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PAMPHLET — PRINTED BOOKLET — MORE THAN TWO LEAVES OR FOUR PAGES — FOUR OR MORE LEAVES OR EIGHT OR MORE PAGES — STITCHED OR OTHERWISE BOUND TOGETHER — CONTRACT, STATE PRINTING.

SYLLABUS:

*A pamphlet within the meaning of Section 754, General Code, is a printed booklet consisting of more than two leaves or four pages, stitched or otherwise bound together, and generally speaking it is a printed booklet consisting of four or more leaves or eight or more pages, stitched or otherwise bound together.*

Columbus, Ohio, March 14, 1941.

Mr. C. J. Stark, Superintendent, Division of Purchases and Printing,  
Department of Finance,  
Columbus, Ohio.

Dear Sir:

I have your request for my opinion which reads as follows:

“The question has been raised as to what constitutes a pamphlet under Sec. 755 to 769 inclusive of the General Code

applying to blanket contracts for printing to be placed by the State.

The particular question pertains to the Third Class of printing which is prescribed as 'Reports, communications and other documents ordered by the General Assembly, or either house thereof or by the executive departments or elective State officers to be printed in pamphlet form.'

It is our understanding that an opinion was rendered some years back by a former Attorney General that a pamphlet consisted of eight pages or more. This is the interpretation that has been followed by this Division for a number of years in classifying and distributing printing jobs.

An opinion by you on this matter is solicited."

The section of the General Code particularly bearing on your question is Section 754, which reads as follows:

"The printing for the state shall be divided into six classes and each class shall be let in separate contracts as follows:

First Class. Bills for the two houses of the General Assembly, resolutions and other matters ordered by such houses or either of them to be printed in bill form, general and local laws, and joint resolutions.

Second Class. The journals of the senate and house of representatives, and reports, communications and other documents which form part of the journals.

Third Class. Reports, communications and other documents ordered by the general assembly or either house thereof, or by the executive department or elective state officers to be printed in pamphlet form.

General and local laws and joint resolutions.

Fourth Class. Blanks, circulars and other work for the use of the executive departments, and elective state officers, not including those to be printed in pamphlet form.

Fifth Class. The bulletins of the agricultural commission.

Sixth Class. The report of the secretary of state, auditor of state, the 'Ohio general statistics,' reports and opinions of the attorney general, and all matter ordered by the general assembly or either branch thereof, other than contained in the third class, and other reports and documents required to be bound not including the laws, joint resolutions and journals of the senate and house of representatives.

The printing for the sixth class may be let in one or more contracts, as the director of finance in his discretion may require."

The opinion to which you refer is probably Opinion No. 330, render-

ed under date of August 31, 1911, by the Honorable Timothy S. Hogan, and reported at page 932, Annual Report of the Attorney General, 1911-1912, Vol. II. After quoting in part Section 754, General Code, as it then existed, the then Attorney General said as follows at page 933:

“A ‘pamphlet’ is described by Webster’s dictionary as ‘a small book consisting of a sheet, or a few sheets, of paper, stitched together, but not bound.’ And by Century dictionary, ‘a printed work consisting of a few sheets of paper attached together, but not bound; now, in a restricted or technical sense, eight or more pages of printed matter \*\*\* stitched or sewed with or without a thin paper wrapper or cover’.”

Three fundamental rules of statutory interpretation and construction are apposite to the resolution of your question. First, generally speaking, the “words of a statute, in common use or other than terms of art or science, will be construed in their ordinary acceptation and significance and with the meaning commonly attributed to them.” Second, definitions of words and phrases by lexicographers “may be used as an aid in determining the scope of such words in statutes — especially where the term has never received any construction by the courts.” (See 37 O.Jur. 539, 542) And third, administrative interpretation of a given law, while not conclusive, is, if long continued, to be reckoned with most seriously and is not to be disregarded and set aside unless judicial construction makes it imperative so to do. (*Industrial Commission of Ohio, et al v. Brown*, 92 O.S. 309, 110 N.E. 744, L.R.A. 1916 B, 1277 (1915); *The Industrial Commission v. Cross, et al.*, 104 O.S. 561, 136 N.E. 283 (1922)).

Among those skilled in a knowledge of the meaning of words, the word pamphlet means a book “of relatively *few sheets*, fastened together but not bound, and with or without a paper cover” (see the *New Century Dictionary*) or, as defined by Webster, “a book of a *few sheets* of printed matter, of formerly of manuscript, commonly with a paper cover.” The word *few*, of course, means a small number — more than two.

Legal definitions of pamphlet are found in *Bouvier’s Law Dictionary* and in 46 C.J. 1171. *Bouvier’s* definition is:

“A small book usually printed in octavo form *and stitched.*”  
(Emphasis mine),

while in 46 *Corpus Juris*, 1171, the word in question is defined:

“A publication; usually a small book, bound in paper covers,

ordinarily printed in octavo form, and stitched.”

As defined by the New Century dictionary, the word octavo means “page size of a book in which each leaf is one-eighth of a whole sheet of paper; a volume of this size.” That is to say, as pointed out in the opinion of the Attorney General of 1911-1912, above quoted from, a pamphlet generally means a booklet of four leaves or eight pages.

Not only is this meaning given by lexicographers, but I am informed that it is the definition generally prevalent in the printing trade.

But even if this were not true, since I am informed that from the time of the rendition of the opinion of 1911-1912, *supra*, or even before that time, the construction here placed on the word pamphlet, as used in Section 754, *supra*, is the one that has been followed by the officers and employees of the state in making contracts with printers for the kinds of reports, communications and other documents mentioned in what is called the “Third Class” enumerated in said section, such long continued administrative interpretation may not be lightly disregarded and should be departed from only for the most compelling reasons.

Moreover, it will be noted that the Legislature has carefully differentiated among what it calls “bills,” “journals,” “pamphlets,” “bulletins” and that kind of reports and opinions mentioned in the “Sixth Class” which are clearly bound books. An examination of any standard dictionary will disclose that what is commonly designated as a “leaflet” or “folder” is as different from a pamphlet as is a book. For example, the Century dictionary defines the word “leaflet” as “a small flat or folded sheet of printed matter as for distribution,” while the definition of a “folder” is “a folded printed sheet as a circular or timetable.” It is my information that both leaflets and folders are commonly designated as flat work.

In view of the foregoing, and upon authorities cited and for the reasons given, it is my opinion that:

A pamphlet within the meaning of Section 754, General Code, is a printed booklet consisting of more than two leaves or four pages, stitched or otherwise bound together, and that generally speaking it is a printed booklet consisting of four or more leaves or eight or more pages, stitched or otherwise bound together.

Respectfully,

THOMAS J. HERBERT,  
Attorney General.