall be deprived of its standing as a legal newspaper at the time the same shall have been published for the requisite length of time; provided, it shall have, during such time, met the other requirements of a legal newspaper, by reason of a failure of publication for one week at some time after the commencement of the publication of such newspaper.

[1921 c. 407 s. 1] (10934)

331.12-331.16 [Obsolete]

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

Any newspaper qualified under Mason's Supplement 1940, Section 10935-1 in this state established prior to December 7, 1941, forced by any exigency directly attributable to the conditions and emergencies of the World War started on December 7, 1941, to suspend publication or to use the employees, facilities, or equipment of some other newspaper in the state or to use the place of publication of such other newspaper as its place of publication shall not thereby be deprived of its standing as a legal newspaper qualified as a medium of official and legal publications. If such suspension of publication or use of the employees, facilities, or equipment or the place of publication of such other newspaper continues for more than six months after the final declaration of peace ending such world war, such newspaper shall, after the expiration of such six-months period, not be a legal newspaper qualified as a medium of official and legal publications.

The provisions of this section do not apply to any newspaper established subsequent to December 31, 1941.

When any newspaper has suspended publication, as provided in this section, the publisher shall, before resuming publication, file an affidavit with the auditor of the county in which said newspaper is published stating that the original suspension was due to the war emergency and that publication will now be resumed.

[1943 c. 13]