

2000 WL 1511810 (Miss.A.G.)

Office of the Attorney General  
State of Mississippi

Opinion No. 2000-0370

August 11, 2000

Re: Publication of Legal Notices by Chancery Clerk

Mr. Robert P. Shepard

Dear Mr. Shepard:

Attorney General Mike Moore has received your recent letter on behalf of the Chancery Clerk of George County and has asked me to respond. Your letter states:

Pursuant to a notice to bidders, a county has accepted a bid of a newspaper which has its main office in another county, but which has a branch office in the county in question to publish all county proceedings. (The county also has a local newspaper which has been published in the county for more than 50 years, but which did not submit a bid for publication and, consequently, did not get the county's business.)

When a case is filed in Chancery Court that requires publishing a notice such as a notice to creditors, summons for nonresident defendant, notice to unknown heirs at law, etc., is the Chancery Clerk required to publish the notice in the newspaper which got the bid to publish county proceedings or may the Chancery Clerk continue to use the historically local paper to publish the notices?

Since the publications in cases are paid by a party in the case and not by the county, we would think that the party requesting the notice would determine where the notice would be published. However, the Chancery Clerk needs your opinion so that he will be protected in his future handling of these matters.

[Miss. Code Ann. Section 19-3-35](#) requires that the contract for publishing the proceedings of the board of supervisors be made to the lowest bidder. [Section 25-7-21\(3\)](#) provides for a specific fee for advertising lands for sale for taxes. There is no specific statute prescribing how contracts for other publications are to be awarded. We have opined that [Section 25-7-65](#) sets a maximum that may be paid for publication of other notices by counties, such as advertising for purchases pursuant to [Section 31-7-13\(Supp. 1999\)](#). *MS AG Op., Coleman* (March 22, 1996).

We are of the opinion that the chancery clerk is not required to publish notices to creditors pursuant to [Section 91-7-145](#), notices to unknown heirs at law pursuant to [Section 91-1-29](#) and summons for nonresident defendants pursuant to [Rule 4 of the Rules of Civil Procedure](#) in the same newspaper with which the board of supervisors has a contract to publish board proceedings pursuant to [Section 19-3-35](#). *See also Miss. Code Ann. Section 25-7-65* (maximum fees for publishing any summons, order, citation, advertisement or notice required by law to be published) and [Section 13-3-31](#) (publication requirements for legal notices). If we may be of any further assistance, please let us know.

Very truly yours,  
Mike Moore  
Attorney General

By: Alice Wise  
Special Assistant Attorney General

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