

**OPINION**  
**45-213**

October 18, 1945           (OPINION)

NEWSPAPERS

RE: Legal Publications

Re: County Official Newspaper.

On September 12, 1945, we replied to your letter of September fourth with reference to the question whether the Slope Messenger could be considered a county official newspaper under the following facts:

Until three months ago the Slope Messenger was located and published at Marmarth in Slope County. In May this year it was moved to New England, Hettinger County. The entire paper is printed and mailed from New England, but it has the same subscription list, or practically the same, as it had while at Marmarth. It claims to maintain an editorial office in Marmarth and contains mainly Slope County news, and has a large number of subscribers from Slope County.

We gave careful consideration to the law with reference to the necessary qualifications of official county newspapers, and we held that the Slope Messenger was not qualified as an official paper of Slope County. To this opinion we still adhere.

In your letter of September fourteenth you state that there is no newspaper in Slope County now, and you inquire whether the county auditor may publish legal notices of the county in the Slope Messenger, notwithstanding the fact that it has not been published for one year in Hettinger County.

Subdivision 3 of section 46-0501 provides that, "In the county where no newspaper having the above prescribed qualifications is published, any newspaper at the county seat of said county shall be entitled to publish such legal notices even though it may not have been established one year." Said section further provides that, "In a county in which no newspaper is published, any notice required by law to be published may be published in a newspaper printed in an adjoining county and having a general circulation in said county."

It would appear that if a newspaper within the county may receive legal notice for publication notwithstanding that it has not been established one year, it would follow from the law last quoted that a newspaper outside of the county may also publish such notices even though it has not been published in such county for one year; especially in view of the fact that Slope County has no newspaper.

You will notice in the last question from Subdivision 3 of section 46-0501 no reference is made to the length of time that a newspaper must have been published. It simply provides that, "In a county in which no newspaper is published, any notice required by law to be published may be published in a newspaper printed in an adjoining county and having a general circulation in said county."

The Slope Messenger has a general circulation, as I understand, in Slope County, and it is the opinion of this office, therefore, that legal notices required to be published by Slope County may be published in the Slope Messenger now being printed and published in New England, Hettinger County.

NELS G. JOHNSON

Attorney General