

Theatres, Open on Sunday. Sunday, Running Theatres On.

The opening or running of a house fitted up with a stage and seats, where general admission is charged, is a violation of Section 530, Penal Code, prohibiting the running of theatres on Sunday.

Helena, Montana, May 27, 1908.

Hon. Thomas Nelson Marlowe,
County Attorney,
Missoula, Montana.

Dear Sir:—

Your letter of the 25th inst. received, in which you request an opinion on the following proposition:

Would the running on Sunday of an ordinary so-called ten-cent show where they have moving pictures and two or three illustrated songs be in violation of Section 530 of the Penal Code?

Section 530 reads as follows:

“Every person who on Sunday, or the first day of the week, keeps open or maintains or aids in opening or maintaining any theatre, play-house, dance-house, race track, gambling-house, concert saloon or variety hall is guilty of a misdemeanor.”

In an opinion heretofore given to the Hon. T. E. Collins, state examiner, on May 6, 1908, it was held that a house fitted up with a stage or platform and seats for the use of the spectators, where an admission was charged, and moving pictures given on the stage, come within the term “theatre” as used in Subdivision 2 of Section 4062 of the Political Code, as amended by Chapter CXVII, Laws 1903, which provides that a license of one hundred dollars per annum must be collected for each theatre. We herewith enclose you a copy of such opinion.

You are therefore advised that in our opinion a house fitted up in the manner described in the enclosed opinion, in which moving pictures are exhibited, is a theatre, and included within the provisions of said Section 530, Penal Code, and that to keep open and maintain a theatre used for such purposes on Sunday is a violation of said section.

Receipt of your letter regarding affairs at Taft is also acknowledged.

Very truly yours,

ALBERT J. GALEN,
Attorney General.