

## 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.** In order to be qualified as a medium of official and legal publication, a newspaper shall:

(1) Be printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 900 square inches;

(2) If a weekly, be distributed at least once each week, or if a daily, at least five days each week; but in any week in which a legal holiday is included, not more than four issues of a daily paper are necessary;

(3) Have 25 percent, if published more often than weekly, or 50 percent, if a weekly, of its news columns devoted to news of local interest to the community which it purports to serve, and it may contain general news, comment, and miscellany, but not wholly duplicate any other publication, or be made up entirely of patents, plate matter, and advertisements;

(4) Be circulated in and near the municipality which it purports to serve, and has at least 500 copies regularly delivered to paying subscribers, and have an average of at least 75 percent of its total circulation currently paid or no more than three months in arrears and have entry as second-class matter in its local post-office;

(5) Have its known office of issue established in the county in which lies, in whole or in part, the municipality which the newspaper purports to serve;

(6) File a copy of each issue immediately with the State Historical Society;

(7) Have complied with all the foregoing conditions of this subdivision for at least two years last past;

(8) File with the secretary of state, prior to January 1 of each year, an affidavit signed by the publisher or managing officer and sworn to before a notary public stating that the newspaper is a legal newspaper. The form of the affidavit shall be prescribed by the secretary of state.

**Subd. 2. Requisites.** Newspapers which have been qualified, on May 20, 1965, as mediums of official and legal publication shall remain qualified only if they meet the requirements of subdivision 1, except as follows:

(1) If on May 20, 1965, any newspaper is a qualified medium of official and legal publication but is printed in a foreign language, or in English and a foreign language, and otherwise qualifies as a medium of official and legal publication pursuant to the requirements of subdivision 1, such newspaper shall be a medium of official and legal publication so long as it otherwise qualifies pursuant to the requirements of subdivision 1.

(2) If on May 20, 1965, any newspaper has been circulated in and near the municipality which it purports to serve to the extent of at least 240 but less than 500 copies regularly delivered to paying subscribers and otherwise qualifies as a medium of official and legal publication pursuant to the requirements of subdivision 1, such newspaper shall be a medium of official and legal publication so long as at least 240 copies are regularly so circulated and delivered and as it otherwise qualifies pursuant to the requirements of subdivision 1.

(3) If on May 20, 1965, any newspaper shall have been qualified as a medium of official and legal publication, it shall remain a medium of official and legal publication so long as it complies with the provisions of subdivision 1 thereafter.

**Subd. 3. Publication; suspension, change of date or place.** Suspension of publication for a period of not more than three consecutive months resulting from the destruction of its known office of issue, equipment or other facility by the elements, unforeseen accident, or acts of God or by reason of a labor dispute, shall not affect the qualification of a newspaper which has become or remains a medium of official and legal publication pursuant to subdivisions 1 and 2; nor shall the consolidation of one newspaper with another published in the same county, nor any change in the name or ownership thereof, or the temporary change in the known office of issue, disqualify a newspaper 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 the known office of issue from one place to another within the same county shall not deprive any such publication of its standing as a medium of official and legal publication, or its designation as the official newspaper for the publication of the proceedings of any county board. Except as herein otherwise provided, suspension of publication, or any change of known office of issue from one county to another county, or failure to maintain its known office of issue in the county, shall deprive a newspaper of its standing as a medium of official and legal publication until such newspaper shall again have become qualified pursuant to the provisions of subdivision 1 of this section.

**Subd. 4. Declaratory judgment of legality.** The publisher of any newspaper, or any other person interested in the standing as a medium of official and legal publication of a newspaper, may petition the district court in the county in which the newspaper has its known office of issue for a declaratory judgment whether such newspaper is qualified as a medium of official and legal publication. Unless filed by the publisher, the petition and summons shall be served on the publisher as in other civil actions; service in other cases shall be made by publication of the petition and summons once each week for three successive weeks in such newspaper or newspapers as the court may order and upon such person or persons as the court may direct. The court shall hear the proofs of the petitioner and contestant, if there be any. The decision and judgment of the court may be vacated, modified or set aside by the court on its own motion or the motion of any person, whether a party to the original proceeding or not, upon a satisfactory showing made to the court that the newspaper has ceased to be qualified as a medium of official and legal publication, but all publications made in a newspaper after judgment that it is qualified as a medium of official and legal publication and before such judgment shall be vacated or set aside, shall be valid and sufficient. Except as herein otherwise specifically provided, the provisions of the uniform declaratory judgments act and the rules of civil procedure for the district courts of Minnesota, as from time to time in effect, shall apply.

**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.

**Subd. 7. Designation of official publications.** The governing body of any municipality or other local public corporation, or other authorized officer thereof, when authorized or required by statute or charter to designate a newspaper therein for publication of its official proceedings and public notices, shall designate a newspaper which is a duly qualified medium of official and legal publication in the sequence and order as follows:

(1) If there is a qualified newspaper which is printed in, has a known office of issue within and is distributed from within such municipality or other local public corporation, such newspaper shall be designated, and if there be more than one such newspaper, then one such newspaper be designated;

(2) When a qualified newspaper is not printed in such municipality or other local public corporation, but has its known office of issue located within and is distributed from within such municipality or other local public corporation, such newspaper shall be designated and if there be more than one such newspaper, then one such newspaper shall be designated;

(3) When no qualified newspaper has its known office of issue within the municipality or other local public corporation, then a qualified newspaper of general circulation therein shall be designated.

The governing body or other authorized officer of a municipality or other local public corporation with territory in two or more counties may, if deemed in the public interest, designate a separate qualified newspaper for each such county.

Subd. 8. **Definitions.** For the purposes of this section, the following definitions shall apply except as otherwise expressly provided or indicated by the context:

(1) "Newspaper" means a publication issued regularly by the same person, persons, or corporation or his, their or its successor, successors or assigns, whether the name of the publication be the same or different.

(2) "Known office of issue" means the office established and open during its regular business hours for the gathering of news, sale of advertisements and sale of subscriptions for the newspaper, whether or not printing or any other newspaper operations are conducted at or from such office; maintained by the publisher or managing officer of such newspaper or a person or persons in his or its employ and subject to his direction and control during all such regular business hours; and, unless such newspaper is printed at such office, devoted exclusively during such regular business hours to the business of the newspaper and business related thereto, including the sale of commercial printing, stationery, office supplies and office equipment.

(3) "Municipality" means a city, village, borough or town.

(4) "Local public corporation" means a municipality, school district, or other political subdivision or local district, commission, board or authority except a county.

Subd. 9. **Interpretation.** Nothing in this section shall invalidate or affect any statutory or charter provision imposing additional or special qualifications for publication of particular notices or proceedings.

[1939 c 128 s 1; 1947 c 239 s 1; 1951 c 385 s 1; 1955 c 134 s 1; 1965 c 474 s 1-7] (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 \$1.80 per folio for the first insertion and \$1.20 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

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and one-half" or "double price" composition, an additional fee of 60 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; 1957 c 443 s 1; 1965 c 819 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** [Repealed, 1965 c 45 s 73]