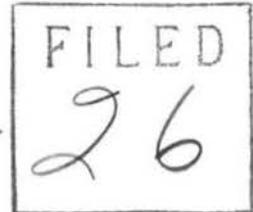


DEPARTMENT OF AGRICULTURE ) The word "premium" construed in  
STATE OF MISSOURI ) Sec. 30A, House Bill #419, to in-  
clude ribbon prizes, the cost of  
which shall be paid out of such  
appropriation, where such ribbons  
are awarded pursuant to the act.

November 9, 1943



Honorable John W. Ellis  
Commissioner  
Department of Agriculture  
State of Missouri  
Jefferson City, Missouri

Dear Sir:

We are in receipt of your opinion request of recent date, which request reads as follows:

"Will you please inform me if, under Section 30A of House Bill 419, the Commissioner of Agriculture is permitted to use a sum of money from the appropriation mentioned for the purpose of buying ribbons awarded in the agricultural exhibits mentioned therein."

Section 30A of House Bill #419 reads as follows:

"There is hereby appropriated to the State Department of Agriculture according to Article 18, Chapter 102, Revised Statutes of Missouri 1939, to be awarded as premiums made in connection with agriculture exhibits by members of boys' and girls' 4-H Clubs, vocational agriculture students, and Future Farmers of America, of Missouri, and State Breed Shows and Sales of beef cattle, dairy cattle, hogs, sheep, and poultry for encouraging the immediate production, distribution, and use of superior breeding stock for the years 1943 and 1944, the sum of \$30,000.00".

Now turning to your question whether or not ribbons which are to be awarded to successful contestants can be

paid for out of the appropriations provided for in Section 30A, Supra, where such ribbons are to be used in connection with exhibits by the different organizations enumerated in Section 30A, Supra. It will be significant to note that the Act used the language "to be awarded as premiums". Therefore, we shall concern ourselves first with the proper interpretation that should be placed upon the word "premiums" and if the term is of sufficient scope and meaning, then we must hold that Section 30A, is sufficiently broad as to enable the Department of Agriculture to purchase ribbons and defray the expense of the same out of the \$30,000 appropriated under this Act. In Valentine's Law Dictionary, page 1002, we find the word "premium" defined as follows:

"A premium is a reward or recompense for some act done. It is known who is to give before the event. It is not to be confounded with a bet or wager, for in a wager it is not known who is to give until after the event. Moreover a wager is a stake upon an uncertain event."

(Alvord vs. Smith, 63 Ind. 52.)

Again, in Words and Phrases, Volume 33, page 371, we find this approved definition:

"'Premium' or 'prize' is an award or recompense for some act done; some valuable thing offered by a person for something done by others. It is distinguished from a 'bet' or 'wager' in that it is known before the event who is to give either the premium or the prize, and there is but one operation until the accomplishment of the act, thing, or purpose for which it is offered. People v. Cohen, 289 N.Y.S. 397, 400, 160 Misc. 10. "

With these definitions of the word "premium" in mind, we shall again observe the purpose and meaning of Section 30A, Supra. It should be first pointed out that this is an Appropriation Act, appropriating \$30,000 to be used in the furtherance of successful agricultural pursuits, and we think it goes without saying or the citation of some legal authority, if one can be found, that in most instances, the silk banner or ribbon which declares that the successful participant has won first, second or third award in his particular class, is of greater pecuniary value to the successful aspirant than the monetary amount that

might accompany the awarding of the ribbon. For a successful person can carry or display the ribbon advantageously to the advertising of his exhibit, not to say anything about the personal gratification of receiving the same. Therefore, in the light of the definition heretofore set out, it is our view that the Legislature fully intended through the use of the word "premium" that the State Department of Agriculture should follow the time and immemorial custom of awarding the silk ribbon and should accompany the awards with a monetary consideration and both the money and the cost of the ribbon to be defrayed by the \$30,000 appropriated by Section 30A, Supra, where such ribbons and emoluments were given as is provided in said section.

#### CONCLUSION

Any monetary award given pursuant to Section 30A, House Bill #419, may be accompanied with a suitable premium ribbon. The cost of such ribbon may be likewise defrayed out of such appropriations.

Respectfully submitted,

B. Richards Creech  
Assistant Attorney-General

APPROVED:

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ROY MCKITTRICK  
Attorney-General

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