

NEWSPAPERS: Weekly publications of legals should be  
published on the same day of each week  
PUBLICATIONS: during the period of publication.

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December 30, 1942

Hon. Arthur U. Goodman, Jr.  
Prosecuting Attorney  
Dunklin County  
Kennett, Missouri

12-31



Dear Sir:

This is in reply to yours of recent date wherein  
you submit the following question:

"If a notice is published twice in the  
Friday issue of a twice-a-week newspaper,  
can legal publication for three issues  
be had by publishing the third time in  
an issue of the same newspaper actually  
published on Tuesday, the other regular  
publication day, and which issue is by  
the publisher designated as the issue for  
Tuesday and Friday?"

Since this is a matter controlled entirely by the  
statutes we refer to them for the answer to your inquiry.  
We think Section 14968, R. S. Mo. 1939 contains the answer  
to your question. The portion of the section which pertains  
to the subject of your inquiry reads as follows:

"\* \* \* 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,

semi-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 section:  
 \* \* \* \* \*

This particular amendment was inserted into the statutes in 1937. Evidently it was for the purpose of taking care of questions such as you have propounded. It is clear and does not need any statutory construction.

From your inquiry it seems that the publisher was of the opinion that if he designates the issue to have been made on the day of the week on which legally it should have been published, that would be sufficient. However, since this statute requires the notice to appear on the same day of each week, we think that if it appears on a day other than the day designated as the date of the publication of such newspaper that it would not comply with the foregoing proviso clause of Section 14968.

CONCLUSION

From the foregoing it is the opinion of this department that a notice of publication must be published on the same day of each week during the period of such publication and that a publication published on any day other than the day designated would invalidate the publication.

Respectfully submitted,

TYRE W. BURTON  
 Assistant Attorney-General

APPROVED:

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 ROY MCKITTRICK  
 Attorney-General

TWB:CP