

COUNTY COURTS:  
APPROPRIATIONS:

FILED  
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The county court in any county may in any one year, appropriate out of the county treasury, a sum of money not exceeding \$300, for the benefit of any society in its county regularly organized as a county agricultural and mechanical society, county fair, county corn growers' association, county poultry association, county stock growers' association, or any other organization or incorporated society having for its object the holding of county fairs or the advancement of agriculture or its allied industries, and that such appropriation is not limited to any one such society but that the county court may make such an appropriation to as many such societies as it deems expedient.

August 22, 1952

Honorable Lane Harlan  
Prosecuting Attorney  
Cooper County  
Boonville, Missouri

8-26-52

Dear Sir:

Your recent letter to the Attorney General requesting an official opinion has been assigned to me to answer.

You thus state your opinion request:

"Our County Court of Cooper County, a third class county, is desirous of an opinion from your office regarding the first sentence of the above section. (Section 262.350)

"Cooper County has several agricultural societies or fairs and the question is whether or not the County Court is limited to a total of three hundred dollars (\$300) for all of such societies or fairs or whether the Court can appropriate a sum of three hundred dollars (\$300) for each (or any number it so desires) of the societies or fairs."

Section 262.350, RSMo 1949, to which you refer, states in part as follows:

"The county court of any county may, if it be deemed expedient, appropriate out of the county treasury for the benefit of

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any society regularly organized as a county agricultural and mechanical society, county fair, county corn growers' association, county poultry association, county stock growers' association or any other organization or incorporated society having for its object the holding of county fairs or the advancement of agriculture or its allied industries, a sum not exceeding three hundred dollars in any one year. \*\*\*"

This portion of the above section is to be found in the Revised Statutes of Missouri, 1929, Section 12490. It was originally enacted in the Statutes of Missouri, 1919, wherein it is Section 12059. Its meaning has never at any time been construed by the Appellate Courts of this state.

Our problem here is to determine whether, when Section 262.350, supra, uses the words "any society," it means one society out of a number which are enumerated, or whether it means "all" or "every." That is, whether a county court may, under the authority of the above section, appropriate a sum of money not exceeding \$300 in any one year to any one, but not to more than one, of the organizations listed in the section; or whether it may appropriate up to \$300 for more than one such organization.

There are a great many cases which construe the meaning of the word "any." Some of these cases hold that the word "any" means one. In the case of *Martin v. Martin*, 35 N.E. (2d), 560, the Court stated that any means "one, indefinitely; one of three or more." However, it appears that the great majority of cases construe it to mean "all" or "every." In the Missouri case of *Wormington vs. City of Monett*, 204 S.W. (2d) 264, the Court stated, l.c. 266, 267:

"The point in issue here must be determined under Section 22 of the Civil Code, Laws Mo. 1943, page 364, Mo. R.S.A. § 847.22, and our Supreme Court Rule 3.08. The pertinent Code provisions of Section 22 are:

"(a) (1) If a party dies and the claim is not thereby extinguished, the court shall on motion order substitution of the proper parties. The motion for substitution may be made by the successors or representatives

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of the deceased party or by any party and, together with the notice of the hearing, shall be served on the parties as provided in section 5, and upon persons not parties in the manner provided for the service of a summons. (Emphasis ours.) \* \* \*"

It is therefore our opinion that when Section 262.350, supra, uses the words "any society," it means that the county court is not restricted to an appropriation to some one of the societies enumerated, but that it may make an appropriation up to \$300 to as many such societies as it deems expedient.

CONCLUSION


It is the opinion of this department that the county court of any county may in any one year, appropriate out of the county treasury, a sum of money not exceeding \$300, for the benefit of any society in its county regularly organized as a county agricultural and mechanical society, county fair, county corn growers' association, county poultry association, county stock growers' association, or any other organization or incorporated society having for its object the holding of county fairs or the advancement of agriculture or its allied industries, and that such appropriation is not limited to any one such society but that the county court may make such an appropriation to as many such societies as it deems expedient.

Respectfully submitted,

HUGH P. WILLIAMSON  
Assistant Attorney General

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APPROVED:

  
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J. E. TAYLOR  
Attorney General