

SENATE No. 446

The Commonwealth of Massachusetts.

SENATE, March 17, 1913.

The committee on Legal Affairs to whom was referred the petition (with accompanying bill, House, No. 1676) of John H. Egan for legislation to provide for the establishment of a state athletic commission and for the regulation of boxing and sparring, report the accompanying bill.

For the committee,

F. J. HORGAN.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Thirteen.

AN ACT

To regulate and control Boxing and Sparring Exhibitions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. A commission is hereby established to be
2 known as the state athletic commission, to consist of
3 three persons, one of whom shall be a physician and all
4 of whom shall be appointed by the governor, with the advice
5 and consent of the council, and to hold office for three years.
6 The members of the commission shall be appointed in the
7 first place for the term of one, two and three years. The
8 commission shall maintain general offices for the transac-
9 tion of its business. The members of the commission shall,
10 at their first meeting after their appointment, elect one of
11 their number chairman of the commission, and shall adopt
12 a seal for the commission, and may make such rules for the
13 administration of their office, not inconsistent herewith, as
14 they may deem expedient; and they may hereafter amend
15 or abrogate such rules. Two of the members of the com-
16 mission shall constitute a quorum to do business; and the
17 concurrence of at least two commissioners shall be neces-
18 sary to render a choice or decision by the commission. The
19 provisions of section twenty-one of chapter three of the

20 Revised Laws shall not apply to the provisions of this act.
21 The chairman of the commission shall receive an annual
22 salary of twenty-five hundred dollars and the other com-
23 missioners shall each receive an annual salary of two thou-
24 sand dollars payable as provided in section two.

1 SECTION 2. The commission shall appoint, and for cause
2 remove, a secretary to the commission, whose duty it shall
3 be to keep a full and true record of all its proceedings, pre-
4 serve all its books, documents and papers, prepare for
5 service notices and other papers required of him by the com-
6 mission, and to perform such other duties as the commission
7 may prescribe; and he may, under direction of the com-
8 mission, issue subpoenas for the attendance of witnesses
9 before the commission with the same effect as if they were
10 issued in an action in the superior court, and may, under
11 direction of the commission, administer oaths in all matters
12 pertaining to the duties of his office or connected with the
13 administration of the affairs of the commission. Dis-
14 obedience of such a subpoena and false swearing before such
15 secretary shall be attended by the same consequences, and
16 be subject to the same penalties as if such disobedience or
17 false swearing occurred in an action in the superior court.
18 The travelling and other necessary expenses of the members
19 of the commission, which, including the salary of the secre-
20 tary, shall not exceed the sum of ten thousand dollars per
21 year, shall be paid monthly by the treasurer of the common-
22 wealth on the warrant of the state auditor out of the pro-
23 ceeds of the tax to be collected as herein provided. The
24 commission shall annually make to the legislature a full
25 report of its proceedings for the year ending with the first
26 day of the preceding December, and may admit, with such
27 report, such recommendations pertaining to its affairs as to
28 it shall seem desirable.

1 SECTION 3. The commission shall have, and hereby is
2 vested with, the sole direction, management and control
3 of and jurisdiction over all boxing and sparring matches,
4 and exhibitions to be conducted, held or given within the
5 commonwealth by any club, corporation or association;
6 and no boxing or sparring match or exhibition shall be
7 conducted, held or given within the Commonwealth ex-
8 cept pursuant to its authority and in accordance with the
9 provisions of this act. The commission may, in its discre-
10 tion issue, and for cause revoke, a license to conduct, hold,
11 or give boxing and sparring matches and exhibitions to any
12 club or corporation who comply with the provisions here-
13 inafter in this act enumerated and the by-laws, or rules
14 which may be promulgated from time to time by this com-
15 mission for the government of boxing and sparring matches
16 and exhibitions within the commonwealth. Every applica-
17 tion for a license, as herein provided for, shall be in writing
18 and shall be addressed to the commission, and shall be
19 verified by some officer of the club, corporation or asso-
20 ciation on whose behalf the application may be made under
21 oath. It shall contain a recital of such facts as, under the
22 provisions hereof, will show the applicant entitled to receive
23 a license and, in addition thereto, such other facts and re-
24 citals as the commission may by rule require to be shown.

1 SECTION 4. The commission shall appoint one inspector
2 for each and every boxing exhibition held in this common-
3 wealth whose duty it shall be to attend such exhibitions
4 other than those held under amateur athletic union rules;
5 the said inspector shall be known as the ring official and it
6 shall be his duty to govern contests so that the contestants
7 shall compete fairly, prevent brutality, maintain order and
8 interfere with said contest, either by bringing a round to
9 an end or by stopping the contest entirely, when a con-

10 testant is outclassed. The said inspector shall file with the
11 said commission the records of all bouts within twenty-
12 four hours of the time of the occurrence of said bouts, said
13 records to be published in a bulletin issued by the commis-
14 sion at their discretion, either weekly, monthly or quarterly.

1 SECTION 5. The said commission shall be an examining
2 board before whom ring officials and inspectors must qualify
3 as to their knowledge of boxing. All contestants shall be
4 subjected to a medical test as to physical fitness before
5 being allowed to participate in any such contest as herein
6 provided for.

1 SECTION 6. It shall be unlawful for any club or referee
2 to permit a bout to continue beyond ten rounds of three
3 minutes each, except when the contest is held under ama-
4 teur athletic union rules.

1 SECTION 7. All buildings or structures used, or intended
2 to be used, for the purpose of this act shall be properly
3 ventilated and provided with fire exits and fire escapes and
4 shall in all manner conform to the laws, ordinances and
5 regulations pertaining to buildings in the city, town or village
6 where situated. Where a part of a building or structure is
7 used for the purposes set forth in this act, this section shall
8 apply in the same manner. And any club, corporation or
9 association who makes application for a license to hold or
10 give boxing or sparring exhibitions shall at the time applica-
11 tion therefor is made, own or hold a lease for at least one
12 year upon the buildings wherein it may be proposed to con-
13 duct, hold or give such boxing or sparring match or ex-
14 hibition.

1 SECTION 8. No boxing or sparring match or exhibition

2 shall be of more than ten rounds in length; and the con-
3 testants shall wear on their hands during such contests
4 only gloves weighing at least six ounces.

1 SECTION 9. Any club, corporation or association which
2 shall conduct, hold or give, or participate in, any sham or
3 fake boxing or sparring match or exhibition shall thereby
4 forfeit for all time its license issued in accordance with the
5 provisions of this act, and such club, corporation or associa-
6 tion shall not, neither shall the owners, managers or pro-
7 prietors of such a club or those who signed such club's original
8 application for a license be thereafter entitled to receive
9 another such license or any license pursuant to the pro-
10 visions of this act.

1 SECTION 10. Any contestant who shall participate in
2 any sham or fake boxing or sparring match or exhibition shall
3 be penalized in the following manner: for the first offence,
4 he shall be restrained for a period of six months, such period
5 to begin immediately after the occurrence of such offence,
6 from participating in any boxing contest or competition to
7 be held or given by any club, corporation or association duly
8 licensed to give or to hold such boxing or sparring matches
9 or exhibitions; for a second offence he shall be totally dis-
10 qualified and barred from further admission to or participa-
11 tion in any boxing contest held or given by any club, cor-
12 poration or association duly licensed for said purposes in
13 this commonwealth.

1 SECTION 11. Every club, corporation or association
2 which may hold or exercise any of the privileges conferred
3 by this act shall within twenty-four hours after the deter-
4 mination of every contest, furnish to the said commission a
5 written report, duly verified and sworn to by one of its

6 officers, showing the number of tickets sold for such contest,
7 the amount of the gross proceeds thereof, and such other
8 matters as the commission may prescribe, and shall also
9 within the said time pay to the state auditor a tax of ten
10 per cent of its total gross receipts from the sale of tickets
11 of admission to such boxing or sparring match or exhibition.
12 Before any license shall be granted to any club, corporation
13 or association to conduct, hold or give any boxing or spar-
14 ring match or exhibition such applicant therefor shall
15 execute and file with the state auditor a bond in the sum
16 of two thousand dollars, to be approved as to form, and
17 the sufficiency of the sureties thereon, by the state auditor,
18 conditioned for the payment of the tax hereby imposed.
19 Upon the filing and approval of such bond the state auditor
20 shall issue to such applicant for such license a certificate of
21 such filing and approval, which shall be by such applicant
22 filed in the office of the commission with the application for
23 such license; and no such license shall be issued until such
24 certificate shall be so filed.

1 SECTION 12. Whenever any such club, corporation or
2 association shall fail to make a report of any contest at the
3 time prescribed by this act, or whenever such report is
4 unsatisfactory to the state auditor, he may examine or
5 cause to be examined the books and records of such club,
6 corporation or association and subpoena and examine under
7 oath its officers and other persons as witnesses, for the pur-
8 pose of determining the total amount of its gross receipts
9 for any contest and the amount of tax due pursuant to the
10 the provisions of this act, which tax he may, upon, and as
11 the result of such examination fix and determine. In case
12 of the default in the payment of any tax so ascertained to
13 be due, together with the expenses incurred in making such
14 examination for a period of twenty days after notice to

15 such delinquent club, corporation or association of the
16 amount, at which the same may be fixed by the state auditor,
17 such delinquent shall, *ipso facto*, forfeit its license and shall
18 be thereby disqualified from receiving any new license or
19 any renewal of license.

1 SECTION 13. Any person who violates any of the pro-
2 visions of this act, for which a penalty is not herein ex-
3 pressly prescribed, shall be guilty of a misdemeanor.

1 SECTION 14. All acts and parts of acts and all laws and
2 parts of laws inconsistent herewith are hereby repealed.

1 SECTION 15. This act shall take effect upon its passage.