

## Opinion No. 57-192

August 7, 1957

**BY:** OPINION OF FRED M. STANDLEY, Attorney General Paul L. Billhymer, Assistant Attorney General

**TO:** Hon. Victor C. Breen, District Attorney, Tenth Judicial District, Tucumcari, New Mexico

### QUESTION

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Since Harding County does not have a newspaper published within its confines, but there is circulated within said County newspapers from other counties (three in number), what is the duty of the County Clerk with reference to the subscribing of such newspapers?

#### CONCLUSION

The County Clerk does not have to subscribe to any of the foreign published papers.

### OPINION

#### ANALYSIS

We believe that the pertinent statute covering this question is § 15-39-8, N.M.S.A., 1953 Compilation, which states:

"The county clerks of the several counties of this state are hereby authorized and required to subscribe for such, one copy each of newspapers **as are printed and published in their respective counties.**" (Emphasis supplied.)

We believe the Statute imposes a duty to subscribe to newspapers upon the county clerk **only** when such newspaper or newspapers are **printed and published** in the county.

Inasmuch as your letter indicates that there is no newspaper actually **printed or published** within Harding County, the County Clerk will not have to subscribe to any newspaper for the purpose of keeping an historical record. We find no requirement for a designation of an official county newspaper. Neither is there a requirement of maintaining a file of the "official newspaper." The only duty, so far as newspapers are concerned, is as above outlined.