

OPINION
46-197

July 2, 1946 (OPINION)

NEWSPAPERS

RE: Legal Suspended During War - Becomes Legal Newspaper Thirty Days
After Resuming Publication

This is to acknowledge receipt of your letter of June 28, 1946, addressed to the attorney general.

You inquire as to whether or not a newspaper which suspended during the war would thereby lose its legal standing.

Section 46-0501 of the North Dakota Revised Code provides, among other things, "that any newspaper which suspended publication during the present war, but which shall resume publication within six months after the close of the war shall be eligible for publication of legal publications after the expiration of thirty days from the resumption of such publication, if the resumption of publication shall be in the county in which such publication was suspended".

Under the provisions of the statute quoted, if the newspaper to which you refer was duly qualified as a legal newspaper before its suspension, it would become legally qualified to publish legal publications after the expiration of thirty days after resumption of publication.

You also inquire whether a paper that discontinues publication for two or three weeks without any issue loses its legal standing.

In reply to this question, I beg to advise that if the suspension of publication was due to the war then what I have said with reference to that situation would apply. However, if a newspaper misses two or three or more weeks, it would thereby lose its standing as a newspaper for the publication of legal publications. Subsection 1 of the section just quoted provides that in order to be qualified for legal publications a newspaper must have been established in regular and continuous circulation at least one year.

NELS G. JOHNSON

Attorney General