

License, to Racing Association or Corporation. Racing Corporation or Association, More Than One in Any County May Be Granted a License to Conduct Race Meetings. Race Meetings, One or More May Be Conducted at the Same Time in Any County on Different Tracks. Bets or Wagers, Makers of After Expiration of Time Allowed by Law Liable Under the Provisions of Chap. 92, Laws 1909.

Chap. 92, Laws of 1909, simply limits the time of race meetings to 30 days and does not prohibit the holding of more than one such meeting in any of the counties of the state.

Persons making, reporting, recording or registering bets or wagers upon the result of any contest of speed, etc., act at their peril and are liable under the provisions of Chap. 92, Laws of 1909, and are bound to know when the period of time specified in the law has expired.

January 16, 1911.

Hon. Thos. J. Walker,
County Attorney,
Butte, Montana.

Dear Sir:

I am in receipt of your letter of January 7th, asking my opinion upon the following question:

"Will the fact that there are two corporations in the county of Silver Bow, interested in racing, and one of them applies for a license, and is granted the same for a race meet for 30 days, preclude the other corporation from applying for a similar license to conduct a race meet and conduct same where both corporations have different tracks situated in the county. It being the intent to conduct the meet in accordance with the recent act passed by the 1909 legislative assembly, which in effect holds that no such race meet shall last for a period of more than 30 days, would it be possible under the law, to conduct both meets at the same time, or at different times so long as the 30 days have not been consumed, or does it give the party who first secured a 30 day license the monopoly and bar the other corporation from holding a race meet."

It is my opinion that Chapter 92 of the Session Laws of 1909 does not confine such race meet to some one particular race track or association within the county, nor does it limit the number of race meets that may be in progress within the one county at the same time, but that it rather limits the period of time of race meets as a class in each county, and when that time shall have expired, counting from the first day in any calendar year where betting has been conducted or carried on within the enclosure of the race track or fair grounds, and when the time specified by the law has been exhausted, whether in consecutive days or not, the "open season" for making, reporting,

recording or registering any bet or wager on racing at once closes, and any person thereafter making, reporting, recording or registering any bet or wager upon the result of any contest of speed, etc., is clearly liable under the provisions of that law.

It is clearly the intent of the law to place persons engaged in such occupation in the position that they act at their peril and are bound to know when the period of time specified in the law has expired.

In view of the foregoing; it is my opinion that the fact that one racing association secures a license under Section 2769 of the Revised Codes for a race meeting of thirty days would not preclude another racing association from applying for a similar license, and that so long as racing in the county did not exceed the time limit of thirty days, both meetings could be conducted at the same time, or at different times. I also respectfully call your attention to an opinion heretofore rendered by the office with reference to the issuance of licenses, which will be found in Vol. 3, Apinions of Attorney General, p. 163.

This statute is purely a police regulation intended to apply to race meetings, and its provisions should be followed with that idea in view.

Yours very truly,

ALBERT J. GALEN,

Attorney General.