

Printing, Charges for. County Printing, Amount How Ascertained. Charges, for County Printing How Determined.

Where a county asks and receives bids for county printing with reference to the charges enumerated in the statute, the rules of measurement and computation provided in the statute must govern in the absence of a special contract.

September 27th, 1916.

Hon. R. S. Steiner, County Attorney,
Big Timber, Montana.

Dear Sir:

I am in receipt of your letter, enclosing Exhibit relating to County printing, with an inquiry "as to the proper basis of measurement" thereof.

Section 2897, Revised Codes, relating to County printing, defines the term "folio" and also prescribes a rule for the measurement of what is there denominated as "rule and figure work," but nowhere does it attempt to define what constitutes this kind of work. Whether Exhibit "A" is rule and figure work or some other kind of work, is a question which is not capable of solution as a matter of law, but must be established as a matter of fact.

The Statute, not providing any rule for determining what is or is not "rule and figure work" or other work, the presumption attaches that the custom then prevailing must have been that with reference to which the Legislature dealt in the enactment of the law.

It is within the powers of the Board of County Commissioners to make special contracts relative to county printing, that is, contracts at a price less than that named in the Statute, and to define in such contract the rules of measurement and computation, provided the same does not exceed the Statutory rate, but where the contract made is wholly general and with reference to the Statute, then, the rules announced in the Statute must govern.

Aside from this, I am not capable of being more specific. The solution is to first ascertain whether the work to be measured or computed is rule and figure work, or some other kind of work. That is,

properly to classify the work and then apply the rule as found in the
Section of the Statute, for that rule must govern unless there is some
contract in some manner varying it. .)Jsd

Yours very truly,

J. B. POINDEXTER,

Attorney General.