

ence to the old age assistance system is the provision which permits payments of direct relief to be made in cash to *unemployed* persons who would be entitled to assistance under the Act of January 18, 1934, P. L. 282, while forbidding such cash payments to others. A subordinate feature is the provision which authorizes the Department of Welfare to designate the persons who shall be entitled to receive these payments.

But the direction of the act is that the State Emergency Relief Board shall allocate the moneys among the several counties, and that it shall pay the money to the persons designated by the Department of Welfare.

We recently advised you (Informal Opinion No. 493), that the duty of the board to allocate funds among the counties could not be delegated and could not be performed by making lump allocations for the whole State. The same principles would operate to prevent the board from making a lump allocation for expenditure or disbursement by the Department of Welfare.

The direction that the board shall make the payments to persons who are qualified to receive direct relief in cash is equally mandatory. We cannot read it to mean that the Department of Welfare shall make the payments.

Therefore, we advise you that it is the duty of the State Emergency Relief Board, and not of the Department of Welfare, to disburse the funds payable in cash as direct relief under the Act of September 19, 1934, P. L, (1935) 1401.

Very truly yours,

DEPARTMENT OF JUSTICE,
HARRIS C. ARNOLD,
Deputy Attorney General.

OPINION NO. 165

State institutions—Purchase of paper, stationery and printing—Bids and awards. Secs. 507 and 2403 (b) of The Administrative Code; Article III. Sec. 12 of the Constitution.

State institutions are "departments of government" within the meaning of Article iii, Sec. 12, of the Constitution of 1874, providing that contracts for the purchase of stationery and other supplies for such departments must be made upon the basis of competitive bidding, and such institutions may not purchase stationery in any other manner, even though the purchases be subsequently confirmed by the Department of Property and Supplies.

DEPARTMENT OF JUSTICE,
Harrisburg, Pa., January 9, 1935.

Honorable Frank E. Baldwin, Auditor General, Harrisburg, Pennsylvania.

Sir: You have called our attention to the practice of a number of State institutions, of making purchases of paper, stationery and printed material, such as school invitations, etc., without seeking bids and awarding the work to the lowest bidder. These purchases are usually small in amount. Some purport to have been made under the authority given by the Department of Property and Supplies under section 507 of The Administrative Code, to the institutions to make direct purchases of less than \$10.00, although the bills disclose that they cover items on the general schedules, and thus appear at least, to be violations of that privilege (See our Formal Opinion No. 121). Other purchases were confirmed by the Department of Property and Supplies as though originally made through and by that department. Your question is whether such purchases by or for the institutions without public bidding are legal.

Article III, section 12 of the State Constitution provides:

"All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor General and State Treasurer."

Section 2403 (b) of The Administrative Code requires the Department of Property and Supplies to award contracts in accordance with that constitutional provision.

The constitutional mandate is clear, and we see no way in which purchases of stationery, printing, etc., may be justified except as they are made in the prescribed manner. The suggestion has been made that the language of the Constitution does not apply to the State institutions, since it speaks of stationery, printing, paper and fuel used in the legislative and other "departments" of the government. But the State institutions are within State administrative departments. Some of them are operated directly by the departments and others are under the direction of boards of trustees which are within the admin-

istrative departments. We could not bring ourselves to draw any distinction such as that suggestion would necessitate.

Therefore, we advise you that purchases of paper, stationery and printing by or for State institutions may be made only by contract awarded to the lowest responsible bidder, and purchases made otherwise should not be approved, regardless of the circumstances.

Very truly yours,

DEPARTMENT OF JUSTICE,

HARRIS C. ARNOLD,

Deputy Attorney General.

OPINION NO. 166

Incompetent persons—Maintenance by county—Right to contribution from Commonwealth—Act of May 25, 1897—Interpretation—Ascertaining meaning of words—Ordinary usage—Contemporaneous executive construction—Legislative definition in other statutes “Insane”—Inclusion of feeble-minded, imbeciles, and idiots.

1. In determining the meaning of a word used in a statute, the court should take into consideration the popular meaning of the word at the time of enactment of the statute, contemporaneous executive construction, and legislative definition of the same word in other acts, especially if they pertain to the same subject matter.

2. The word “insane,” as used in the Act of May 25, 1897, P. L. 83, has a special meaning clearly distinguishable from “feeble-minded,” “imbecile,” or “idiot,” and the provisions of that act for payment by the Commonwealth of contributions at a specified rate for the support of indigent insane persons are inapplicable as to feeble-minded persons, imbeciles, or idiots.

DEPARTMENT OF JUSTICE,
Harrisburg, Pa., January 14, 1935.

Honorable Leon D. Metzger, Secretary of Revenue, Harrisburg, Pennsylvania.

Sir: We have your request to be advised whether the fiscal officers of the Commonwealth may lawfully approve for payment and pay the sum of \$247,418.63 for the maintenance to March 1, 1934, of 647 indigent feeble-minded persons committed to the Philadelphia Institution for Feeble-Minded at Byberry. Philadelphia County seeks to offset this amount against the demand of the Department of Revenue for payment of moneys due to the Commonwealth.

This sum covers a charge for maintenance of inmates for various periods beginning subsequent to February 1925, when the institution