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# AMONG OURSELVES

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No. 9

## COURT PASSES ON A PRINTING CONTRACT

H. Z. Mitchell, president of the Minnesota Editorial association, calls the attention of Minnesota's editors to a decision very recently handed down by the state supreme court in the case of John B. Cain, et al., vs. the County of Wabasha, et al., involving the right of the Wabasha county board to let the contract for the publication of the proceedings of a county board to the highest bidder.

The ruling is one of such importance to the press of the state, and seems such a clear statement of the law affecting the letting of such contracts, that it is printed in full herewith. Attention is called particularly to the paragraph beginning, "There is much to be said—."

### Syllabus

The letting of the contract for the publication of the proceedings of a county board to the highest bidder, who agreed to have the publication made in seven other newspapers in the county, is not a violation of that portion of the statute authorizing the rejection of any offer if, in the judgment of the county board, the interests of the public so require, and requiring them to designate "a paper" without regard to any rejected offer.

Order affirmed.

### Opinion

Taxpayer's suit challenging the legality of the action of the Commissioners of Wabasha County in letting the 1925 contract for county printing to another, other than the lowest bidder. Plaintiffs appeal from an order denying them a temporary injunction.

There were two bidders, the Wabasha Leader and the Wabasha County Herald. The former has approximately 1400 and the latter 1050 subscribers. Bids were submitted by both papers. The Leader proposed to publish the proceedings of the county commissioners, the financial statement and other notices required to be published during 1925 at 40 cents per folio for the first and 20 cents per folio for each subsequent insertion and agreed to furnish gratuitously copies of the financial statements to taxpayers requesting them. The Herald proposed to publish the same matter at the price of 90 cents for the first and 45 cents for each subsequent insertion but in addition offered to procure publication of the same matter in seven other newspapers in the county. It is the acceptance of that bid, at a price more than double that of the Leader, that is under attack.

The problem is wholly one of statutory construction. We start with Sec. 428, G. L. 1905, which provides that the "County board shall cause the official proceedings of each session to be pub-

(Continued on page 3, col. 3)

## Virginia Will Give Five "Pirate" Treasure Chests In N. E. A. Contest

The Virginia State Chamber of Commerce has set out to help the National Editorial association make its 1925-26 membership drive a complete success. It is offering five "pirate" treasure chests as prizes for the contest; the chief chest

will be worth \$500, and the other four worth a total of \$500 together.

The details for the contest are to be found in the Publishers' Auxiliary for July 11.



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## AMONG OURSELVES

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## SEVENTH DISTRICT OUTING

The Seventh District Editorial association held its annual summer outing at the summer home of Cornelius Burges, editor of the Clara City Herald, at Green Lake. The editor of Among Ourselves was honored with an invitation to attend, but was unable to accept. He knows the editors of the Seventh and their families had a good time and that his absence was his loss.

## NON-STOP AD CONTEST

The Publishers' Auxiliary is running a non-stop ad competition. The issue of July 18 contains reports of two papers which have been running ads for certain concerns without a break for 50 years. That is persistence that has paid—evidently.

The papers reporting the 50-year advertisers are the Monroeville (Ind.) Breeze and the Decorah (Iowa) Republican. If Minnesota editors wish to point a moral for some of their own advertisers, they might very well make use of the letter written by A. S. Bailey of the Decorah Republican, telling the story of his persistent advertiser. It is short, and is reproduced below:

In July, 1876, a young man named Ben Bear came to Decorah and started a clothing store. The first week he had a large advertisement in the Decorah Republican and since that date he has not let a single issue pass without a liberal display ad. He did not have much money when he came here but he had unlimited confidence in printers' ink properly used. It has paid him well for he is in more than comfortable circumstances. He always edits every advertisement carefully, to be sure to tell the public something it is waiting for. There is no better ad writer in the state.

## DEATH OF W. E. VERITY

In the death of W. E. Verity, publisher of the Wadena Pioneer Journal, on June 8, the press of the state lost one of its forward-looking editors.

Mr. Verity's life as a Minnesota publisher was characterized by two outstanding things—his interest in his profession and his wish to serve it through its various organizations on the one hand, and his increasingly evident purpose to make his paper a stronger and stronger agency for the promotion of the welfare of the community which it served on the other hand.

The whole press of the state is richer

for Mr. Verity's service to the Minnesota Editorial association and to the Northern Editorial association, of both of which he was a past president, and Wadena county and adjacent territory are richer in material wealth and social standards because of the influence exerted through years by the Pioneer Journal.

Mr. Verity was especially interested in furthering the agricultural development of the community of which Wadena is the active center.

## THOSE ADVERTISING RATES

The National Editorial association again at its recent meeting approved an advertising rate schedule—the same that had been advocated before. For those who have forgotten, here it is:

- For 500 or less circulation, 25c.
- For 1000 or less circulation, 30c.
- For 1500 or less circulation, 35c.
- For 2000 or less circulation, 40c.
- For 2500 or less circulation, 45c.
- For 3000 or less circulation, 48c.
- For 3500 or less circulation, 51c.

No doubt there are those who do not get rates as high as these; otherwise the N.E.A. would not again be advocating their adoption.

The strange thing is that the adoption of such rates has not become practically universal. They are based on a study of costs, and why should a publisher sell his advertising space under a fair profit any more than he would sell stationery off his shelves?

Successful newspaper publishing means successful merchandising. Many editors are fine editors, but are not up to the same standard as merchants of their space.

One of the first signs of progress, should be the adoption of the schedule above.

## A TWO-FOLD FRAUD

The publisher who sells advertising space in his paper lower than these rates\* is cheating not only himself but his community as well. He is cheating himself because these are minimum rates, based upon a careful study of the whole advertising problem by men familiar with the subject, and if he goes below them he is not getting a fair return for his labor. It is just as true today as it was 2,000 years ago that a laborer is worthy of his hire. He is cheating his community because the "starved" newspaper cannot give to its community that type of leadership and service which it should and for which the community looks.—Publishers' Auxiliary.

\*Advertising rates approved by the N.E.A.

## Vibert Sells Interest

Fred D. Vibert has sold his interest in the Pine Knot, Cloquet, to his partner, Orlo B. Elfes. Mr. Vibert has been connected with the Pine Knot since 1886. He has been a force in Minnesota journalism and in Minnesota affairs. Mr. Elfes has been with the Pine Knot since 1899, and has been active in its management, so that no changes of policy are looked for.

DEALER ADVISED TO  
SPECIALIZE IN ADS

"I tell a dealer that he should specialize in his local advertising just as he specializes in his store," said a salesman in addressing a sales convention as to his success in interesting local dealers in boosting his "line," as related in Meredith's Merchandising Advertising.

The idea is sound as can be. The clothing merchant who merely advertises clothes, summer suits, or fall suits, gets nowhere, because everyone in the community knows he deals in such things and that every other clothing merchant does so, too. What every merchant should do is to advertise something distinctive, something which he has to offer that other merchants have not.

For example, a grocer in a certain town received a shipment of most delicious looking pineapples just before publication day for his local paper. No other grocer in town had fresh pineapples on sale. Yet the grocer's ad in that week's paper made no mention of his pineapples. He had had a chance to specialize and had missed it.

The salesman quoted in the foregoing, in his talk at the convention, continued:

"I call his attention to the fact that his competitors in the town sell mostly the same things that he does—that there is a considerable lack of individuality about most competing lines and that the principal difference is price. This complicates his problem of getting response to his advertising.

"Next I point out that his big opportunity to be different is to pick out some exclusive specialties which he carries and use them as levers to attract people—because no one else in town can offer these same goods."

This same line of argument may very well be used by the publisher in getting his merchant's copy.

Don't let your merchants print mere signboards in your paper.

Make them advertise special things, giving descriptions and prices.

That is their best way to make their advertising produce results, and when it does that they become confirmed users of space.

## Whiting Is a V. P.

In naming the state vice presidents of the National Editorial association, Frank O. Edgecombe, president, has selected E. K. Whiting, publisher of the Owatonna Journal-Chronicle, as Minnesota's representative. A tip-top man to represent a tip-top state.

D. C. Pierce, founder of the Goodhue Enterprise in 1896, has disposed of his interests to Charles G. Rowles and Max Ryan of Belle Creek.

Manford Evans, for many years editor and publisher of the Sherburn Advance-Standard, has returned to the fold and resumed his former duties on the paper.

The Willmar Journal, published by Mrs. Lida M. Spencer, recently entered upon its twenty-second year.

The Park Rapids Enterprise has completed Volume 43.

## TELLS HOW BANKS WRITE ADVERTISING

Miss Minnie A. Buzbee, advertising manager for the Minneapolis Trust Co. and the Hennepin County Savings Bank, gave, at last spring's editors' short course, an informal but highly suggestive talk on bank advertising. Some notes from her talk as caught by a stenographer are given below.

"In thinking of the subject, 'More and Better Bank Advertising,' it seemed to me we might consider it from three standpoints: Of the public, the bank, and the newspaper.

"The public needs educating because the people don't know enough about banks. You find reports of persons who left their money sewed up in mattresses because they were afraid of banks. That is proof that they don't know enough about banks. Educate people to use a bank, any bank, then some one special bank. Advertise a bank in a community—the people can find out more about it, and they begin to think more about it. They need to be taught the importance of using a bank, and they need to be taught confidence in a bank.

"From the bank standpoint, why is more advertising necessary? First, because of the lack of knowledge on the part of the public. Advertising will bring them more and better business. It will bring them new business and increase the business they already have. Without this advertising they will not get this business. Competition is too keen now; there are too many changes in the community, so the new people don't always know about the older bank. So, if a bank wishes to get business it has to meet competition and go out after it.

"Naturally, good advertising of high-class institutions or business houses of any kind increases the value of your paper, and if a bank is an outstanding institution the advertising of a bank should increase the value of your paper. Now if you can go to your banker and sell him first on why he needs the advertising and then tell him how to do it, you probably will be able to sell more advertising to him. Very few of the small town banks have advertising managers. In fact, a great many city banks do not. So if you can go to this banker and perhaps give him suggestive copy, I think you are very likely to be able to sell more advertising space. Granted that we need more advertising, the next question is how to make it the better.

"The first thing is to tell the people what the bank can do for them. The reader isn't so much interested in the bank as in what the bank can do for him. The bank should make its advertising interesting; tell the people something they don't know about banking. Study commercial advertising. Take, for instance, washing machines, cleaners, and fireless cookers. The manufacturers have sold hundreds of thousands. Why? Because they pictured these products in terms of freedom from the drudgery of household labor. Those are the things they make the housewife wish to buy. First she is sold on the idea, then she begins to study the different types of makes. It's all in the difference of appeal.

"So we can put our bank advertising to them in a different way too. We must make our banking tangible. Take a sav-

ings account for instance. A savings account can pay for a canoe, it can furnish the money for a trip. Make them see the savings account in terms of a fishing trip, etc. Head your ad 'Your Next Summer's Vacation' or 'Your Fishing Trip,' or 'The Smoke of Your Camp Fire.' Then you get something the man is interested in. In other words, when you have pictured a savings account to your reader as a fishing trip—it has become something tangible. If your headline is not interesting the reader will not read further.

"Farmer Jones has worked hard all his life. Like most people he is anxious for his little boy. One day he sees an ad which says, 'Send Him to College for \$5 a Month.' If he starts when the boy is small, he will have enough saved by the time the boy is grown. That is picturing a bank account to him as a college education. The old idea to get the people to save for a rainy day has long since been found inadequate. People don't like to do the thing they have to do.

"Lay special stress on the heading. Suppose you wish to talk to women about checking accounts. Would you write, 'Every Woman Should Have a Checking Account'? I believe women would be more interested if the ad were headed something like this: 'When the Package Came C.O.D.,' following with facts showing the convenience of a checking account.

"I suppose the banks in the smaller towns have foreign exchange. If you head your ads 'Foreign Exchange,' your readers probably won't pay much attention to it, but in Minnesota we have a very great many people who came from foreign countries. Head your advertisement something like this: 'Sending Christmas Money to the Old Folks at Home.' Put what you are talking about in a tangible way. We ought to study human nature; what the other fellow might do; what we would do under the same conditions.

"One of the most important things is the mechanical appearance of an ad. We want it to be different. That is pretty true of a bank advertisement. Consider the border first. The thing that stands out most of all is the simplest kind of a border. If we can use a lighter type also it certainly is in better keeping and will get better results. Contrast is the life of any newspaper advertisement. The best contrast is a judicious use of white space.

"The reason why more advertising is needed is because the bank needs it, the public needs it, and the paper needs it. First, consider the mechanical appearance, the border, the signature, and the white space. Talk about one thing—make it brief, make it interesting, and don't forget to dress it up differently each time. Stress headings. Talk about people—real people or fictitious. Instead of making dogmatic statements, throw in a little conversation. Tell a story when you can. Put yourself in the reader's place. Talk to the people; don't talk down to them, but put yourself in their place. Make the reader use his imagination. Let him know what will happen to him if he uses a bank account."

The Hokah Tribune, W. W. Becker, publisher, has suspended publication. Mr. Becker has not as yet announced his plans for the future.

## EMPLOYMENT BUREAU FOR JOURNALISM GRADS

A national employment bureau which will supply college trained men of ability and experience to newspapers and magazines is being started by Sigma Delta Chi, professional journalistic fraternity, on August 1. The bureau's headquarters will be at 2929 Northwestern avenue, Detroit, Michigan, and Robert B. Tarr will be its director.

The bureau is inviting any of the 4,000 members of Sigma Delta Chi who need its services to register. It also is inviting publishers and managing editors who want men to let their needs be known.

The bureau will recommend only men whose qualifications, previously determined by investigation, indicate they will be successful in positions for which they are recommended. It will furnish prospective employers confidential reports on all applicants, including references from disinterested persons familiar with their work.

The service will be free to employers.

(Continued from page 1, col. 1)

lished in some newspaper \* \* \* which publication shall be let by contract to the lowest bidder." Chap. 447, G. L. 1907, added thereto the following: "The board may reject any offer, if, in its judgment, the public interests so require, and may thereupon designate a paper without regard to any rejected offer." With that amendment the statute stands as Sec. 662, G. S. 1923.

There is nothing in the record sustaining appellant's suggestion of fraudulent action of the county board, so we proceed at once with an examination of the only other argument which is, that the statutory requirement of designation of "a paper" was violated by the acceptance of the Herald bid. The contention is that the county designated not one paper but eight, the Herald and seven others, and that in consequence the action was violative of the statute and void.

We hold to the contrary. Unquestionably, as it stood until the 1907 amendment, the statute required that printing, such as that in question, "be let by contract to the lowest bidder." It is for us now to ascertain the intent of the 1907 amendment as applied to the problem before us. To start with, the board is empowered to reject any offer, if, in its judgment, public interest so requires. That is a broad power and accompanied by a correspondingly broad discretion. There must be a clear abuse of it before a court may interfere. No such abuse of discretion appears; nor is there any suggestion of "arbitrary action" such as was present in *Blomquist v. County of Isanti*, 152 Minn. 126, and we pursue that branch of the case no farther.

There remains the mandate which, as applied to this case, upon the rejection of the low bid of the Leader, required the designation of "a paper", one paper, as the recipient of the award and the party to become responsible to the county under the resulting contract. We cannot follow the argument urging us to consider it a violation of the statute that eight papers were selected simply because the successful bidder agreed to secure publication in seven other journals.

The Herald bid on its own behalf

The acceptance of that bid resulted in a contract only between the county and the Herald. It did not lead to any contractual relation whatsoever between the county and the seven other newspapers collaborating with the Herald, or with any one of them. The arrangements of the latter were between them and the Herald and not with the county. The Herald was the only paper selected for the purpose of that contract. Therefore, the statutory demand for the selection of "a paper", one paper, was complied with. Whatever the one paper, so selected, undertook to do in the way of procuring additional circulation through the media of other and additional publications has no effect on the legality of the contract. The multiplied circulation did not increase the contract. The multiplied circulation did not increase the number of parties contracting with the county. That number remained at one and that one the Herald.

There is much to be said for the view, which apparently controlled the county board, that it is advisable to procure, within the limits of the county, as large a circulation as possible of all official publications. The use of provisions, in addition to those required by the statute, in a county printing contract, to bring about such a result, was sustained in *Kief v. Mills*, 147 Minn. 138. To give to the 1907 amendment a narrower application would deprive it of much of its intended effect and be a judicial intrusion upon a legislative function. As the learned trial judge so aptly put it, the controlling thing, under that law, is the "judgment", not of the court, but of the county board, and we concur in his view which was expressed thus:

"If in its judgment the public interest requires a greater circulation than the bidder is able to give them it may let the contract without reference to the bid. If this provision does not mean something like that, then it does not mean anything. If it does vest this power in the county board, then the court, in the absence of proof that it acted arbitrarily or corruptly, cannot interfere."

We have no concern with the policy of the statute except to ascertain what it is. Obviously a printing contract is no longer required to be let to the lowest bidder. Thereby is opened the opportunity for fraud and collusion, such as that charged but not proven in this case. To the extent that abuses follow, they will be the result of the opportunity given by the law-making power and advantage taken thereof by the executive represented by county boards. Possibilities of abuse do not empower courts to restrict legislation within limits that judges consider safe and wise. With such problems, judicial power is not concerned so long as constitutional limits are not transgressed. So, in this case, we cannot interfere with the legislative grant of power to county boards simply because the lack of restraint on its exercise lays it open to abuse at the expense of the taxpayers. The remedy, if one is needed, must be sought for with the legislature and not here.

To prevent misunderstanding, it is well to observe, in conclusion, that we have not considered, because not an issue, the financial statement and delinquent tax list. The only statute, concerning the

## Somebody Must Do Some Thinking To Produce Effective Advertising

Somebody has to do some real thinking if good advertising is to be the outcome. A great many merchants take the "easiest way", do no thinking, and hence produce advertisements that bring no results. Consequently they lose faith in advertising.

Up in Wadena, however, there is a lumber merchant who believes in advertising, and devotes some attention to the preparation of his ads. Here is a sample, taken from the Pioneer Journal.

## A Sleeping Porch For health - For comfort

There is no single feature you could add to your home that will be more enjoyed by the entire family than a sleeping porch.

It means better health; it means getting a good night's rest and arising in the morning fully refreshed during the hot summer months.

We sell everything necessary for the sleeping porch. Come in and see us.

## DOWER LUMBER COMPANY

It doesn't look like much, does it?

Yet it differs vastly from the usual run of lumber company ads. The usual ad of the lumber yard reads somewhat like this: "John Jones Lumber Co., Lumber, Lath, Shingles, Lime. Get our prices." Such advertising may serve as a memo-

former, seems to be Sec. 667, G.S. 1923, requiring publication "for three successive weeks in some paper" of the county. Publication of the delinquent tax list is governed by Sec. 2108-9, G.S. 1923.

Thorval Tunheim, a graduate of the University of Minnesota and for a year and a half associate editor of the Warren Sheaf has become city editor of the Crookston Times.

The Sauk Center Herald is now in its 58th year.

random for the man who may be in need of some of the articles mentioned. But this Wadena ad creates desire, stimulates desire, for that most precious of all possessions—good health for oneself and for his family, and points out a way to satisfy that desire. There is nothing of that sort in the usual lumber yard ad.

Among the most ancient monuments in the world is one to the wheat farmer. It was only recently discovered at Locmariaquer in France, where it was erected by a prehistoric race.—Up from the Soil.

William Ruud has sold the Granite Falls News to Roy F. Everett. Mr. Ruud has announced his intention to give his attention to motion pictures in Granite Falls, a business in which he has been interested for some time.