

STATE FAIR ) Premiums paid in prizes for horse-racing at  
APPROPRIATIONS) State Fair paid out of appropriations under  
heading, "Premium for live stock shows".

August 11, 1933

Hon. Forrest Smith  
State Auditor  
Jefferson City, Missouri



Dear Mr. Smith:

This is to acknowledge your letter of August 10th, 1933, which is as follows:

"Will you please advise me if the premiums paid in prizes for horse-racing, publicity, band music, pay of judges of racing, stock and poultry, vaudeville acts and concessions can be paid out of the appropriations under Section 1, Missouri State Fair, sub-division, C-D as shown on pages 63 and 64, 1933, Laws of Missouri."

Section 12475 R. S. 1929, provides in part as follows:

"The state board of agriculture, at such time as may be determined upon by them, shall hold, annually, a fair upon the state fair grounds above designated: and at these fairs all important products of the state shall be recognized, according to merit, by premiums or rewards, for excellence offered by the board of directors, out of a fund provided therefor by the legislature of the state at each biennial session thereof, \* \* \* \*  
\* \* \* \* \*

And provided further, that should the state fail for three consecutive years to hold a fair, the land thus used for state fair purpose shall revert to the parties donating it."

Section 12353, Laws of Missouri, 1933, page 168, provides in part as follows:

"The State Commissioner of Agriculture shall be and is hereby constituted the official who shall have supervision of the State Fair \* \* \* \* \*

The Legislature commanded that State Fairs should be held and evidenced such intention by appropriating moneys to conduct them.

Laws of Missouri, 1933, pages 63 and 64, Section 1, of the Appropriation Act, provides among other things, the following:

"C-D Repairs, Replacements, Premiums and Operation:

Labor, material and supplies, including paint for general repairs of buildings, communication, printing and binding and travel, including boys' state fair school; material and supplies consisting of grounds and roadways material and supplies and special material and supplies, including paper for state printing, premiums for live stock shows, boys and girls 4-H club, vocational agriculture \* \* \* \* \* \* \$50,000.00"

Your attention is directed to the words "premiums for live stock shows", used above. In order to determine whether or not premiums in prizes for horse-racing are included in the appropriation for "premiums for live stock shows". we must look to a definition of the words used in said act.

Webster defines "premiums" as follows:

"A reward or recompense; a prize to be won by being before another or others in a competition;"

Corpus Juris, Vol. 60, page 102, has the following to say regarding "live stock":

\*\* \* \* ; live stock; and in this sense the term has been held to include asses, calves, cattle, colts, cows, foxes, goats, hogs, horses, jennets, meat cattle, mules, sheep, swine; \* \* \* \* \*."

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In Hopemann Citizens Mutual Fire Ins. Co., 85 N. W. 454; 126 Mich. 191 and Lee County Savings Bank v. Snodgrass Bros., 166 N. W. 680; 182 Iowa 1387, the courts held horses were "live stock".

Webster defines the word "show" to mean:

"To outstrip or distance."  
"To exhibit one's gait, speed, or the like; said especially of a horse."

Thus, the words "premiums for live stock shows", as defined, would include premiums in prizes for horse-racing at the State Fair and should be paid out of the appropriation mentioned in Section 1, C-D, Laws of Missouri, 1933, pages 63 and 64, and such is our opinion.

We assume the other items, mentioned in your letter, are not for premiums or awards for live stock shows. And, thus, it is our further opinion such items should be paid from the funds contemplated by Section 2 of the same act, supra. We remind you that the provisions of Section 2a of above act must be followed.

Yours very truly,

JAMES L. HORNOSTEL  
Assistant Attorney General.

APPROVED: \_\_\_\_\_  
ROY MCKITTRICK  
Attorney General.

JLH:EG