



**OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN**

**GERALD C. MANN
ATTORNEY GENERAL**

Miss Hazel H. Beckham
Executive Secretary-Director
State Commission for the Blind
Austin, Texas

Dear Madam:

Opinion No. 0-4059
Re: Appropriation for "stand equip-
ment" as available for purchase
of stock of goods.

You have asked the opinion of this department upon the question whether item 31 of the appropriation made to the State Commission for the Blind in the current departmental appropriation bill is available for expenditure by the Commission in the purchase of stock to completely equip vending stands.

Under the heading Maintenance and Miscellaneous, the Legislature has provided for the Commission the following items of appropriation:

"23. Traveling expenses	\$14,700.00
"24. Books, stationery, and printing	600.00
"25. Postage	800.00
"26. Telephone, telegraph and messenger service	400.00
"27. Freight, express, and drayage	300.00
"28. Furniture and fixtures	600.00
"29. Emergency fund for eye medical treatment, hospitalization, glasses, etc.	2,000.00

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1270
- "30. Revolving fund for
raw materials to be
used by workers in
home industries for
educational and re-
habilitation purposes \$ 5,000.00
- "31. Stand equipment, machinery,
and tools for rehabilita-
tion and educational
training purposes 5,000.00
- "32. Contingent fund 250.00"

Webster and other lexicographers define the word
"equip" as meaning:

"To furnish for service, or against a need
or exigency; to fit out; to supply with whatever
is necessary to efficient action in any way; to
provide with arms or an armament, stores, muni-
tions, rigging and the like; --said especially
of ships or of troops."

While we have entertained some doubt as to whether
the term "equipment" will embrace a stock of merchandise in
a store, a diligent search of the authorities has failed to
reveal any case wherein this issue has been raised and de-
cided. Such decisions as we have found are of no help in
deciding the issue, since they have all had the question arise
under such circumstances as that the meaning of the word was
determined by reference to the context of the contract or
statute involved and in accordance with the intent of the
Legislature or of the parties as determined therefrom.

If to "equip" may mean to supply with "whatever is
necessary to efficient action in any way", and "equipment"
embraces the articles thus supplied, then it would seem that
the word "equipment" as used in the appropriation bill is
broad enough to include a stock of merchandise, which is cer-
tainly necessary to the operation of the enterprise described,
to wit, a vending stand. To give the word this broad meaning,
which, according to the lexicographers, it may bear, would
seem to carry out the beneficent purpose for which the Commis-
sion of the Blind was created--to wit, the economic rehabili-
tation of the blind. It is significant that this is the only

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item of appropriation provided by the Legislature which could be intended to supply funds for the purchase of a stock of merchandise for vending stands established by the Commission; that if the item under consideration be not available for purchasing a stock of merchandise to completely equip vending stands established by the Commission, the result would be that funds will have been provided by the Legislature to outfit the vending stands with all fixtures, supplies, and so forth necessary to the conduct of this portion of the educational program maintained by the Commission, except that indispensable requisites to the successful establishment and operation of a vending stand, to wit, a stock of merchandise to be sold.

Impelled by these reasons, therefore, we hold that the item of appropriation discussed is available for expenditure to purchase stocks of merchandise for vending stands established by and operated under the supervision of the Commission.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED NOV 14, 1921
Gov. Allan

ASSISTANT
ATTORNEY GENERAL

R. W. Fairchild

By

R. W. Fairchild
Assistant

RWF:mp

