

MISSOURI LIBRARY : The Missouri Library Commission  
COMMISSION : may receive gifts of money, books  
TRUST : or other property, which may be  
: used or held in trust for the  
: purposes given by the person  
: Creating said trust.

January 24, 1944



Miss Ruth O'Malley  
Executive Secretary  
Missouri Library Commission  
Jefferson City, Missouri

Dear Miss O'Malley:

This office is in receipt of your request for an opinion and omitting caption and signature, your request reads as follows:

"I am attaching herewith a copy of Article II, Section 14731-14736 pertaining to the Missouri Library Commission and wish to ask your opinion on a point of law in regard to one of its sections.

"Section 14732 provides among other things as follows:

'It may also receive gifts of money, books or other property which may be used or held in trust for the purpose or purposes given.'

"Is this sufficient provision to enable the Commission to receive a bequest through the will of a citizen of Missouri for the purpose of extending library service."

Proceeding with our examination of the statutes devoted to the duties of the Missouri Library Commission, we find the following; section 14732 reads as follows:

"The commission shall give advice to all schools, free and other public libraries, and to all communities which may propose to establish them, as to the best means of establishing and maintaining such libraries, the selection of books, cataloguing and other details of library management. It may also receive gifts of money, books,

or other property which may be used or held in trust for the purpose or purposes given; may purchase and operate travelling libraries, and circulate such libraries within the state among communities, libraries, schools, colleges, universities, library associations, study clubs, charitable and penal institutions, free of cost, except for transportation, under such conditions and rules as shall protect the interest of the state and best increase the efficiency of the service it is expected to render the public. It may publish such lists and circulars of information as it shall deem necessary, and it may also conduct summer schools of library instructions, and a clearing house for periodicals for free gift to local libraries."

We find the above section to be clear, concise, and unambiguous and in need of no construction on our part.

We find that the constitutionality of this section has not been questioned, and the same remains in effect, and it has not been modified or overruled by any decisions in this state. That portion of the section useful for the purpose of our discussion is this: "It, (the Commission) may also receive gifts of money, books or other property which may be used or held in trust for the purpose or purposes given." This sentence means exactly what it says. That the Commission has now the constitutional right and may receive gifts of money, or other property, which may be used or held in trust. The person creating the trust may impose certain terms or conditions which are binding on both the trustee and Commission.

#### CONCLUSION.

It is the opinion of this department that the Missouri Library Commission may receive gifts of money, books or other property, which may be used or held in trust for the purpose given by the person creating said trust.

Respectfully submitted,

APPROVED:

L. I. MORRIS  
Assistant Attorney General

ROY McKITTRICK  
Attorney General

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