

**Prize Fights, Prohibition. Wrestling and Boxing in. Wrestling and Boxing, Prohibited. Boxing and Wrestling, Prohibited.**

Section 8576 assumes to prohibit boxing and wrestling and slugging matches, except boxing with soft gloves, in any gymnasium for exercise.

It is here held that boxing or wrestling, either within a gymnasium, or otherwise, is not contrary to statute.

Helena, Montana, April 30, 1910.

Hon. W. H. Trippett,  
County Attorney,  
Anaconda, Montana.

Dear Sir:

I am in receipt of your letter of April 21, wherein you ask my construction of section 8576, revised codes, and in connection therewith make a statement of facts, the gist of which is as follows:

Some young men in Anaconda desire to keep a room in the nature of a gymnasium, for the purpose of engaging in physical exercise. They expect to charge an admission fee thereto, and they desire to have wrestling and boxing.

Section 8576, while definite in its terms, seems to be broader in its prohibition than what I take to be the legislative intent. All persons who engage in boxing, wrestling, or slugging matches, with or without gloves, either as principal, aid, second or referee, are made guilty of a misdemeanor. The only exception is that boxing with soft gloves in any gymnasium, for exercise, is not prohibited. There is no exception made as to wrestling matches for exercise, and the statute might be construed to prohibit boxing with soft gloves for exercise in places other than a gymnasium.

This particular prohibition seems to me to go further than the legislature intended it to go. As prohibiting boxing outside of a gymnasium, simply for exercise, and prohibiting wrestling for exercise, either within our without a gymnasium, seems to me to be an invasion of personal liberty which the legislature could not have intended.

In handling matters under this statute the good judgment and discretion of the officers under whose direct supervision they come, must be relied upon to a large extent. If the club or gymnasium instigates, promotes and stages prize fights, it would certainly come within the provisions of section 8573, revised codes, and is by that section prohibited. However, a gymnasium, conducted as a place for physical exercise, where boxing and wrestling matches are held between the members, seems to me to be entirely lawful, and as to whether or not they are prohibited by law would rest upon the facts surrounding each particular case.

The only advice I can give you in the matter is that you have the proper officers of your county investigate the manner in which this club or gymnasium is conducted, and when cognizant of all the facts and

circumstances, use your good judgment and discretion in determining what action, if any, should be taken with regard thereto.

Very truly yours,

ALBERT J. GALEN,

Attorney General.