

NEWSPAPERS: Newspaper must be published in county for one year, regularly and consecutively, before it can accept legal publications.

1-21  
January 17, 1935.



Hon. D. B. Deem,  
Judge of Probate Court,  
Poplar Bluff, Mo.

Dear Sir:

This department is in receipt of your letter of December 15 wherein you make the following inquiry relating to newspapers:

"A newspaper, the Bernie Newsboy, of Bernie, Stoddard County, has been published a number of years and has a general circulation in Southeast Missouri, including Butler County.

Recently, it has moved to Poplar Bluff, Missouri and changed its name to "The Butler County Leader", but still retains its mailing list. Can legal advertisements such as mentioned in Sec. 13775, R.S. be published legally in this paper, until after it has been in Butler County one year?"

Section 13775, Laws of Mo. 1931, p. 303 provides 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 post office as second class matter in the city of publication;

shall have been published regularly and consecutively for a period of one year; 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. Provided that when a public notice required by law to be published once a week for a given number of weeks, shall be published in a daily, tri-weekly or weekly newspaper, the notice shall appear once a week on the same day of each week, and further provided, that every affidavit to proof of publication shall state that the newspaper in which such notice was published has complied with the provisions of this act. All laws or parts of laws in conflict with this section, except sections 13777, 13778, 13779, 7631, 7632 and 7633, Revised Statutes of Missouri, 1929, are hereby repealed."

By the terms of the above section it is necessary that the newspaper "shall have been published regularly and consecutively for a period of one year". The statute was first amended in 1927. Prior to that the section applicable was Section 10403, R.S. Mo. 1919, which provided:

"All advertisements and orders of publication required by law to be made shall be published in some newspaper published and circulated in the county in which the proceedings are had, to which such advertisements and orders of publication shall pertain, if there be one, and if there be no newspaper published in such county, then in some newspaper published the most convenient thereto, having a circulation therein, unless otherwise provided by law."

#### CONCLUSION

In view of the foregoing, it is the opinion of this department that the element making it necessary to publish the newspaper in the county for one year was the precise object of the amendment. We are further of the opinion that the newspaper

must be published regularly and consecutively for one year before it may accept legal notices, advertising and legal publications.

We are enclosing herewith copy of an opinion rendered by this department on November 2, 1933 to Mr. E.T. Barnes of Brashear, Missouri which bears on this subject, which we trust will be helpful to you.

Respectfully submitted,

OLLIVER W. NOLEN,  
Assistant Attorney General.

APPROVED:

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ROY MCKITTRICK,  
Attorney General.

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