

Chapter 193

Legal Notices

193.010

NOTES OF DECISIONS

Newspaper was a qualified medium for publication of summons in delinquent tax foreclosure proceedings beginning on November 13, 1924, where its first issue was published on the preceding November 13. *Rae v. Morgan*, (1928) 125 Or 644, 266 P 1069, 267 P 1072.

FURTHER CITATIONS: *In re North Unit Irr. Dist.*, (1920) 95 Or 520, 187 P 839; *Gibson v. Gibson*, (1947) 180 Or 691, 178 P2d 702.

ATTY. GEN. OPINIONS: Newspaper of general circulation, 1924-26, p 183, 1938-40, p 392; defining "published in the county," 1962-64, p 456; application to ORS 294.255, the general law covering newspapers in which publications can be made, 1964-66, p 478.

193.020

NOTES OF DECISIONS

A motion to vacate the default judgment on the ground that the paper in which the summons was published was not of such general circulation as prescribed by law was properly denied. *Oregon Inv. & Mtge. Co. v. Keller*, (1917) 85 Or 262, 166 P 762.

An affidavit of publication prior to the enactment of 1917 p 461, was sufficient though it merely alleged that the newspaper was one of general circulation. *In re North Unit Irr. Dist.*, (1920) 95 Or 520, 187 P 839.

FURTHER CITATIONS: *Lane v. Ball*, (1917) 83 Or 404, 160 P 144, 163 P 975.

ATTY. GEN. OPINIONS: Newspaper of general circulation, 1924-26, p 183; change of name as affecting status of a legal newspaper, 1928-30, p 138; defining "published in the county," 1962-64, p 456.

193.030

ATTY. GEN. OPINIONS: Newspaper not physically published in district, 1954-56, p 213; defining "published in the county," 1962-64, p 456.

193.040

NOTES OF DECISIONS

Publication in an evening daily paper from the fourth to the fifteenth of the month except on two Sundays is a publication for 10 successive days. *Bank of Columbia v. Portland*, (1902) 41 Or 1, 67 P 1112.

193.060

NOTES OF DECISIONS

This section applies to the measurement of time for the publication of notices by cities or towns. *Watson v. Salem*, (1917) 84 Or 666, 675, 164 P 567, 1184; *Gearhart v. Gearhart Park Co.*, (1930) 132 Or 496, 286 P 147.

Under charter requiring publication of notice for bids for not less than five successive days, notice that bids would be opened on June 10, first published on June 5, and daily thereafter, to and including June 9, was insufficient. *Watson v. Salem*, (1917) 84 Or 666, 675, 164 P 567, 1184. **Distinguished** in *State ex rel. Smith v. Appling*, (1960) 223 Or 576, 355 P2d 760.

An initiative petition to be filed 30 days before election was filed too late on November 4 for an election on December 4. *State v. Macy*, (1916) 82 Or 81, 161 P 111.

Where statute required at least 15 days notice, posting on October 14 of notices of bond election to be held October 29 was insufficient. *Gard v. Peck*, (1919) 91 Or 33, 178 P 186.

The law for exclusion of the first day of publication and inclusion of the last day in computing the time for the publication of legal notices is mandatory. *In re North Unit Irr. Dist.*, (1919) 91 Or 33, 45, 178 P 186.

The omission of the phrase "exclusive of the date of first publication" did not affect the validity of tax lien foreclosure proceedings, particularly in view of this section. *Clark v. Douglas County*, (1948) 183 Or 417, 193 P2d 538.

ATTY. GEN. OPINIONS: Construing publication statutes and ordinances, 1920-22, p 88; construing publication time statutes relating to the same subject, 1926-28, p 328; the jurisdictional effect of publication time, 1928-30, p 499; the meaning of the term "once a week for two successive weeks," 1948-50, p 35; validity of publication of notice of school election, 1964-66, p 195; date for first publication of sanitary district organization election order, 1966-68, p 139.

LAW REVIEW CITATIONS: 9 OLR 379.

193.070

NOTES OF DECISIONS

Proof of publication of election notice for the required time was properly shown by an affidavit. *In re North Unit Irr. Dist.*, (1919) 91 Or 33, 178 P 186.

An affidavit alleging that a newspaper was one of general circulation, was sufficient. *In re North Unit Irr. Dist.*, (1920) 95 Or 520, 187 P 839.

FURTHER CITATIONS: *Lawrence v. Portland*, (1917) 85 Or 593, 167 P 587.

ATTY. GEN. OPINIONS: School district notices requiring proof of publication, 1926-28, p 300.

193.080

ATTY. GEN. OPINIONS: Defining "printed," 1962-64, p 456.

193.090**NOTES OF DECISIONS**

The tax collector has no authority to contract for the publication of delinquent tax lists at a rate exceeding that fixed by the county court. Coos Bay Times Pub. Co. v. Coos County, (1916) 81 Or 626, 629, 630, 160 P 532.

Failure to state in the publisher's affidavit the charge made for the publication, as originally required by this section, was not fatal under a statute declaring that mere irregularities must be disregarded. In re North Unit Irr. Dist., (1920) 95 Or 520, 187 P 839.

ATTY. GEN. OPINIONS: Publication in newspaper of general circulation of legal notice for less than statutory charge, 1942-44, p 142; rate for publication of certain public notices as fixed by this section must be adhered to by both newspapers and public officers, 1942-44, p 192.