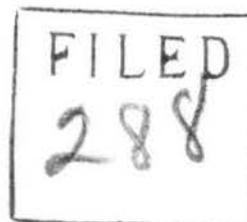


June 20, 1969

OPINION LETTER NO. 288



Honorable A. J. Seier
Prosecuting Attorney
Cape Girardeau County
Court House
Cape Girardeau, Missouri

Dear Mr. Seier:

This is in response to your request for an opinion from this office concerning the question as to whether a county must furnish office space for a private abstract company in the Office of the County Recorder of Deeds. Based upon your letter, it is our understanding that the County Recorder in your county has provided space in one corner of his office which is being used exclusively by a private abstract company. This space is adjacent to an area used by the general public to inspect any records in the Recorder's Office and contains approximately two desks with electric typewriters upon them. It is our understanding the county pays the utility bill for the use of these typewriters.

It is our opinion that a county officer cannot maintain floor space and equipment for use exclusively by a private company. Article VI, Section 23, Constitution of Missouri, 1945 provides:

"No county, city or other political corporation or subdivision of the state shall own or subscribe for stock in any corporation or association, or lend its credit or grant public money or thing of value to or in aid of any corporation, association or individual, except as provided in this Constitution."

Also, Article VI, Section 25, Constitution of Missouri, 1945 provides:

Honorable A. J. Seier

"No county, city or other political corporation or subdivision of the state shall be authorized to lend its credit or grant public money or property to any private individual, association or corporation . . ."

It is clear that the providing of office space, equipment, and/or utilities falls within the restrictions contained in these sections. By allowing the abstract company exclusive use of this area, the County Recorder is aiding a private company in the furtherance of its private business through the use of public finances and a public building. Such is contrary to the Constitution of Missouri.

Yours very truly,

JOHN C. DANFORTH
Attorney General