

COUNTY MEMORIALS: State's contribution to county memorial to Monroe County approved; to Knox County disapproved.

November 16, 1948

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Honorable B. H. Howard
Comptroller
Department of Revenue
Jefferson City, Missouri

Dear Sir:

This is in reply to your letter of recent date requesting an official opinion of this department and enclosing certified copies of orders of the county courts of Monroe County and Knox County, upon which such counties base a request for the allowance to such counties of \$1,000.00 by the state as provided in Section 15446, R. S. Mo. 1939.

We find that the certified copy of the order of the county court of Knox County, dated December 22, 1947, provides that a contract for the establishment of a Knox County Memorial Fair has been entered into by the Knox County Fair Association and Post No. 4822 of the Veterans of Foreign Wars of Edina. Under the contract, the Knox County Fair Association agreed and turned over to the Knox County Veterans of Foreign Wars Post \$1,000.00 to be used for the purpose of forming the Knox County Memorial Fair and complying with Section 15446, R. S. Mo. 1939. One thousand dollars in United States Government Bonds has been placed in the custody of John Woodward, the county clerk, to be held in escrow for the purpose of establishing, constructing and operating a Knox County Memorial Fairgrounds under the sponsorship of the Veterans of Foreign Wars chapter. The order further provides that the county court ordered that a Knox County Memorial Fair Association be formed, and that the fairgrounds be lettered in memory and appreciation of the services of First World War soldiers. While it is not perfectly clear just what is contemplated by the order of the Knox County Court, it apparently is an attempt by the county court to contribute \$1,000.00 of county funds to a Knox County Memorial Fair, which is to be operated by the local Veterans of Foreign Wars Post and based on such order a request is made that the state match such allotment.

We are of the view that Sections 15444, 15445 and 15446, R. S. Mo. 1939, do not permit the contribution by a county to a memorial fairgrounds, and further direct that the construction of the memorial be under the supervision and direction of the county court. Section 15444 provides in part as follows:

" * * * a memorial building, monument or other suitable testimonial shall be erected or placed in each of the counties of the state and in cities not part of a county. Such memorial may be a building or a monument or in the form of tablets suitably inscribed and placed in some building at the county seat of such counties or at such places designated by the county courts of said county and in said cities not part of a county. The exact nature of such memorial shall be determined by the county court of the county or by the municipal assembly of said city."

We are of the opinion that the above quoted provision limits the type of memorial which may be constructed under the provisions of these sections, and that a memorial fairgrounds is not one of the purposes permitted by the act. We believe, also, the fact that apparently the entire control and management of the fairgrounds by the local Veterans of Foreign Wars Post violates the provisions of Section 15445.

Therefore, it is our opinion that since said sections have not been complied with, the application of Knox County should be disapproved.

The certified copy of the order of Monroe County dated December 8, 1947, states that upon application by Veterans of World War II, the County Court of Monroe County, Missouri, appropriated \$1,000.00 for carrying out the provisions of Laws of 1919, pages 78, 79 and 80, which are now Sections 15444, 15445 and 15446. The order further provided that such moneys should be used in the erection of a building, monument or other suitable testimonial to be erected or placed in Monroe County, Missouri. It further provided that the appropriation was on condition that the State of Missouri allot a like amount.

While the specific location of the memorial is not set out in the order, except insofar as it states that it will be located in Monroe County, we believe that such order is sufficient. It appears that the county court will follow the provisions of the law and construct the type of memorial authorized by the statutes and that such county court will

Hon. B. H. Howard

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erect the memorial and carry out the provisions of Article 11, Chapter 138, R. S. Mo. 1939.

Therefore, we are of the opinion that the request of Monroe County should be approved.

Respectfully submitted,

C. B. BURNS, JR.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General *J. E. T.*

CBB:VLM