

Opinion No. 17-2045 1/2

August 15, 1917

BY: HARRY L. PATTON, C. A. HATCH

TO: Mr. Willard E. Holt, Deming, New Mexico.

Legal Rate For Publications.

OPINION

I am in receipt of your letter of recent date in which you ask for a construction of the statutes fixing the legal rate for publications in this State.

Section 4644, Codification of 1915, fixes the legal rate for publication of delinquent tax lists. Section 4645 fixes the "legal rate for the publication of all notices and other matters required by law to be made." While the first named section was confined to the publication of delinquent tax lists, it is apparent that the last named section covered all other publications required by law to be made. Chapter 104, Laws of 1917, in express terms amends Section 4644 only, and reads as follows:

"that the legal rate for the publication of delinquent tax lists and all legal publications required by law, shall be not to exceed four cents per line of eight point type for the first insertion, and two and one-half cents per line for such type for each subsequent insertion."

It may be seen that this act is not confined to fixing the rate for the publication of delinquent tax lists, but goes still further and includes "all legal publications required by law." You may see that it embraces the subject contained in Section 4645, and, in my opinion, by implication, repeals the last named section and fixes the rate for all legal publications required by law. While not expressing an opinion upon such subject, I express a doubt as to whether or not the present law requires the publication of delinquent tax lists.

As to your further question, as to whether or not the said Act of 1917 applies to the publication of notices from the United States Land Office, will say that I am not prepared to answer such question as it is one which concerns and relates to a department of the Federal Government.