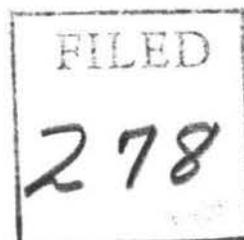


May 23, 1967



**OPINION NO. 278**  
**Answered by letter-Siddens**

Honorable Jasper M. Brancato  
Senator, 11th District  
Jackson County  
619 W. 12th Street  
Kansas City, Missouri

Dear Senator Brancato:

This is in response to your request for an opinion regarding a proposed exhibition of matador skills as a possible violation of Section 563.660 RSMo 1959. Section 563.660 provides:

"Any person who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock or other creature, and any person who shall encourage, aid or assist or be present thereat, or who shall permit or suffer any place belonging to him or under his control to be so kept or used, shall, on conviction thereof, be guilty of a misdemeanor."

The vital language in this statute would appear to be "used for the purpose of fighting or baiting any bull \* \* \* ." The Supreme Court of Missouri in the case of *State ex rel Attorney General v. Canty*, 105 SW 1078, considered a similar bullfight performance or exhibition to be a public nuisance. Dictionary definitions of baiting and bull baiting are: The practice of baiting the bulls with dogs; anything that allures; a lure; enticement; temptation; the act of baiting; a state of worry or vexation; to persecute, harass or torment; to exasperate with repeated attacks especially wantonly or maliciously; to offer bait to; to allure; to entice.

Honorable Jasper M. Brancato

As we understand the proposed exhibition it would appear that the same would fall within the prohibition of the statute.

We have been informed that the City Counselor of Kansas City has been consulted about this same problem and he has given an oral opinion that the proposed performance would be a violation of the aforementioned statute. We concur in his view.

Yours very truly,

NORMAN H. ANDERSON  
Attorney General

JGS:ms:db