

# The Kentucky Press

*March, 1958*

*Published in the Interest of Community Journalism . . . Of, By, and For Kentucky Newspapers*



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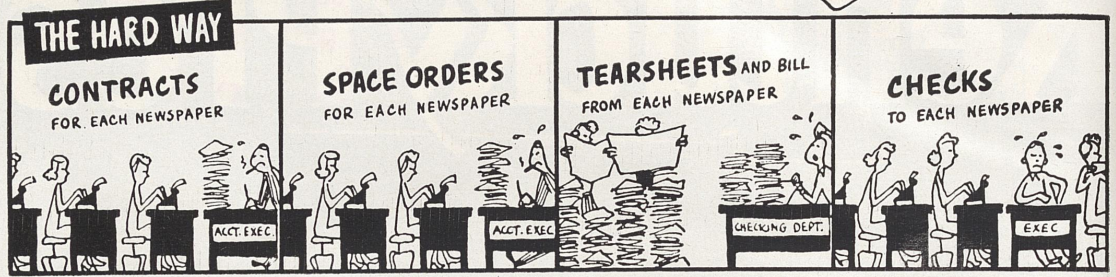
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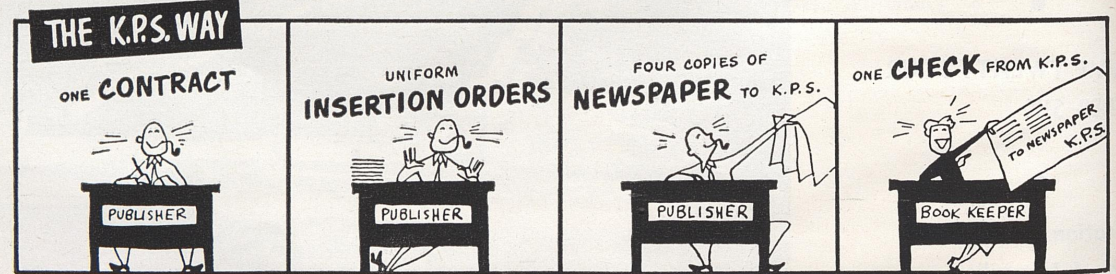
Kentucky Showcase: Lincoln Memorial, Hodgenville

Official Publication Kentucky Press Association

this is how **K.P.S.** helps the advertiser



this is how **K.P.S.** helps the publisher



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## Model Legal Publication Law Is Enacted By 1958 Legislature

The new chapter in KRS, entitled An ACT relating to newspaper publications for the purpose of legal notice or advertisement; including provisions to govern publications required by law to be made, and requiring certain matters to be published, as enacted by the General Assembly of the Commonwealth, and signed by Governor Albert B. Chandler, is here presented in full for information and guidance of Kentucky newspapers:

*Be it Enacted by the General Assembly of the Commonwealth of Kentucky:*

### Definitions

Sec. 1. As used in this Act:

(1) "Publication area" means the city, county, district or other local area for which an advertisement is required by law to be made. An advertisement shall be deemed to be for a particular city, county, district or other local area if it concerns an official activity of such city, county, district or other area or of any governing body, board, commission, officer, agency or court thereof, or if the matter of which advertisement is made concerns particularly the people of such city, county, district or other area.

(2) "Advertisement" means any matter required by law to be published, including evidences of official action such as ordinances, rules, regulations, financial reports or statements, audits, journals, orders, and certificates, as well as customary legal notices and advertisements for bids or of sales.

### Qualifications of Newspapers

Sec. 2. (1) Except as provided in subsection (2) of this section, whenever an advertisement for a publication area is required by law to be published in a newspaper, the publication must be made in a newspaper that meets the following requirements:

(a) It must be published in the publication area. A newspaper shall be deemed to be published in the area if it maintains a known office in the area for the purpose of gathering news and soliciting advertisements and other general business of newspaper publication, and has a second-class mailing permit issued for that office. A newspaper printed outside of Kentucky shall not be eligible to publish advertisements for any county or publication area within the county if there is a newspaper printed in the county that has a substantial general circulation throughout the county and that otherwise meets the requirements of this section.

(b) It must be of regular issue and have the largest bona fide circulation in the publication area. A newspaper shall be deemed to be of regular issue if it is published regularly, as frequently as once a week, for at least 50 weeks during the calendar year as prescribed by its mailing permit, and has been so published in the area for the immediately preceding one-year period. A newspaper shall be deemed to be of bona fide circulation in the publication area if it is circulated generally in the area, and maintains a definite price or consideration not less

than 50 percent of its published price, and is paid for by not less than 50 percent of those to whom distribution is made.

(c) It must bear a title or name, consist of not less than four pages without a cover, and be of a type to which the general public resorts for passing events of a political, religious, commercial and social nature, and for current happenings, announcements, miscellaneous reading matter, advertisements, and other notices. The news content must be at least 25 percent of the total column space in more than one-half of its issues during any twelve-month period.

(2) If, in the case of a publication area smaller than the county in which it is located, there is no newspaper published in the area, the publication shall be made in a newspaper published in the county that is qualified under this section to publish advertisements for the county. If in any county there is no newspaper meeting the requirements of this section for publishing advertisements for such county, any advertisements required to be published for such county or for any publication area within the county shall be published in a newspaper of the largest bona fide circulation in that county, published in and qualified to publish advertisements for an adjoining county in Kentucky. This subsection is intended to supersede any statute which provides or contemplates that newspaper publication may be dispensed with if there is no newspaper printed or published or of general circulation in the particular publication area.

(3) If a publication area consists of a district which extends into more than one county, the part of the district in each county shall be considered to be a separate publication area for the purposes of this section, and an advertisement for each such separate publication area shall be published in a newspaper qualified under this section to publish advertisements for such area.

### Times and Periods of Publication

Sec. 3. (1) Notwithstanding any provision of existing law to the contrary, the times and periods of publications of advertisements required by law to be made in a newspaper shall be as follows:

(a) When an advertisement is of a completed act, such as an ordinance, resolution, regulation, order, rule, report, statement, or certificate, and the purpose of the publication is not to inform the public or the members of any class of persons that they may or shall do an act or exercise a right within a designated period or upon or by a designated date, the advertisement shall be published one time only.

(b) When an advertisement is for the purpose of informing the public or the members of any class of persons that on or before a certain day they may or shall file a petition or exceptions or a remonstrance or protest or objection, or resist the granting of an application or petition, or present or file a claim, or submit a bid, or when the advertisement is of a sale, the advertisement shall be published once a week for three successive weeks.

(c) Any advertisement not coming within the scope of paragraph (a) or (b) of this subsection, such as one for the purpose of informing the

public or the members of any class of persons of the holding of an election, or of a public hearing, or of an examination, or of an opportunity for inspection, or of the due date of a tax or special assessment, shall be published once a week for two successive weeks.

(d) Whenever any advertisement is required by this section to be published once a week for three successive weeks, or once a week for two successive weeks, the publication shall be so made that the final publication will appear not later than two days before the day upon which the advertised event will occur or upon or by which the advertisement contemplates that an act may or shall be done, and not sooner than some day during the week preceding the week in which falls the day of such event or act to be done; provided, however, that where any statute now provides that the day for an act to be done is to be determined by computing time from the day of publication of any advertisement, the officer responsible for having the publication made shall select a day for the act to be done and shall state the same in the advertisement, and the successive weekly publications shall precede that day, unless the statute allows for doing the act a prescribed period of more than 30 days following the final publication, in which event the publication shall be made forthwith for the number of successive weeks prescribed by this section, and the prescribed period of time following final publication shall be allowed for doing the act, which fact shall be stated in the advertisement.

(2) This section is not intended to supersede or affect any statute providing for notice of the fact that an adversary action in court has been commenced.

### Contents Or Form Of Advertisements

Sec. 4. (1) Where any statute provides that an act, such as the filing of a remonstrance, exception, protest or the like, may or shall be done within a specified period of time after the enactment of an ordinance, or the filing of a petition or application, and it is provided by the statute that the ordinance or notice of the filing of the petition or application shall be published, the advertisement shall include a statement of the nature of the act that may or shall be done and the date by which it is permitted or required to be done.

(2) Any advertisement of a hearing, meeting or examination shall state the time, place and purpose of the same.

(3) Any advertisement of official action, or proposed official action, or of a petition or application for official action, with respect to which members of the public are allowed time by statute within which to make objections in the form of a remonstrance, exceptions, protest, or the like, shall state the nature of the action taken, proposed or petitioned or applied for (except where the statute requires reproduction in full of the action, proposal, petition or application), the kind of objections that may be made, and the time when and place where the objections are to be filed or submitted.

(4) Any advertisement of an election shall state the time and purpose of the election, and if the election is upon a public question the advertisement shall state the substance of the question.

(5) Any advertisement for bids or of a sale shall describe what is to be bid for or sold, the time and place of the sale or for the receipt of bids, and any special terms of the sale.

*(Please Turn To Page Two)*

(Continued From Page One)

**Person Responsible For Publishing**

Sec. 5. When any statute providing for newspaper publication of an advertisement does not designate the person responsible for causing the publication to be made, the responsible person shall be:

- (1) Where the advertisement is of the filing of a petition or application, the person by whom the same is filed.
- (2) Where the advertisement is of an activity or action of:
  - (a) An individual public officer, the officer himself.
  - (b) A city, the city clerk.
  - (c) A county, the county court clerk.
  - (d) A district, or a board, commission or agency of a city, county or district, the chief administrative or executive officer or agent thereof.
  - (e) A court, the clerk thereof.
  - (f) A state department or agency, the head thereof.

**Rates**

Sec. 6. (1) For all newspaper advertising required by law, the publisher is entitled to receive for each insertion, compensation at a rate per linear inch, single column, computed as solid eight-point measure, as follows:

- (a) In any newspaper other than a daily, \$1.00 per linear inch.
- (b) In a daily newspaper, \$1.50 per linear inch, except that where the newspaper has an established rate for general advertisers in excess of the above rate, the publisher is entitled to receive compensation at a rate not exceeding that paid by general advertisers for comparable matter.

(2) If an advertisement is set in type larger than eight-point, or is leaded between lines, the rate per linear inch shall be according to the following scale:

Point size	Weekly	Daily
Eight-point, one-point leaded .....	\$0.89	\$1.34
Nine-point solid .....	0.89	1.34
Eight-point, two-point leaded .....	0.80	1.20
Ten-point solid .....	0.80	1.20
Ten-point, two-point leaded .....	0.667	1.00

(3) Whenever by law or by the nature of the matter to be published a display form of advertisement is required, or whenever the person or officer responsible for causing an advertisement to be published determines in his discretion that a display form is practicable or feasible, and so directs the newspaper, the advertisement shall be published in display form and the newspaper shall be entitled to receive therefor its established display rate.

(4) Whenever it is provided by statute that an advertisement shall be published of the filing of a petition or application seeking official action, the filing shall not be deemed complete unless there is deposited with the petition or application an amount sufficient to pay the cost of publication.

(5) The expense of advertisements in judicial proceedings shall be taxed as costs by the clerk of the court.

**Proof Of Publication**

Sec. 7. The affidavit of the publisher or proprietor of a newspaper, stating that an advertisement has been published in his newspaper and the times it was published, attached to a copy of the advertisement, constitutes prima facie evidence that the publication was made as stated in the affidavit.

**Advertisements Of State Agencies**

Sec. 8. Any advertisement which a state officer, department or agency is required by law to have published shall, if intended to give state-wide notice, be published in such newspaper or newspapers, to be designated by the Department of Finance, as will provide reasonable state-wide coverage. If the advertisement particularly affects a local area it shall be published, for each county in the area, in a newspaper qualified under Section 2 of this Act to publish advertisements for such county. The latter publication shall be in addition to the former, if the advertisement affects the state at large as well as the local area.

**Alternatives To Newspaper Publication Abolished**

Sec. 9. In any case where a statute now gives discretion to a public officer or agency or governmental body as to the method of making an advertisement required by the statute, and in any case where a statute now provides that an advertisement may be made either by posting or by newspaper publication, the advertisement shall be made by newspaper publication in accordance with the provisions of this Act.

**Notice When No Newspaper Available**

Sec. 10. If no qualified newspaper exists, willing to publish an advertisement required by statute, the advertisement shall be made by posting as provided by the particular statute, or if posting is not specifically provided for, then by such posting as will give reasonable notice.

**Official Newspapers Abolished**

Sec. 11. No official newspaper shall be designated by any governmental unit for the publication of advertisements for such unit.

**Matters Required To Be Published**

(Sections 12 through 27)

Sec. 12. Excepting officers of a city of the first class, and of a county containing such a city, and of a school district of such a city or county, and excepting officers of a city of the second class that is required by law to publish an annual audit of its financial affairs, every public officer of any school district, city, county, or subdivision or district less than a county, whose duty it is to collect, receive, have the custody, control or disbursement of public funds, and every officer of any board or commission of a city, county or district whose duty it is to collect, receive, have the custody, control or disbursement of funds collected from the public in the form of rates, charges or assessments for services or benefits, shall at the expiration of each fiscal year prepare an itemized, sworn statement of the funds collected, received, held or disbursed by him during the fiscal year just closed, unless he has complied with Section 13 of this Act. The statement shall show the amount of funds collected and received, from what sources received, the amount disbursed, the date of each disbursement, for what purpose expended, and to whom paid, except that only the totals of amounts paid as gross salaries to each individual need be shown. The officer shall procure and include in or attach to the statement as a part thereof a certificate from the cashier or other proper officer of the banks in which the funds are or have been deposited during the past year, showing the balance, if any, of funds to the credit of the officer making the statement. The officer shall, within 60 days after the close of the fiscal year, cause the statement to be published in full in a newspaper qualified under Section 2 of this Act to publish adver-

tisements for the city, county or district, as the case may be. Promptly after the publication is made, the officer shall file a written or printed copy of the advertisement with proof of publication, in the office of the county court clerk of the county. Within 30 days after publication the officer shall file with the Auditor of Public Accounts a copy of the newspaper containing the statement.

Sec. 13. Any officer who is subject to the provisions of Section 12 of this Act may elect to prepare and publish monthly or quarterly statements, in lieu of the annual statements required by Section 12. All of the provisions of Section 12 shall be applicable to such a monthly or quarterly statement except that (1) the statement shall cover only the preceding month or quarter, as the case may be, and (2) the publication shall be made within 30 days after the close of the month or quarter, as the case may be. Any officer who has elected to proceed under this section shall not be exempted from the requirements of Section 12 of this Act for any fiscal year unless he has caused to be prepared and published, in accordance with this section, a proper statement for each month or quarter of the fiscal year.

Sec. 14. Immediately following the adoption of an annual budget by any city other than of the first class, the city clerk shall cause the budget to be advertised for the city by publication of it in a newspaper.

Sec. 15. At the same time that copies of the budget of a school district are filed with the clerk of the tax levying authority for the district, as provided in KRS 160.470, the board of education of the district shall cause the budget to be advertised for the district by publishing a copy of the budget in a newspaper.

Sec. 16. Except where a statute specifically fixes a larger sum as the minimum for a requirement of advertisement for bids, no city, county, district, or board or commission of a city or county, may make a contract for materials, supplies or equipment, or for contractual services other than professional, involving an expenditure of more than \$500, without first making newspaper advertisement for bids.

Sec. 17. No regulation promulgated by an officer, board or commission of a city, county or district, which is intended to impose liability or restrictions upon the public, shall be valid unless and until it has been advertised by newspaper publication.

Sec. 18. Every officer whose duty it is to collect any ad valorem tax for the state or for any political subdivision of the state shall cause notice of the due date of the tax to be advertised by newspaper publication, and shall not be given a quietus for the taxes collected unless he submits proof of such publication.

Sec. 19. Not less than three days before any primary or regular election the county clerk shall cause to be published in a newspaper a facsimile of the ballot or ballots, or when voting machines are to be used, of the face of the voting machines showing the ballot labels in place. Where the ballots or voting machine faces differ for various precincts within the county, a facsimile of each different ballot or voting machine face shall be published, with appropriate identification. The cost of publication shall be paid by the county, except that the cost of publishing any ballot or voting machine face that is limited to a city election shall be paid by the city.

Sec. 20. Notices of hearings by the Public Service Commission upon applications by pub-

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Sec. 20. Notices of hearings by the Railroad Commission upon applications by a railroad for rate increase or a reduction or discontinuance of service shall be advertised by the commission by newspaper publication in the areas that will be affected.

Sec. 21. Notices of hearings by the Railroad Commission upon applications by a railroad for rate increase or a reduction or discontinuance of service shall be advertised by the commission by newspaper publication in the areas that will be affected.

Sec. 22. Notices of hearings by the Department of Motor Transportation upon applications for a certificate or permit, or for a sale, transfer or lease, or for a change in route, or for amendment or abandonment of a certificate or permit, or for a change in rates, shall be advertised by the department by newspaper publication in the areas that will be affected.

Sec. 23. Whenever the sheriff of any county files with the fiscal court a list of uncollectible delinquent taxes, in accordance with KRS 134.360 and 134.370, the fiscal court shall promptly cause such list, showing the name of and amount due from each delinquent taxpayer, to be advertised by newspaper publication. A fee of \$1.00 shall be added to the amount of each tax claim so published, as publication shall cause the city by public

Sec. 24. Except as provided in subsections (2) and (3) of this section, the administrator or executor of the estate of any decedent shall, upon receipt of his letters of appointment, cause notice to be given by newspaper publication of the fact of his appointment, and that all persons having claims against the estate shall present them, verified according to law, to the administrator or executor, at a designated address, not later than a designated date, to be fixed as three months after the final publication. The first publication shall be made within one month after the receipt of the letters of appointment.

(2) Such publication is not required where notice to creditors has been published by a former administrator or executor of the estate.

(3) The court may in its discretion dispense with such publication when the gross assets of the estate are insufficient to pay preferred claims. The court may also dispense with publication when the gross assets of the estate, including real and personal property, do not exceed \$500 in value, in which case the administrator or executor, within one month after receipt of his letters of appointment, shall post notices in three prominent places, including the courthouse of the county of his appointment, setting forth the fact of his appointment and notifying creditors of the decedent to present their claims to him by a designated date, which shall be three months after the date on which the notices are posted.

Sec. 25. Whenever, by the provisions of KRS 395.015 or 395.016, notice of hearing of an application for appointment of an executor, administrator, guardian or committee is required, the person who files the application must cause notice of the application to be given by newspaper publication, stating the name of the decedent, or the minor or incompetent person, the name of the person filing the application, the nature of the letters sought, and the time and place of hearing on the application.

Sec. 26. No sale of general obligation bonds or revenue bonds of any governmental unit or political subdivision, or agency thereof, shall be made except upon newspaper advertisement for bids, published for the publication area consti-

tuted by the political subdivision or governmental unit.

Sec. 27. Upon request made to the master commissioner by any person who will have a substantial interest in the proceeds of a judicial sale of real estate, the master commissioner shall cause the required advertisement of sale to be published in display form.

#### Penalties

Sec. 28. Any person who violates any provision of this Act shall be fined not less than \$50 nor more than \$500. In addition, any officer who fails to comply with any of the provisions of Sections 12, 13, 14, 15, 19 or 23 of this Act shall, for each such failure, be subject to a forfeiture of not less than \$50 nor more than \$500, in the discretion of the court, which may be recovered in a civil action brought by any citizen of the city, county or district for which the officer serves. A reasonable fee for the attorney of the citizen bringing the action shall be taxed as costs.

#### Repeals

Sec. 29. This Act is intended to standardize and make uniform the law relating to legal advertisements and to that end it shall be deemed to supersede all other statutes and parts of statutes containing specialized provisions for particular advertisements, to the extent that such provisions are in conflict with this Act. KRS 24.020, 57.220, 61.290, 61.295, 396.005, 424.010, 424.020, 424.030, and 424.040 are specifically repealed.

Not containing an emergency clause, our model bill will go into effect ninety days after the adjournment of the Assembly, or June 19.

### NPPA Adops Rules For Court Procedures

National Press Photographers Association recently promulgated "golden rules" for courtroom photography giving a detailed outline of behavior to preserve court dignity and decorum. Where cameras are permitted in courtrooms, KPA members may want their staff photographers to become thoroughly familiar with the NPPA 10-point code shown below and follow these common sense rules without deviation in order to eliminate barriers to visual reporting of courtroom proceedings.

1. Have a conference with the judge who will preside. This conference should be held at least two or three days in advance of the trial. Discuss your problems with him, reach an understanding on the rules he has in mind, and then abide by them.

2. Court officers and bailiffs can be your greatest helpers. Be sure that they are acquainted with the rules and conditions of coverage set forth by the judge.

3. Dress conservatively and inconspicuously. Your cameras may tend to draw attention to yourself so it is important that your personal appearance present a good impression in conformity with your dignified behavior.

4. Do not move from one spot in the courtroom to another while the trial is in progress. Choose a good spot beforehand, then stay there until a recess. Variety in picture coverage may be obtained by changing lenses, if available. Put those lenses to work rather than your feet.

5. Don't work close to the subject. The effect of close-ups can be obtained by using telephoto lenses or by greater enlargement in printing.

6. Conduct yourself as a gentleman at all times. While in a trial courtroom, news photographers are under the jurisdiction of the court. Just as any other spectators, they may be held in contempt if they create a disturbance.

7. In the case of trials which have nationwide interest, the trial judge may require photographers to pool their pictures as a condition of coverage. Naturally this is distasteful, but at times unavoidable. Don't fight it. Your editor would rather have pooled pictures than none at all.

8. After the trial is over, show your appreciation to the Judge by taking time to visit him in his chambers and thank him for his cooperation. This is good public relations as well as good manners.

9. Roll film cameras, because of their smaller size, are less conspicuous than most sheet film cameras, but the type of camera is of less importance than the manner in which it is used. Avoid the distracting motions of continued eye-level focusing and aiming. With a fixed subject, focus carefully once, then point the camera from waist level or from a table or railing for triggering. If, because of circumstances, eye-level aiming is necessary, movements should be slow and deliberate so as to minimize attracting attention.

10. Flash must not be used under any circumstances in a courtroom while court is in session. Even though the Judge grants permission to use flash, do not use it. It will be distracting to the participants and spectators. If possible, measure the light in the courtroom and determine the correct exposure through tests before the trial.

As a representative of your news media at judicial proceedings your actions must be above reproach. With the trial judge's permission, news photographers may function on behalf of the public at a public trial, but only if their working does not interfere with the orderly processes of justice. In the interest of your employer and yourself, as well as your fellow members of KPA, let these rules govern your work and behavior in a trial courtroom.

The island of Corregidor is one mile wide, four miles long.

## The Kentucky Press

Official Publication  
Kentucky Press Association, Inc.  
Kentucky Press Service, Inc.

Victor R. Portmann, Editor  
Perry J. Ashley, Associate Editor

Member  
Kentucky Chamber of Commerce  
Newspaper Managers Association  
Sustaining Member  
National Editorial Association  
Associate Member  
National Newspaper Promotion Association  
Printed by The Kernel Press

*The Kentucky Press Association recognizes the fundamental importance of the implied trust imposed on newspapers and dissemination of public information. It stands for truth, fairness, accuracy, and decency in the presentation of news, as set forth in the Canons of Journalism. It advocates strict ethical standards in its advertising column. It opposes the publication of propaganda under the guise of news. It affirms the obligation of a newspaper to frank, honest and fearless editorial expressions. It respects equality of opinion and the right of every individual to participation in the Constitutional guarantee of Freedom of the Press. It believes in the newspaper as a vital medium for civic, economic, social, and cultural community development and progress.*

### Kentucky Press Association, Inc.

Martin Dyche, President

*Sentinel-Echo, London*

Thomas L. Adams, Vice-President

*Herald-Leader, Lexington*

Victor R. Portmann, Secretary-Manager

*University of Kentucky, Lexington*

### District Executive Committee

*Chairman, Paul Westpheling, Fulton County News, Fulton (First); Second, Larry Stone, Messenger-Argus, Central City; Third, Basil P. Caummissar, Courier-Journal, Louisville; Fourth, John B. Gaines, Park City News, Bowling Green; Fifth, Frank C. Bell, Trimble Democrat, Bedford; Sixth, George Trotter, Enterprise, Lebanon; Seventh, W. Foster Adams, Citizen, Berea; Eighth, George Joplin III, Commonwealth, Somerset; Ninth, Earl W. Kinner, Licking Valley Courier, West Liberty; Tenth, S. C. Van Curon, Enterprise, Harlan; State-At-Large, Fred J. Burkhard, Casey County News, Liberty; State-At-Large, Landon Wills, McLean County News, Calhoun; Immediate Past President, Alfred S. Wathen, Jr., Kentucky Standard, Bardstown.*

### Kentucky Press Service, Inc.

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*Messenger, Brandenburg*

James G. Wilson, First Vice-President

*Log Cabin, Cynthiana*

George M. Wilson, Second Vice-President

*Breckinridge County Herald-News, Hardinsburg*

Victor R. Portmann, Secretary-Manager

*University of Kentucky, Lexington*

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*Chairman, Bennett Roach, Shelby News, Shelbyville; Rumsey E. Garrison, Anderson News, Lawrenceburg; Enos Swain, Advocate-Messenger, Danville; Niles Dillingham, Progress, Dawson Springs; Officers Ex-Officio.*

Our KPA bill, which was signed by Governor Albert B. Chandler on March 27, was an all-purpose bill to "repeal numerous sections of many chapters of KRS; to clarify and consolidate numerous sections relating to newspaper publication for purpose of legal notice or advertisement; to standardize and make uniform the provisions governing qualification of newspapers; to qualify times and periods of publication; to set forth contents or forms of advertisements and persons responsible for publishing; to increase legal rates; to require publication of certain matters not set forth heretofore; and to set penalties for non-compliance with this new chapter." But more important—that the public should be fully informed on all matters pertaining to government.

Realizing the need and purpose as set forth in this important legislation, the Executive Committee, at its 1957 fall meeting, appointed a special committee to study the problems involved and draw up a model bill. The committee, Alfred S. Wathen Jr., Martin Dyche, William E. Crutcher, Lieutenant Governor Harry Lee Waterfield, and Secretary Portmann, after due deliberation, decided to procure the help of Judge Robert Cullen, formerly director of the Statutes Revision Committee, in preparing the bill. Advances were requested from KPA members to aid in the writing thereof, and the first draught was prepared and presented at the mid-winter meeting for study of our members.

A general meeting was called two weeks later, but, due to the inclemency of the weather, only 16 publishers were present to amend, change, and add to the original proposal. After weekly meetings of the special committee at Frankfort with Judge Cullen, the final bill was prepared for introduction into the Legislature.

The time-table of the progress of the bill was: Introduced into the Senate by our good friend, Senator E. W. Richmond, Daviess County, the bill was referred to the Ways and Means Committee on February 27; reported out favorably on the 28th; received second reading on March 3; third reading on March 10, and passed by a 33 to 2 vote.

It was received by the House on March 11 and placed in the Rules Committee which reported in favorably on its first reading, March 17, and placed on the Calendar; March 18 it was given its second reading and placed on the Orders of the Day; March 20 saw the third reading and passed by a vote of 54 to 7. March 21 it was enrolled, signed by the President of the Senate and Speaker of the House, and sent to the Governor. He signed it in to law on March 27.

The Association is grateful to the members of the Senate and House that supported the bill, especially Senator Richmond and Representatives Gullette and Ed Arnold; to Lieutenant Governor Waterfield for his advice on procedure; to Governor Chandler for his support and consideration; to Judge Robert Cullen for his invaluable assistance in preparing the bill; to many publishers who helped in framing the several provisions; and to the special committee which gave unlimited time and effort during the six months of preparation. The context of the new Chapter is carried in another column.

A recent Eugene Gilbert Youth Survey indicates that "newspapers individually and collectively have a big job to do among the young people if they are to keep pace with their manpower requirements in coming years." Circulated to Associated Press members, the survey involved 1,000 high school students, about evenly divided between boys and girls.

Although four out of five young people questioned consider daily newspapers a reliable source of information—seven out of ten said they read theirs every day—only one out of three boys and one out of ten girls said they would choose newspaper work as a career. A high percentage of both sexes felt newspapers are a poor-paying profession. Almost 50% of the girls said they got their ideas about newspapers from movies and TV; 42% of the boys reported the same source of information; 90% declared they had never been invited to study operations of their newspapers, individually or as part of a group.

The survey concludes that "the newspaper industry has a great deal of self-promoting to do among the younger generation." — Oklahoma Press Association.

The Dayton Herald has proof that its advertising gets results, but is definitely "out in the market" for another practical joke.

According to Franklin Glass, writing in his "Through the Looking Glass" column, someone left this classified ad in the Herald office:

"WANTED—All used Christmas trees. Contact Bill Buttram at Robinson's, phone 102."

Plenty of people read the ad, and hapless Bill Buttram had plenty of calls. The Herald was caught in the middle.

But it ended on a happy note. Buttram—a good sport at heart—got credit for supplying a service to the community by getting rid of the used trees, everyone had a good laugh, "and again it was proved that someone body does read the Herald." — Tennessee Press.



ALSO...

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- C & G SAWS
- CHALLENGE MISCELLANEOUS
- ROUSE SAWS and MITERING MACHINES
- AMERICAN STEEL CHASES
- NUMBERING MACHINES ALL MAKES
- STITCHING WIRE
- BRASS RULE and GENERAL COMPOSING ROOM NEEDS

May we serve you?

THE CINCINNATI TYPE SALES, INC.

424 COMMERCIAL SQUARE CINCINNATI 2, OHIO Telephone: CHerry 1-8284

Edgar S. Bayol Elected NEA General Manager

Edgar S. Bayol, for 22 years a newspaper man before joining The Coca-Cola Company ten years ago as its Press Counsel, has been elected Executive Vice President and General Manager of the National Editorial Association.

Announcement of his election was made today by Lowell E. Jessen, President of the Association and publisher of The Livermore (Calif.) News, in behalf of the organization's Board of Directors. He said Mr. Bayol will assume his new position May 1, with headquarters in Chicago.

"We feel that we are indeed fortunate in securing a man of Mr. Bayol's wide newspaper experience as our operating head," Mr. Jessen said, pointing out that he started as a copy boy back in 1926 and has been a 'working newspaper man' ever since. Happily, Mr. Bayol's work kept him close contact with the editorial and publishing branches of our industry throughout the nation. The NEA officers and directors are convinced that the new executive vice president and general manager has the newspaper and association experience—and the vision and demonstrated promotional ability—to effectively carry out the broadened newspaper services program the NEA board adopted at New Orleans.

Mr. Bayol, in turn, said he knew of no "more challenging endeavor than working with the hometown newspapers of America." (The NEA comprises 5,400 weekly, semi-weekly and small daily newspapers in the U.S., Hawaii and Alaska.) "The need for the hometown newspaper—dedicated to serving its own local community—has never been as great as it is today," he continued. And fortunately, its publishers, throughout the country, are in a better position to meet this need than ever before. In working to promote their welfare, I will be doing a job really worthwhile," added Mr. Bayol.

As Press Counsel with The Coca-Cola Co., Mr. Bayol created and conducted a special program of press relations to protect that Company's trademarks. Considered one of the country's outstanding authorities on trademark preservation, he is the author of a number of published works in this field and is now in his second term as President and a Director of the United States Trademark Association.

He is Chairman of the Educational Film Committee of the Patent Law Association, former Chairman of the Public Relations Committee of the International Patent and Trademark Association and is The Coca-Cola Company's designated representative to the Brand Names Foundation. He is a member

of the American Bar Association, the American Patent Law Association, the Virginia State Bar and the Bars of the District of Columbia and the Supreme Court of the United States.

Mr. Bayol came to The Coca-Cola Company from The New York World-Telegram where he was the newspaper's first Editorial Promotion Manager. In that capacity he had charge of all circulation and editorial promotion, as well as public relations, for this newspaper. Prior to his association on The World-Telegram, he was with The Washington (D.C.) Star. He was the Star's first General Promotion Manager, having charge of all promotion—circulation, advertising and editorial—and public relations.

Before joining the Star in 1942 Mr. Bayol was Vice President and General Manager of The Alexandria (Va.) Gazette, oldest daily newspaper in the U.S. His first job with the Gazette was copy boy in the Advertising Department. In 1941 he founded The Arlington (Va.) Daily, then Arlington county's only daily newspaper. While in Alexandria Mr. Bayol studied law at night at Washington College of Law, graduating with a degree of Bachelor of Laws and for seven years was a practicing attorney.

He is past president and honorary life member of the National Newspaper Promotion Association, a past president of the New York Newspaper Promotion Managers Association. He is co-author of "Trademark Management," published by the United States Trademark Association and author of "How to Protect Your Trademark," published in December, 1956, in Dun's Review and Modern Industry. He is a member of Sigma Delta Chi, professional journalism fraternity, the National Press Club and the National Editorial Association and the Public Relations Society of America.

His club and civic organizations include membership in the Ansley Golf Club (Atlanta), the New York Athletic Club (N.Y.C.), the Manhattan Chess Club (N.Y.C.). He is a Past Master of the Andrew Jackson Lodge, No. 120, A.F. & A.M., Alexandria, Va., and Past President of the Alexandria, Va., Lions Club. A native of Greensboro, Ala., Mr. Bayol is married and has five children.

Charity gets a lift from the Lansing, Mich., State Journal during December. A fund to purchase shoes for needy school children is raised through publication and sale of an eight-page tabloid "razz sheet", called the Old Newsboy. The tab ribs community leaders, businesses, and projects, and is "sold" by members of the Old Newsboy's association for whatever amount the buyer will contribute.—National Newspaper Promotion Association Bulletin.

## IT HAPPENED IN KENTUCKY

### 1803—KENTUCKY'S FIRST MAGAZINE, "THE MEDLEY", PUBLISHED BY DANIEL BRADFORD

"The Medley", a monthly miscellany, was the first magazine to make its appearance in Kentucky. Its first issue was January 1803.

Its editor, Daniel Bradford, carried an announcement in the Kentucky Gazette of October 26, 1802, offering the monthly magazine at a subscription price of \$1.00 per year.

The title page of the first issue read: "The Medley, or Monthly Miscellany for the Year 1803, containing Essays, on a Variety of Subjects, Sketches of Public Characters, Moral Tales, &c. &c." The magazine was 7½ x 4½ inches in size, and carried no illustrations.

The publication appeared monthly all through the year 1803. But its demise was announced in the Kentucky Gazette of January 3, 1804. Thus, unfortunately, an early effort to advance the literary culture of the Blue Grass came to a sudden end.

It was not until ten years later that another literary magazine appeared.

In Kentucky's historic past, just as today, many of our citizens have always enjoyed a glass of beer. The brewing industry makes jobs for thousands of our residents. The sale of this light, bright beverage of moderation under orderly conditions is an important objective of the United States Brewers Foundation. Our continuing educational program helps beer retailers maintain their high standards.



**KENTUCKY DIVISION  
U. S. BREWERS FOUNDATION  
1523 Heyburn Building  
Louisville 2, Kentucky**

### Allen Outlines Big Need For Newspaper Research

Concluding his talk before Oklahoma Press Association members at the Mid-Winter meeting, Mr. Charles Allen, professor of journalism and director of research at Northwestern University, Evanston, Ill., had some observations on press vs. electronic media. He said: "Competition for the advertiser's dollar is keener now than ever. It will become even sharper. If we can't prove that we have delivered the advertiser's message, what the heck can we do? We certainly aren't in any position to say "Come buy my service", if we can't prove that it's read by more than 5 or 10 percent. That's the figure quoted by some and too often is the common concept around the country as to the kind of audience your newspapers are delivering.

"I know it's wrong—I've directed now more than 65 readership studies by the recall recognition method. We let them see the ad and see whether or not they have any ability to remember it or remember having seen it. We control the sample size of the group and we know our findings are dependable.

"I know it is not true that the average ad gets 5 or 10 percent. I have had some grocery ads in relatively small daily newspapers and even in some weekly newspapers that delivered 85 percent or better of the women who were there and who read something in the ad. Now whether they read it all or not is not our job, it's the job of the groceryman to put the kind of copy in they will want to read. We are definitely not getting credit for all the people we bring to the page the advertisement is on.

"It's just like this—when the television boys go out and sell the "I Love Lucy" show they don't sell the advertiser on the fact that his commercial message is going to be seen and soaked in by a certain number of people—not at all. They use Mr. Nielson's audio-meter figures for the number of sets estimated to be tuned in and then they set an average family size for that particular territory. Next, they multiply the number of sets in use tuned to that program by the size of the average family. They count every darn one of these people as a listener. They claim that estimated and multiplied audience of the "I Love Lucy" program as if every minute during the program each of these people has his eyes glued there just waiting for the advertiser's message.

"Well, is isn't so. I have been developing a machine that takes a picture of who's in front of the television set. Now I haven't got the patent through on this, so I'm not going to talk too much about it. This machine ought to counteract this kind of baloney. As far as our statistics presently show, the aver-

age audience in front of the television set in our territory anyhow, is 1.2 persons. It isn't any 3.6 or whatever they are now using. The TV gents are wise and they can show something else which is the second of my two R's. I'll call it "Reception."

"We are going to have to prove not only that the housewife saw this ad, but that it was actually received. We must prove that the message sunk in, got to her. We can do this with various kinds of research techniques now. Any one of your schools or colleges equipped to do this kind of thing and help you with it. They can have my materials and time they want to use them as a starting point.

"The third "R" we're going to have is "Response." One of the smartest things that the television industry has ever done, I believe, were those studies sponsored by NBC and done by Hofstra College. They were followed through from the actual advertising of the product on television to checked the pantries of a reasonable number—say 4 or 5 hundred New York City homes—to see whether the merchandise was actually on the shelves. Sometimes they use a diary the housewife keeps for a week or so for the sole purpose.

"Now these things we must do in 1958 and, believe me, I don't think the picture anywhere near as bleak as it's painted. I don't think it's going to be as bad as we expect, although I am not one of these shore Republicans who keeps saying the business is going to spring right up after July 1st. I don't believe there are any signs that it is going to snap back like that. In general there are plenty of signs it is going to be pretty good and we will have a reasonably good year.

"The prophets of doom, in my opinion are going to be a victim of their own prophecies."

Ad reps have pointed out that agencies and national advertisers secure important impressions from tearsheets arriving in their offices. Since many newspapers take issues from first or last of press run, the print is seldom as good as if issue came from middle of the run. They therefore suggest that copies for tearsheeting be taken, as a matter of routine, from the middle of the run.

In Maryland, where the Mayor of Baltimore more pushed through a tax on ad revenues and two months later led a fight to cancel the state legislature passed a bill which prevents any municipality or local government from taxing receipts of advertising. It would prohibit a sales tax provided it is one which it spreads equally on all other businesses.



### U.S. Court Refuses To Review Libel Decision

The United States Supreme Court has refused to review a Virginia libel judgment against a newspaper for having published material based on official court records.

The Virginia courts had held that court records were ordinarily privileged against libel actions, but they said the privilege disappeared if newspapers published court records that were "obscene."

The paper involved was the Afro-American, a Negro weekly published in Baltimore and with an edition issued under a Richmond, Va., dateline.

In seeking a review, the Afro-American said that an exception in the privileged status of official court records for "obscenities" would put newspapers at the mercy of the courts and thus inhibit the publication of court news. It also contended that such an inhibition would violate the guarantee of press freedom.

Mrs. Aline Owen of Petersburg, Va., filed the libel suit. She had been named in a divorce action brought by Arthur W. Mitchell, former Illinois congressman, against his wife, Mr. and Mrs. Mitchell are Negroes.

In the divorce case, Mrs. Mitchell charged that her husband had been too friendly with Mrs. Owen and that Mrs. Owen had been guilty of improprieties with him. The divorce litigation was eventually dismissed.

The Afro-American printed what it called a fair and accurate account of Mrs. Mitchell's charges as contained in official court records. Mrs. Owen then sued for libel.

Judge J. G. Jefferson Jr., of the Dinwiddie County Circuit Court held that the published material was privileged.

However, he ruled that the jury could decide whether the published material were so obscene as to be an exception to the rule of privilege. The jury decided that it was and awarded Mrs. Owen \$25,000.

The Afro-American said in its petition to the Supreme Court:

"It is to be crucially noted in this case that the Afro was not indicated by the state as obscene; it was punished by an individual who obtained a substantial money verdict (\$25,000) for the Afro's alleged obscenity in a civil libel action."

The Supreme Court's refusal to review implied neither approval nor disapproval of the Virginia decision. The high court may decline to take a case because it considers the case unimportant, for example, or because the federal case has been improperly presented in the lower courts.

First national presidential nominating convention in the U.S. was held in Baltimore in 1831.

### Editor Don Robinson Buys American Press

The American Press magazine, now in its 75th year, has been sold to Don Robinson, editor. The sale was the outgrowth of the decision of the American Press Association to return to the national advertising representative field. Don has been part owner.

He announced that the editorial office will be moved from Broadway, New York, to the country—a move that he has long favored in order that it might be published in keeping with the community newspaper field which the magazine serves. The new address is Stanton, N. J., near the Pennsylvania line, where Don makes his home, and in the center of many prosperous weekly publications.

Foley Ruggles and James L. Crawford have been named associate editors of the Corbin Daily Tribune and Sunday Times.

Mrs. Grace Ferguson Carey, former editor of the Big Sandy News of Louisa, died recently at the home of her daughter in Lexington.

Morton B. Gaines, once a partner in operation of the Daily News, Bowling Green, died at his home in Atlanta recently. After working for the Daily News, he was employed by the old New York American and later as a salesman for Encyclopedia Britannica. He was born in Franklin, the son of the late John B. and Winnie McCutchen Gaines.


### Newspaper dines Writers

Writers of the ten best letters to the editor during 1957 were dined and made honorary editors of the Appleton, Wisconsin, Post-Crescent at the paper's first annual People's Forum award dinner early in March. The person adjudged to have written the best letter among the ten top writers—a mother of five children who wrote a terrific plea for safe driving—was made "Honorary Editor in Chief" and given a gold engraved fountain pen at the dinner.

The nine other honored letter writers were each given certificates designating them "Honorary Associate Editor". Two teenagers and a Salvation Army Captain were among the other winners. Ten of the newspaper's executives acted as hosts.—National Newspaper Promotion Association Bulletin.

The first successful Sunday newspaper started on May 17, 1835 under the name of the New York Sunday Morning News. Later, many other Sunday editions used the News as a model both for content and policy.

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**International Copyright Law Ratified By U.S.**

Creative artists of many countries have acquired protection of their property rights in the field of books, paintings, sculpture and drama, which their predecessors never knew. Charles Dickens, for instance, drank a toast in New York during his visit in 1842, to a future "international copyright," which has been implemented only after a lapse of more than 100 years.

The instrument, on which the Department of Public Information of the United Nations is now disseminating information to its potential beneficiaries, is the Universal Copyright Convention. It provides for the cultural artists of all the participating nations, the same protection abroad which their own governments extend to the holders of copyrights.

All that is necessary to insure recognition of the artist's right in his work in any of the score of lands now parties to the convention, is that it be copyrighted in the country of origin. The symbol, with his name and the date of publication, is automatically re-

spected under the convention, without the expense and court battles—often futile—marked earlier efforts to collect royalties abroad.

The United States is one of the score of nations that have ratified the agreement. It came into force two years ago, but many of those entitled to invoke it are still unaware of its existence.

**MILLIONS OF ENVELOPES for Immediate Delivery**



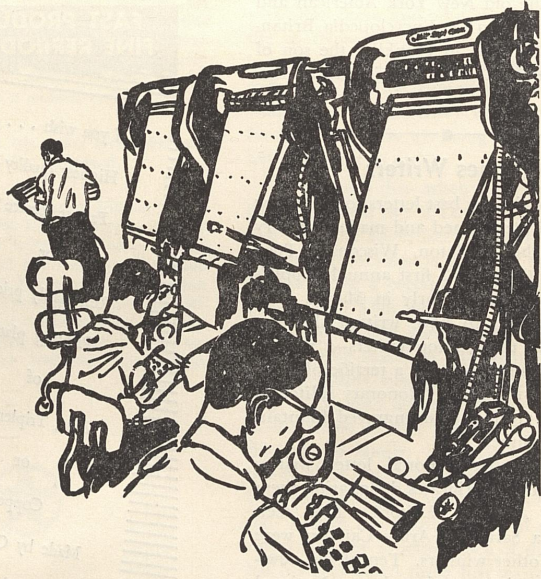
- COMPLETE LINE OF STYLES AND SIZES!**
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to visit our factory. We know you'll enjoy a guided tour of our plant.

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Write or call for full information

**TENSION ENVELOPE CORP.**

**EASY DOES IT. . .**



You can depend on the Linotype Comet. From its distinctive magazine angle to its extra-responsive keyboard, the Comet was designed for fast, smooth operation, and *it hasn't been matched!*

When you need steady, fast production of straight matter day in and day out, the Comet is your *most profitable* choice. Mergenthaler Linotype Company, 29 Ryerson Street, Brooklyn 5, New York.

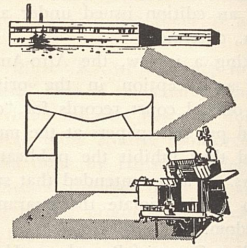
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**COMMUNITY PRESS SERVICE**  
"SERVING AMERICA'S WEEKLY NEWSPAPERS"

- EDITORIAL FEATURES
- HOLIDAY GREETING ADS
- GRADUATION GREETING ADS
- HOLIDAY FEATURES

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**JUSTRITE ENVELOPES**  
DIRECT FROM FACTORY TO YOU!



A full line of standard and specialty envelopes from the Justrite factory direct to you, the printer . . . this means you can enjoy these Justrite profit-making benefits—complete set of catalogs for plain and printed envelopes . . . full assortment of samples . . . and Justrite's top quality envelope line. Write us for your complete envelope catalog.

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**THE HANDY TWINE KNIFE FOR NEWSPAPER MAILING ROOMS**



This Handy Knife Is Worn Like a Ring

25c EACH      ALL SIZES \$2.40 PER DOZ.

**Handy Twine Knife Co.**  
Upper Sandusky, Ohio

**IMPROVE YOUR NEWSPAPER PLANT WITH NEW EQUIPMENT**

From  
**JOHN L. OLIVER & SONS**  
952 Main      Nashville

Representing the Leading Manufacturers from a Makeup Rule to Duplex in new or rebuilt Printing Equipment.

**Sucker Ads**

The following article recently appeared in the Jackson Times regarding what the Times labels "sucker advertising".

We returned another check today. Not a large one, but it would have paid for about five gallons of gas. We're not bragging that we have money to burn, we haven't—but then neither do you.

It was meant to pay for a type of advertising you won't find in the Jackson Times. There was a time when we didn't know better and ran such advertising.

We learned the money was not worth what it could possibly cost some of our readers. We've learned to refuse advertising for persons to service vending machine routes which requires \$500-\$3000 capital.

In many cases such "business opportunities" leave investors overloaded with stock and hooked for \$500 or more. Once the fly-by-night company has unloaded that much worth of machines and nuts, candy, cigarettes or other merchandise, they don't care. They have unloaded the goods, gotten the sucker's hard-earned money and the newspaper gets the blame.

We just thought you'd like to know that we will not knowingly accept advertising intended to deceive or defraud our readers.

In 1919 corporations owned 83.2 percent of all newspapers and periodicals although the saving at that time had little direct significance on the newspaper's budget.

Robert Baughman of the Lincoln County News has come up with a unique idea for increasing his readership. Each week he runs the description of some person he sees on the streets of Stanford in an item appropriately called "Seen On The Street." If the person so described comes to the office and identifies himself, he gets a year's free subscription to the News.

The March 20 issue carried the following:

Tuesday morning walking across the street from Begley's Drug Store to a vehicle parked in front of the court house, a man wearing a black and red plaid shirt, a khaki jacket, and braving the March snow without a hat.

This article has been running for eight weeks now and the Baughmans report that each person has announced himself to the office and received the free subscription.

Mrs. Baughman takes most of the credit for the idea after having seen it used by her home town newspaper in one of the southern states.

Deposits in regular savings accounts in the country's 520 mutual savings banks increased more during January of this year than in any previous January since 1947, reports the National Association of Mutual Savings Banks. Regular deposits rose \$213 million during January compared with \$64 million in January '57, and carried total deposits to a record \$31.9 billion. The rise reflected a growing trend toward larger deposits and smaller withdrawals on the part of the American consumer.

Corinthian architecture is characterized by columns, usually elaborately fluted and carved.

**KENTUCKY'S** *Hammond*  
**BIG** *Hamilton* **CENTER**  
**FOR PRINTING** *PERFECT PRINTING SERVICE*  
*Chandler & Price* **EQUIPMENT**  
**AND** *ACME STEEL* **SUPPLIES**  
**PLUS ENGRAVING** *Rouse*  
*BALDYPE* **INGS** *Marrison* **PLUS**  
**ELECTROS** **PLUS**  
**MATS** *Challenge* **EQUALS**  
**SUPERMARKET**  
**FOR PRINTERS**

**BUSH-KREBS**

BUSH-KREBS CO., INC. • 408 W. MAIN ST.,  
 LOUISVILLE, KY. • JUNIPER 5-4176 **BK**



**Love that phone . . .**

Proud as a two-year-old honey child *should* be, isn't she? Answering the phone for the very first time while Mommie takes a shower.

Whether you're going on two or half past forty, your telephone brings a heap of pleasure and satisfaction. (There's even something exciting about its ring!) For fun, for friendship, and for more good livin' than you can shake a stick at—just reach for your phone.

**Southern Bell**

MARCH, 1958

**SERVICE**  
 NEWSPAPERS  
 ADS  
 NO ADS

Fort, Ky.

**VELOPES**  
**ORY**

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**APANY**  
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**KNIFE**  
**FOR**  
**WSPAPER**  
**MAILING**  
**DOMS**

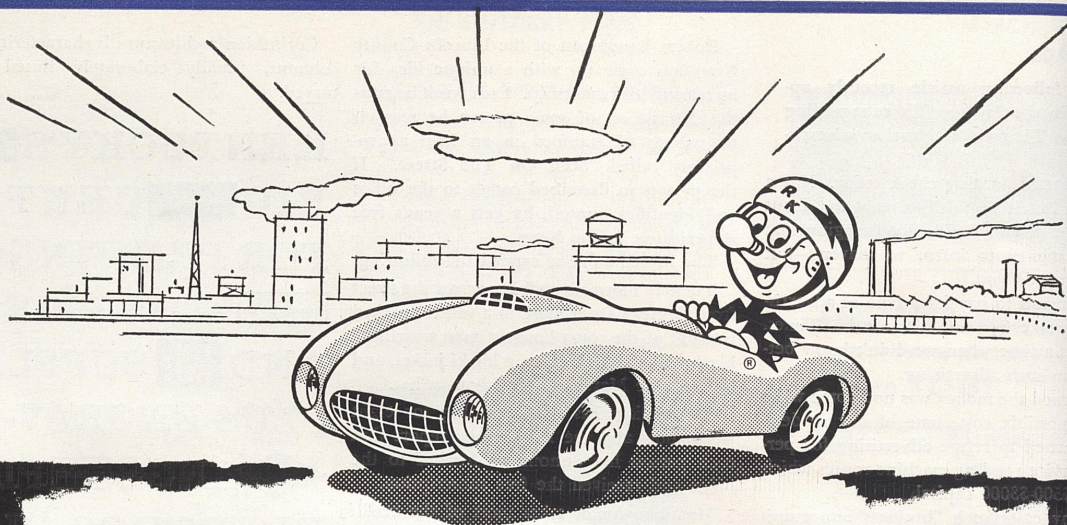
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**WSPAPER**  
**NEW**

**& SONS**  
**Nashville**

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**"Every entry wins the race for  
community development honors!"**

"When your community enters the Kentucky Community Development Contest, watch things begin to hum! I'm not talking about the \$4500 in prizes, either. Sure, money is wonderful, but there's an even *bigger* prize you're sure to win.

"In the contest your community is judged on everything from civic improvement and Main Street modernization to industrial development and rural improvement. And when you start working in *all* those departments, you can be sure your community will start to bloom. Your people will start to pull together and build together. They'll take pride in having more to be proud of. And you and your community can't help profiting from such steady growth as a better place in which to live and work. The community is bound to win—and so are all of its people.

"So check into the brochure on the Kentucky Community Development Contest, and get your entry in right away. You'll be glad you did."

*Reddy Kilowatt*

Speaking For

**KENTUCKY UTILITIES COMPANY**

WORKING FOR A BETTER KENTUCKY