
While there is a change here in the entitling terminology, we are of the opinion that it does not affect the status of the teachers in your institution, for the reason that the terms “public school” and “common school” are interchangeable and synonymous,

State v. O'Dell, 187 Ind. 84, 118 N. E. 529;
Lawrence Board of Education v. Dick, 70 Kan. 434, 78 Pac. 812;
Jenkins v. Andoner, 103 Mass. 94;
Roach v. St. Louis Public Schools, 77 Mo. 484;
State v. Dawson County, 87 Mont. 122, 286 Pac. 125,

and denote a school which is, broadly speaking, open and public to all in the locality, which is subject to and under the control of the qualified voters of the school district in which it is situate, and which is supported and maintained primarily from moneys raised by general taxation.

ACCOUNTS, BOARD OF: Construction of term "newspaper" as used in section 4 of chapter 96 of Acts of 1927.

June 26, 1933.

Hon. William P. Cosgrove,
State Examiner,
State Board of Accounts,
State Capitol Building,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of date June 20, 1933, requesting an official opinion relative to the construction to be placed upon that part of section 4 of chapter 96 of the Acts of the Indiana General Assembly, for the year 1927, reading as follows:

“The term ‘newspaper’ as used in this act shall be construed to mean a weekly, semi-weekly, tri-weekly or
daily newspaper which shall have been published for
five consecutive years in the same city or town; PRO-
VIDED, That for the purpose of this act, whenever re-
ference is made to a political newspaper or to any news-
paper representing any political party such terms shall
be construed to mean a newspaper which has declared
its political faith or adherence by editorial comment or
otherwise, and which is generally known to profess al-
legiance to some designated political party.”

You state that the particular question presented is that of
a certain newspaper which has represented one of the two
leading political parties of the State of Indiana for the past
several years, but that said paper now desires to affiliate with,
and represent the opposition party for the purpose of securing
public legal advertising. The question presented, is whether
or not such newspaper is required to represent such political
party for any period before it is eligible under said act to
receive and publish such legal public advertising.

It is provided in said act “that for the purpose of this act,
whenever reference is made to a political newspaper or to any
newspaper representing any political party such terms shall
be construed to mean a newspaper which has declared its faith
or adherence, by editorial comment or otherwise, and which is
generally known to profess allegiance to some designated po-
litical party.” (Our italics.)

This part of section 4, above quoted, was undoubtedly in-
corporated in said act for the purpose of placing certain re-
strictions upon newspapers used for the publication of public
legal advertising, and to prevent newspapers from changing
their political policies purely for the purpose of receiving legal
advertising, and to prevent unfair practices of newspapers
representing either party in case of a change in the political
complexion of the public office controlling such advertising;
otherwise, there would be no reason for the incorporation of
said part of said section 4 therein.

To hold that no restriction or regulation as to the length of
time was intended by the legislature in the enactment of said
above section, would give no force or effect whatever to the
above provision placed in said act, and it was evidently the
intention of the legislature to prevent abuses and unfair prac-
tices on the part of newspapers. To give no effect to the act
as to length of time or period in which a newspaper must rep-
resent a political party in order to receive public legal adver-
tising as a newspaper representing one of the two leading
political parties, would enable a newspaper representing a cer-
tain political party, then in power and in control of legal ad-
vertising, to receive the full advantage of that party's political
tenure by immediately upon a change of political power and
upon the success of the opposition party, to declare a change
of its political faith by editorial comment and be entitled to
receive the full benefits of a political victory of the opposition
party to the detriment of some newspaper which had consist-
ently represented such opposition party during the lean years
and be deprived of the pecuniary benefits resulting from a
victory. In other words, a newspaper might earnestly pro-
claim the principles of a certain political party up to the day
of election and upon the defeat of that party, by the mere
printing of some editorial comment favorable to the opposition
party, be entitled to the legal advertising controlled by the
party in power and whose candidates and principles it had
denounced throughout the campaign.

It is my opinion, that it was to prevent these unfair prac-
tices that the within section of said act was adopted and passed
by the legislature, and that it was the intention of the legis-
lature to require that a political paper must represent the
political party to which it has declared its political faith and
adherence for some reasonable length of time.

It is my opinion, that a newspaper in order to qualify itself
as a political newspaper must represent the political party to
which it adheres, at least, during the period preceding the
campaign, including the period before the primary and gen-
eral election of the last campaign year.

It is, therefore, my opinion, that before a newspaper is en-
titled to receive public legal advertising, under the provisions
of chapter 96 of the Acts of the Indiana General Assembly for
the year 1927, that it must represent one of the two leading
political parties for at least one campaign year, including the
time preceding the primary and general elections of such last
election year.