

County, Printing—Newspaper, Where Published.

A newspaper is published where first put in circulation, and claims under contract assigned to newspaper published out of county should be paid as valid.

April 22, 1919.

Mr. John McMillan,
Clerk and Recorder,
Superior, Montana.

Dear Sir:

I am in receipt of your letter of recent date requesting an opinion from this office relative to the county printing in your county.

From your letter it appears that on January 7th, 1918, the Board of County Commissioners of your county let the county printing contract to the Mineral County Press, owned and edited by Ross Hargrave. That until a short time ago the county printing was done by this newspaper when it was sold to E. B. Craighead & Sons and the printing of the paper, as well as the county printing, it done at Missoula, Montana. It also appears that the Mineral County Press has no equipment in Mineral County but that the paper is printed in Missoula and sent to Superior where it is distributed through the United States mail in the same manner that it was prior to the purchase thereof by the Craigheads.

I am of the opinion that there is no legal objection to the assignment of the contract of printing to Craighead & Sons as was done in this case. Chapter 71, Laws of the Fifteenth Legislative Assembly, under which this contract was entered into makes it the duty of the Board of County Commissioners to contract with some newspaper published at least once a week and published within the county, and the contract in question was entered into with the Mineral County Press acting through Ross Hargrave, the editor and owner, so that when E. B. Craighead & Sons acquired the interest of Mr. Hargrave in the Mineral County Press the contract for county printing was not annuled or modified.

The fact that the paper is printed in Missoula County is not a violation of the terms of the contract nor of the law under which the same was entered into.

The law seems to be well settled that the place of publication of a newspaper is the place where it is first put into circulation, where it is first issued to be delivered or sent out by mail or otherwise to its subscribers. *People ex rel. O'Connell vs. Reed*, 256 Ill. 408, 100 N. E. 230, Ann. Cases, 1913 E., page 293, and cases there cited.

From the facts set forth in your letter I am of the opinion that the Mineral County Press is published within Mineral County and that the claims for printing under the terms of the contract should be paid.

Respectfully,

S. C. FORD,

Attorney General.