

STATE FAIR: Entertainment may be paid for under
Sec. 1, sub-section C-D, Laws of
Mo. 1933, p. 63. (H B 649)

August 15, 1933.



Hon. Forrest Smith,
State Auditor,
Jefferson City, Mo.

Dear Sir:

This department is in receipt of your letter in which you request an opinion from this department on the following state of facts:

"Can entertainment at the State Fair be paid out of the appropriation provided for in Section 1, subdivision C-D, Laws of Missouri 1933, p. 63?"

Section 1, sub-section C-D, Laws of Mo. 1933, p. 63 provides as follows:

"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****\$50,000.00."

It will be readily noticed by a reading of this section that the only way in which entertainment at the State Fair can be paid out of this appropriation is in the event that such entertainment can be brought within the term of the word "labor" as found in said section.

In the case of Crook v. Commonwealth, 136 S.E. 565, 147 Va. 593, professional baseball players and umpires engaging in a Sunday game were held to have violated Code 1919, Sec. 4570 although no admission was charged; "labor" meaning physical or mental toil, bodily or intellectual exertion.

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In the case of City of Clinton v. Wilson, 101 N.E. 192, 257 Ill. 580, it was held that to keep open, manage and superintend a theatre and sell tickets therein on Sunday is labor within a municipal ordinance, subjecting to fine any person who shall on Sunday pursue his daily labor.

Webster's New International Dictionary defines the word "labor" as follows:

"Physical or mental toil; bodily or intellectual exertion, esp. when fatiguing; painful, irksome, or unavoidable; work."

It is therefore the opinion of this department that the word "labor" as used in Section 1, sub-section C-D, Laws of Mo. 1933, p. 63 is so comprehensive as to include entertainment offered at the State Fair; therefore, entertainers working at the State Fair may rightfully be paid out of the appropriation provided for by Section 1, sub-section C-D, Laws of Mo. 1933, p. 63.

Respectfully submitted,

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APPROVED:

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