

Race Meetings, Length of in County. License, to Conduct Race Meetings.

It was the intention of the legislature under Chapter 92, Laws of 1909, to limit race meetings in each county to the period of time named in the act; therefore the County Commissioners would have no authority to grant a license for the conduct of a race meeting for a longer period of time than that named in the act for each county.

Helena, Montana, July 15, 1909.

Board of County Commissioners of Silver Bow County.

Butte, Montana.

Gentlemen:

I am in receipt of your favor of the 9th inst., requesting an opinion as to whether or not the county treasurer should issue a license to another fair and racing association, intending to open for business and conduct racing for thirty days immediately following the thirty day race meeting now in progress in Butte. In your statement of facts you say that the people behind the new enterprise constitute a new association and assert the right to conduct 30 days of horse racing in the county, notwithstanding the fact that 30 days of racing may already have been conducted, by establishing a new race track.

Section 2769 of the Revised Codes of 1907 deals with the subject of the licensing of such an enterprise, but says nothing concerning the length of time race meetings may be conducted in any county. However, by the provisions of chapter 92, laws of 1909, page 121, regulation is made respecting the length of time that races may lawfully be conducted in any county and wagers made thereon. This statute was intended to limit race meetings in any county to the time therein prescribed,

and we do not feel at liberty to give you any advice permitting of a subterfuge whereby the express legislative intent may be avoided.

By chapter 20, laws of 1909, page 22, which law was the first one passed by the last legislative assembly upon the subject, race meetings were generally limited to 14 days, but owing to the fact that, through pressure brought to bear from Silver Bow County, it was made to appear that that was not a sufficient length of time for such contests in Silver Bow County, the law was amended to allow such meetings for a period of thirty days.

You are therefore advised that a license should be denied the new association by the county treasurer, and any attempt at such evasion of our law should be prevented.

Yours very truly,

ALBERT J. GALEN,

Attorney General.