

PRINTING: Multilith work, offsetting and duplicating is printing.

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September 4, 1935.



Honorable W. Ed Jameson,
President, Board of Managers,
State Eleemosynary Institutions,
Jefferson City, Missouri.

Dear Sir:

We acknowledge receipt from you of an inquiry as to whether multilith, offsetting and duplicating work properly comes under the definition of printing, and inquiring whether such work may be performed outside of the jurisdiction of the State Printing Commission.

"Multilith" does not appear to be in our dictionary. We understand "offsetting" and "duplicating" to be terms used by the printers indicating more than one copy of the printed matter. We have made inquiry as to what is the meaning of "multilith" and as to what are the physical facts that occur when this sort of work is performed. Without going into detail fully as to the same, we understand that from certain preparations of modern make a plate is first prepared and then a picture of that plate is taken, and then from that picture certain other mechanical steps are taken and ultimately from a plate the matter which is read by the reader thereafter is impressed upon the paper.

Section 13783, R. S. Mo. 1929, states:

"The printing for the state shall be divided into three classes, to be let in separate contracts, as follows:"
and then sets out the three classifications.

Section 13784, R. S. Mo. 1929, provides:

"The commissioners of public printing shall, on or before the first day of

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July, 1922, and every two years thereafter, enter into a contract with some responsible person or persons for the printing of the several classes of matter required by the state, for the term of two years from and after the date of such contract * * *."

Section 13790, R. S. Mo. 1929, has to do with the printing for the executive departments.

Sections 13782 to 13806, R. S. Mo. 1929, inclusive, are the code of printing, being a complete set of rules governing the printing of papers, books and periodicals used by the state in its various capacities.

In State ex rel. Publishing Co. v. Hackman, 314 Mo. 33, 42, the Supreme Court says that the term "executive departments" includes all persons upon whom are imposed duties in the administration of public affairs.

The determinative question is, what is printing. If this process which is called multilith work is printing, then it must come under the jurisdiction of the State Printing Commission.

In an opinion by this department dated June 12, 1933, it is said:

"The word "printed" has a varied meaning according to the connection in which it is used. If we are referring to an imprint upon calico rags it has a fixed meaning. If we refer to an imprint upon a stone it has a fixed meaning. * * * But if we go to the word "print" used as a noun * * * we find this:

"4. A printed publication, more especially a newspaper or other periodical.

"What I have known

Shall be as public as a print."

--Beau. and Fl., Philaster, ii, 4.

"The prints, about three days after, were filed with the same terms." --Addison.

"There is at least some relation between the verb and the noun, and the definition of the one sheds some light upon the definition of the other. But, after all, we know that the word "print" has a varied meaning, and its meaning in a particular law must of necessity depend upon the context of the whole act. So, after all, the real question is, "What is the meaning of the word "printed" in this law? * * *"
(In re Publishing the Docket of the Supreme Court, 266 Mo. 1. c. 56.)

"So the question to be determined in this instance is the meaning of the word 'printing' under the laws relating to the Commissioners of Public Printing."

It will be noted that in the statute above referred to and relating to printing, the same is defined in an unqualified sense and there are no restrictions or explanations as to what the term shall cover.

In the case of Keene v. Wheatley, et al., 14 Fed. Cases 180, 192, the court said:

"Writing is a method of originally developing the composition and of adding copies made singly, letter by letter. Printing is a process of multiplying the copies, by sheets. Thus the difference is that between multiplication and addition. Human means of increasing the number of copies by writing are extremely limited. By printing, they may, on the contrary, in the words of Lord Cranworth, be multiplied indefinitely. The books printed by those who first publicly practised the typographic art in Europe usually contained an advertisement that they were not written as all books had previously been, but were made by a new invention, whereby the several sheets were stamped at once, and not made line by line as formerly."

In the case of Arthur v. Moller, 97 U. S. Rep. 365, certain chromo-lithographs, printed from oil-stones upon paper, and known as decalcomanie pictures, were imported, and it was

held that they were, as printed papers, taxable under the tariff laws.

"The goods in question were chromo-lithographs, consisting of landscapes, scenery, and other figures, printed from oil-stones upon paper, with one color printed on top of the other until the picture is finished.

"They are used for any purpose to which painting by hand can be applied. There are no letters constituting language upon the face of the paper.

"They are made by means of lithographic stones, and printed from the stones successively one after the other, according to the number of colors; the difference between them and a chromo-lithograph being that a chromo is printed positive, while decalcomaine is printed positive and negative, but chiefly negative.

"After the picture is printed, it is sometimes covered with a metal leaf, which is also put on by the process of printing; a sizing is printed on from the stone, the metal leaf being placed on top of the sizing by hand, it being too brittle to be placed on by the roller, and it is run through the press, which prints the metal leaf on top of the picture."

At page 367 the court says that

"No one would contend * * * that a lithograph taken by a single impression does not fall under that branch of the statute which imposes duties on prints or printed matter.

"We do not perceive that the fact that the result is produced by several impressions, and of a different color at each time, can make a difference in the conclusion. In country places, we see posted the advertisements of circuses and shows and of political

meetings upon sheets of paper of large size, printed in large type of various colors, red, black, and blue, and requiring that the paper should pass more than once through the press. It would be a novel idea that these sheets were not printed matter.

"It is not necessary, however, that the characters produced should be letters or numerals, or the result of types or stereotypes, or be reading matter, but the term 'print' or 'printing' includes the most of the forms of figures or characters or representations, colored or uncolored, that may be impressed on a yielding surface.

"Webster defines 'to print:'--

"2. To take an impression of; to copy or take off the impress of; to stamp.

"3. Hence, specifically, to strike off an impression of, or impressions of, from types, stereotype or engraved plates, or the like, by means of a press; or to print books, handbills, newspapers, pictures, and the like.

"4. To mark by pressure; to form an impression upon; to cover with figures by a press or something analogous to it; as to print calico, etc.

"Print, noun: a mark made by impression; a line, character, figure, or indentation made by the pressure of one body or thing upon another.

"3. A printed cloth; a fabric figured by stamping.

"Lithograph: a print from a drawing on stone,as a lithographic picture.

"Worcester says: 'A mark, form, character; a figure made by impression.'

"McElrath's 'Commercial Dictionary,' --

"'Prints...impressions on paper, or engravings on copper, steel, wood, or stone, representing some particular subject or composition, and which may be either colored or uncolored. * * *'

"Homans's 'Encyclopedia of Commerce,' --

"'Prints: impressions, on paper or some substance, of engravings on copper, steel, wood, stone, etc., representing some particular subject or composition. Prints, like painting, embrace every variety of subject, but differ very widely in the manner in which they are engraved.'

"McCulloch's 'Dictionary of Commerce' uses the same language.

"The pictures in question were printed from lithographic stones, by successive impressions, each impression giving a different portion of the view and of a different color. Like other pictures, they are made and used for the purpose of ornament. Equally with engravings, copper-plates, and lithographs, they are printed, and properly fall within the statutory designation of printed matter."

In view of the fact that the Legislature has passed a comprehensive act defining in detail the rights and duties of the State Printing Commission with respect to printing that may be required by the State, it appears to be the legislative intent, as expressed therein, that whatever printed matter is used by the State, whether books, papers or periodicals, which is read by the eye and is not typewritten, comes within the jurisdiction of the State Printing Commission. It is immaterial whether the machine or mechanical contrivance is a large one or a small one, or whether the thing that makes the impression on the paper that is read by the eye is a multitude of small type firmly held in place making the reading matter on the page, or whether the same type is molded together into one composite piece, the paper hitting, in the latter instance,

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the one piece of material in being printed, and in the former instance a multitude of pieces of material, i. e., type, in being printed. The essential thing is that an impression is made on the paper and that impression caused by the retention on the paper of the ink or other substance, and it need not necessarily be ink, is the thing that is read by the eye. It makes no difference how many preliminary steps are taken or what number of preliminary stages are passed through before getting to that stage in the printing or operation where the piece of paper has the impression made on it which is read by the eye. The important thing is that the impression is made on the paper, and there is where the printing is accomplished, or, to use the expression of the Supreme Court of the United States, that is the event where "forms of figures or characters or representations, colored or uncolored", are "impressed on a yielding surface."

CONCLUSION

It is our opinion that such work as you inquire about, the same being designated as multilith, offsetting or duplicating, is printing within the meaning of that term as used in Chapter 115, R. S. Mo. 1929, and that such work, if done under the Old Age Assistance law, shall be under the supervision of the State Printing Commission.

Yours very truly,

DRAKE WATSON,
Assistant Attorney General.

APPROVED:

JOHN W. HOFFMAN, Jr.,
(Acting) Attorney General.

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