

July 7, 1961

Honorable Paul Knudsen  
Prosecuting Attorney  
Caldwell County  
Kingston, Missouri



Dear Mr. Knudsen:

We are in receipt of your recent request for an opinion of this office in reference to the following questions:

"1. Is the 'Notice of Letters of Administration', as provided in Section 473.033 a legal publication as provided in Chapter 493 of the Revised Statutes of Missouri, 1959, and is the 'Notice of Final Settlement', a legal publication as provided in Section 493.030, Revised Statutes of Missouri, 1959?

"2. If the answer to #1 is yes, then are we right in assuming that a newspaper in a county of the third class, is limited to a charge of 3 cents per word for each insertion, or in the alternative of 75 cents per square inch, or major fraction thereof for each insertion, as provided in Section 493.030, Revised Statutes of Missouri, 1959?

"3. If the answer to #1 is no, then is there any provision stipulated for publication charges or rates in reference to probate publications, or does the editor have the right to charge whatever he sees fit?"

Section 493.030 RSMo 1959, by its terms is limited to publications "for the state, or for any public officer on account of or in the name of the state, or for any county or for any public officer on account of or in the name of any county."

In our opinion, neither the "Notice of Letters of Administration" nor the "Notice of Final Settlement" comes within

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the purview of the foregoing statute. Even though the notice of letters must be given by the clerk of the court, such notice is not given on account of or in the name of either the state or the county.

It should be noted that prior to its amendment in 1955, Section 493.030 contained an express provision to the effect that "when any. . . notice shall be required by law to be published in any newspaper, the rates herein specified shall prevail." The deletion of said clause clearly evidences the legislative intention to eliminate the application of the statutory rates to any notices other than those expressly set forth. It is our opinion that in counties of the third class, there is no statutory provision prescribing or limiting publication charges or rates in reference to probate publications.

Yours very truly,

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THOMAS F. EAGLETON  
Attorney General

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