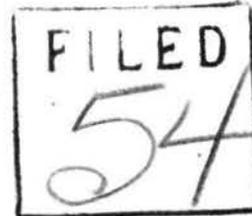


CITIES: Cities of the fourth class must publish financial statement in legal publication.

---

July 5, 1938

7-5



Mr. A.E. Long  
City Clerk  
Rolla, Missouri

Dear Sir:

This will acknowledge receipt of your letter of June 24, 1938, requesting an opinion upon the following question: May the city financial statement be published in the Rolla Advertiser, a free-circulation paper, or must the same be published in a newspaper complying with the provisions of Section 13775, Laws of 1937, page 432?

Section 13775 provides in part as follows:

"All public advertisements and orders of publication required by law to be made and all legal publications affecting the title to real estate, shall be published in some daily, tri-weekly, semi-weekly or weekly newspaper of general circulation in the county where located and which shall have been admitted to the postoffice as second class matter in the city of publication; shall have been published regularly and consecutively for a period of three years; shall have a list of bona fide subscribers voluntarily engaged as such, who have paid or agreed to pay a stated price for a subscription for a definite period of time."

This section requires all public advertisements and orders of publication required by law to be made must be published in a newspaper complying with the provisions of said section.

Mr. A.E. Long

- 2 -

July 5, 1938

From your letter, it is apparent that the Rolla Advertiser is not a legal publication within the terms of this statute, because it does not have a list of bona fide subscribers who have paid or agreed to pay a stated price for a subscription for a definite period of time.

Section 6965, R.S. Missouri, 1929, requires that the Board of Aldermen in cities of the fourth class shall semi-annually publish a statement of the receipts, expenditures and indebtedness of said cities. Thus, a financial statement is one required by law to be made and must be published in a newspaper which conforms to the provisions of Section 13775, Laws of 1937, page 432.

CONCLUSION

Therefore, it is the opinion of this department that the statement required to be published in cities of the fourth class by Section 6965, R.S. Missouri, 1929, must be published in a newspaper which fully complies with Section 13775, Laws of 1937, page 432.

Respectfully submitted,

RUSSELL C. STONE  
Assistant Attorney General

APPROVED By:

J.E. TAYLOR  
(Acting) Attorney General

LLB:VAL