

2002 WL 31956919 (Miss.A.G.)

Office of the Attorney General  
State of Mississippi

Opinion No. 2002-0678

December 13, 2002

Re: Statutory Qualifications for Legal Notices

Robert P. Chamberlin, Esq.

Chamberlin - Nowak, P.C.  
Attorneys at Law

Dear Mr. Chamberlin:

Attorney General Mike Moore has received your recent letter on behalf of the DeSoto County Board of Supervisors and has assigned it to me for research and reply. Your letter asks the following questions in reference to [Section 13-3-31, MISS. CODE ANN.](#) (1972, as amended).

1. Pursuant to [MCA 13-3-31\(1\)\(d\)](#), may the Board of Supervisors publish in a publication that is not numbered consecutively?

No. [Section 13-3-31\(1\), MISS. CODE ANN.](#) (1972, as amended), addresses the publication qualifications for a legal notice which is required by law to be published in a newspaper. A newspaper satisfies statutory qualifications if, in addition to any other requirements imposed by law and [Section 13-3-31\(1\)](#), the newspaper:

(d) Has been established and published continuously for at least twelve (12) months next prior to the first publication of such matter to be published, is regularly issued at stated intervals no less frequently than once a week, bears a date of issue, *and is numbered consecutively*; provided, however, that publication on legal holidays of this state or of the United States and on Saturdays and Sundays shall not be required, and failure to publish not more than two (2) regular issues in any calendar year shall not disqualify a paper otherwise qualified. [Emphasis added.]

As we have previously opined, all the qualifications of [Section 13-3-31](#) are equally important and a newspaper must meet all the statutory qualifications to be qualified to publish legal notices. *See* MS AG Op., Haque (May 22, 1990), enclosed. Therefore, giving [Section 13-3-31\(1\)\(d\)](#) its plain meaning, notice must be published in a newspaper that is numbered consecutively. *City of Natchez v. Sullivan*, 612 So.2d 1087, 1089 (Miss.1992) (words in a statute must be given their plain meaning in determining legislative intent).

2. If the answer to no. 1 above is no, does the subject newspaper have to be numbered consecutively for twelve (12) months before the County can publish in that newspaper or can the County publish in that newspaper immediately upon this deficiency being remedied if the newspaper was otherwise established and published continuously for the previous twelve (12) months. In other words, pursuant to [MCA 13-3-31\(1\)\(d\)](#), does the newspaper have to be established and published continuously “as a qualified publication” for at least twelve (12) months?

Again giving each qualification equal weight and the language of [Section 13-3-31](#) its plain meaning, we are of the opinion that each of the four qualifications found in subsection (1)(d) must be satisfied individually to fulfill the requirements of the subsection. That is, the statute does not combine the qualification that a newspaper be numbered consecutively with the qualification that the newspaper be established and published continuously for at least twelve months. If the newspaper was established and has continued uninterrupted publication for twelve (12) or more months and is *now* numbered consecutively, the fact that it was not numbered consecutively during the entire twelve or more months would not be material. *See* MS AG Op. Corban (March 12, 1987), enclosed.

\*2 3. Please define the term “numbered consecutively” as used in [MCA 13-3-31\(1\)\(d\)](#).

We are unable to find a statutory definition of the phrase “numbered consecutively” nor is the meaning of the phrase addressed in Mississippi case law. We would suggest that the best definition of the phrase is found in its common usage: a series of items or events which are numbered beginning with the number one and continuing in unbroken, numerical sequence.

Finally, we note that the determination of whether a specific publication satisfies the requirements of [Section 13-3-31](#) is factual and this office, by way of official opinion, cannot make such a factual determination. If we may be of further service, please let us know.

Very truly yours,  
Mike Moore  
Attorney General

By: Charlene R. Pierce  
Special Assistant Attorney Generals

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