

**Pool Halls—Minors.**

Where pool tables are operated in the rear portion of a store room and candy and soft drinks sold in the front portion the entire room is a pool room within the meaning of the law prohibiting minors from frequenting pool halls.

Charles S. Baldwin, Esq.,

February 4, 1925.

City Attorney.

Kalispell, Montana.

My dear Mr. Baldwin:

You have submitted to this office the following statement of facts and question and have requested my opinion thereon: Certain proprietors operate establishments in store rooms in the front part of which rooms they conduct soft drink and candy stores and in the rear portions they have pool and billiard tables. The question is then presented whether the entire establishment is a "pool room" within the meaning of section 11191, R. C. M., 1921, which makes it a misdemeanor for the proprietor of a pool room to allow or permit minors to frequent pool halls.

Where there is no physical separation of the two parts of the room there is no doubt that the entire establishment takes on the characteristics of a pool room. The operation of the pool tables in the rear portion of the room taints the entire room with the characteristics of a pool room.

In the case of *State v. Johnson*, 79 N. W. 62, it was said:

"Two billiard tables on which people generally were permitted to play pool at a fixed fee per game were kept in a room by defendants, and notwithstanding the incidental sale of cigars, candy, and peanuts, they constituted it a billiard hall within the meaning of the law."

It is, therefore, my opinion that under the facts stated the establishments are pool halls within the meaning of the law.

Very truly yours,

L. A. FOOT,

Attorney General.