

**OPINION**  
**51-136**

March 2, 1951           (OPINION)

PRINTING

RE:   Qualifications to Publish Legal Notices

Your letter of February 23, 1951, addressed to Mr. L. C. Miller, state printer, has been referred to this office with a request for an opinion.

The questions involved are:  In the event a newspaper discontinues publication for one or more weeks, does the newspaper retain its qualifications to do legal work?  If the newspaper retains its qualifications, what effect does the temporary suspension of publication have on legal notices that are in the process of publication at the time of the suspension?

Section 46-0501 of the 1943 Revised Code provides:

"Before any newspaper in this state shall be qualified to publish any legal notice or any matter required by law to be printed or published in some newspaper in the state, or any public notice for any county, city, or other municipality within this state, such newspaper must:

1.   Have been established and in regular and continuous circulation at least one year, with a bona fide subscription list of at least one hundred fifty regular and continuous subscribers; \* \* \* ."

Black's Law Dictionary defines "regular" in part as follows:

"The term implies uniformity, continuity, consistency, and method, and excludes the idea of that which is occasional, accidental, incidental or casual."

Black defines "continuous" as "uninterrupted: unbroken: not intermittent or occasional; \* \* \* ."

The statute which provides for "legal and continuous publications" was passed for the purpose of requiring legal notices or publications to be published in newspapers of a permanent and substantial character and to avoid publication of important notices in newspapers so sporadically published or recently published as not to assure general notice to the public.

On July 2, 1946, this office issued an opinion holding that 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.

It is our belief that under ordinary and controllable conditions the discontinuance of publication for one or more weeks disqualifies the newspaper from legal printing.

However, under extraordinary or uncontrollable conditions, such as an act of nature, if the publication was forced to miss one issue it might be held that the newspaper did retain its qualifications despite the temporary suspension of publication. If such were the case, the legal notices then in the process of publication at the time of the suspension would be void and the publication of legal notices would have to be started anew.

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