

## Opinion No. 58-04

January 15, 1958

**BY:** OPINION OF FRED M. STANDLEY, Attorney General Howard M. Rosenthal,  
Assistant Attorney General

**TO:** Mr. Charles D. Alsup, Assistant District Attorney, Eighth Judicial District, Clayton,  
New Mexico

### QUESTION

#### QUESTION

May a newspaper, on legal publications, charge more than the \$ .12 a column line provided by Section 1 of Chapter 103 of the 1957 Laws where the publication is made only once?

#### CONCLUSION

No.

### OPINION

#### ANALYSIS

Section 10-2-7, as amended in 1957, regarding rates reads:

**"For the publication of all legal notices or advertisements** required by law or the order of any court of record in this state to be published in newspapers, the publishers thereof shall be entitled to receive \$ .12 for each column line of 8 point or smaller type for the first insertion, and \$ .10 per line for each subsequent insertion . . ." (Underlining ours)

Section 10-2-1 reads:

**"Any notice or other written matter whatsoever** required to be published in a newspaper by any law of this state, or by the order of any court of record of this state, shall be deemed and held to be a legal notice or advertisement within the meaning of this Act." (Underlining ours)

Section 10-2-2 partially reads: **"Any and every** legal notice or advertisement . . ." (Underlining ours)

Other frequent all-inclusive references are made throughout the article indicating the intent of the legislature to include in the article legal notices and advertisements of every

kind or nature whatsoever. There is nothing in the entire article that would indicate the intent of the legislature to treat such legal publications as are required to be published once, twice, or more in any different fashion than is outlined in Section 10-2-7, as amended in 1957.

Hence, this office is of the opinion a newspaper is permitted a maximum charge of \$ .12 a column line for the first publication whether this is the only publication or merely the first in a series of publications, and, of course, a charge of \$ .10 a line after the first publication whether there be one or more such subsequent publications.

Not relating to the question herein but of passing interest on the subject is an opinion from this office issued many years ago to the effect that the recited charge is a maximum charge and that nothing prohibits state or local authorities from attempting to secure more advantageous rates than are recited herein.