

OPINION NO. 201
(Answered by Letter--
Birnbaum)

March 21, 1967

Honorable Don Witt
Prosecuting Attorney
Platte County
319 Main Street
Platte City, Missouri



Re: Edgerton Citizen Newspaper
Opinion No. 201

Dear Mr. Witt:

This is in answer to your request of February 20, 1967, in which you ask whether or not the Edgerton Citizen newspaper qualifies to publish legal notices. In your letter you stated:

"A newspaper termed the Edgerton Citizen began publication on June 1, 1962. The next week thereafter there was no publication, however, the newspaper has continued publishing weekly since that date. The newspaper has now been admitted to the post office as second class matter. It has a list of approximately 300 subscribers who have paid or agreed to pay a stated price for the subscription for a definite period of time. The publisher of the newspaper was not twenty one years of age when he began publication and still is not twenty one. The newspaper was initially mimeographed and has been printed for approximately eight months. During its initial period there were approximately 200 subscribers and the papers were delivered by the most part. * * * "

I direct your attention to the enclosed opinion, numbered 18, addressed to the Honorable J. W. Colley, dated July 2, 1957, for a discussion of the necessary qualifications for a newspaper to be eligible to publish public advertisements and orders of publication required by law to be made and all legal publications affecting the title to real estate.

Honorable Don Witt

There appears from the facts you have given to be a general circulation in the county as defined in State vs. Holman, 275 S.W. 2d 280, 282, which states:

"* * * 'First, that a newspaper of general circulation is not determined by the number of its subscribers, but by the diversity of its subscribers. Second, that, even though a newspaper is of particular interest to a particular class of persons, yet, if it contains news of a general character and interest to the community, although the news may be limited in amount, it qualifies as a newspaper of "general circulation."'"

Having been admitted to the post office as second class matter, the newspaper complies with the first general requirement stated in the opinion, supra.

You have stated that from the second week in June, 1962, there has been a continued weekly publication of this newspaper which complies with the second general qualification of being published regularly and consecutively for a period of three years.

The third general requirement is also being complied with by having a list of approximately 300 subscribers who have paid or agreed to pay a stated price for the subscription for a definite period of time.

There appears no requirement in the statutes as to the age of the publisher. The fact that the publisher is under the age of twenty-one would not affect the eligibility of the newspaper to qualify as a publication for all advertisements and notices required by law and all legal publications affecting the title to real estate.

Based upon the facts you have submitted and the reasoning of the enclosed opinion, we answer your question in the affirmative. The newspaper discussed herein complies with the requirements of Section 493.050, RSMo 1959, and thus qualifies to publish legal notices.

Very truly yours,

NORMAN H. ANDERSON
Attorney General

GLB/jlf
Enc.--Op. No. 18, Colley, 7/2/57