

State Fair — Appropriations — Fairs — Premiums — Exhibits.

The money appropriated "for the purpose of paying premiums * * * on such other exhibits as the state fair board may designate" may legally be expended in the payment of premiums offered for exhibits approved by the fair board of any class for which premiums are commonly offered.

Barclay Craighead, Esq.,
Publicity Division,
Department of Agriculture,
Helena, Montana.

September 2, 1927.

My dear Mr. Craighead:

You have requested my opinion upon the following statement of facts:

You state that "in addition to the livestock and other agricultural exhibits at this year's state fair there will be an exhibit devoted to

aeronautics, at which premiums totalling some \$3,500 will be offered. There will be an exhibit of running horses at which premiums of approximately \$5,000 will be offered. Of course, it is understood that in connection with this exhibit there will be no betting or law violation. There will be an exhibit of the young womanhood of the state at which premiums of about \$1,500 are outlined."

You further state that all of these exhibits, as well as the agricultural and livestock exhibits, have been regularly designated by the state fair board. You ask whether the premiums for these exhibits may legally be paid from the appropriation of \$15,000 made by the last legislature under the following appropriation:

"That the sum of \$15,000 shall be, and the same is hereby set aside for the purpose of payment of premiums on livestock, agricultural exhibits and such other exhibits as the state fair board shall designate, and that the said sum of \$15,000 shall be used for no other purpose."

The general language "for the purpose of payment of premiums on * * * such other exhibits as the state fair board shall designate" is in my opinion broad enough to authorize the fair board to pay a premium on any exhibit designated by it for that purpose.

The word "premium" is defined in Funk & Wagnall's New Standard Dictionary as "something offered or adjudged as a recompense for or in recognition of an excellent performance or production."

In 31 Cyc. 1164 the word "premium" is thus defined: "Some valuable thing, offered by a person for the doing by others, into the strife for which he does not enter." (Quoted from Harris v. White, 81 N. Y. 532-539.)

Your letter does not contain any details regarding the nature of the exhibits referred to but assuming that they are of the same general class for which premiums are commonly offered, there is no reason why premiums for such exhibits may not be legally paid from the \$15,000 appropriation above referred to.

Very truly yours,

L. A. FOOT,
Attorney General.