

Moving Pictures Depicting Prize Fights or Any Felony, Prohibited. Prize Fights, Moving Pictures Depicting.

Stereoptican views or magic lantern reproductions on separate slides showing a picture of a prize fight cannot be considered moving pictures within the prohibition of Section 8881 of the Revised Codes of 1907.

August 26, 1910.

Hon. W. H. Trippet,
County Attorney,
Anaconda, Mont.

Dear Sir:—

I have considered thoroughly the question which you submitted yesterday by telephone concerning the exhibition of stereoptican views of the Jeffries-Johnson prize fight in this state. You say it is proposed to exhibit magic lantern slide pictures which will produce on canvass fixed representations of these men as they entered the prize ring and at other stages during the fight, and you ask whether or not the exhibition of such pictures is prohibited by the provisions of Section 8881, revised codes of 1907.

This section prohibits the exhibition of "moving pictures" wherein are shown or exhibited to the public any scenes depicting burglary, train robbery or other acts which constitute a felony. In Section 8573 of said code it makes prize fighting a felony.

The solution of the question you present is whether or not a stereoptican view or magic lantern picture shown on canvas constitutes "moving pictures" under the statute.

It is a well said rule of law that criminal statutes are construed strictly, and applying this rule, I do not believe that such stereoptican views or magic lantern reproduction of separate slide views can be considered "moving pictures." Such a method of setting forth the picture is in my opinion no different than photographs, pictures shown on placards or printed in newspapers.

Yours very truly,

ALBERT J. GALEN,
Attorney General