

HOUSE No. 593.

[Bill accompanying the petition of J. R. Hamm and others for legislation to promote the breeding of high-class horses and to permit respectable and responsible associations, under certain restrictions, to sell pools at race meetings. Agriculture. January 31.]

Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Two.

AN ACT

To encourage and promote the Breeding of High-class Horses and Other Domestic Animals and to regulate Speeding Courses and Horse Racing on Race Tracks, where Public Meetings for Such Racing are held.

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. Seven or more persons may asso-
2 ciate themselves as a corporation in the manner
3 provided by chapter one hundred and twenty-five
4 of the Revised Laws for the purpose of owning
5 or operating a track or course for the training,

6 speeding and racing of horses, and any corpora-
7 tion formed under the provision of said act for
8 encouraging the raising of choice breeds of do-
9 mestic animals and poultry may own and operate
10 such a track or course.

1 SECTION 2. All owners of such tracks or
2 courses and all meetings for the racing of horses,
3 to which meetings entrance fees or gate money in
4 any form are charged or required directly or indi-
5 rectly, shall be subject to this act.

1 SECTION 3. It shall be unlawful to race any
2 horses at any meeting to which entrance fees or
3 gate money in any form are charged or required,
4 directly or indirectly, or to hold any such meet-
5 ing for such purposes between the second day of
6 November and the twenty-ninth day of May in
7 any year, or in any case without a license as
8 herein provided for, or on more than twenty-five
9 days in any one year.

1 SECTION 4. No person shall act at any such
2 meeting as is described in section two either as
3 starter, judge, time-keeper, weigher, driver,
4 jockey or clerk of course, without a license as
5 herein provided, nor unless the meeting is duly
6 licensed as provided in this act.

1 SECTION 5. The governor with the advice and
2 consent of the council shall as provided by sec-
3 tions one and two, as amended, of chapter twenty,

4 Public Statutes, appoint three additional members
5 of the state board of agriculture who shall, with-
6 out ceasing to be members of said state board,
7 constitute a board of license and registration of
8 horse racing. They shall receive as such no com-
9 pensation from the Commonwealth, except for
10 personal expenses when engaged in the perform-
11 ance of their duties. They may appoint and pre-
12 scribe the duties of a secretary with a salary not
13 exceeding two thousand dollars a year, and, with
14 the approval of the said state board, a clerk, and
15 not exceeding two agents at salaries not exceed-
16 ing eleven hundred dollars each.

1 SECTION 6. The board of license and registra-
2 tion shall exercise general supervision over all
3 tracks and courses used for the training or racing
4 of horses, and its members, secretary, clerk and
5 agents and any member of said state board of
6 agriculture shall at all times have free entrance
7 and access to any such tracks or courses.

8 They shall keep records, and their report and
9 recommendations shall annually be made part of
10 the report of said state board.

11 They shall cause prosecutions to be made for
12 violation of the provisions of this act.

1 SECTION 7. The board of license and registra-
2 tion shall issue licenses for the holding of such
3 meetings for the racing of horses and to officials
4 and participants in such races and meetings as
5 may be lawful and as shall seem to them wise and

6 expedient, but they may revoke any license
7 granted to any person convicted of any crime or
8 of violating any provision of this act, and they
9 may refuse such license to any such person or to
10 any person whom they believe to be of unfit
11 character, and they may for gross misconduct in
12 connection therewith suspend any license for not
13 exceeding sixty days. Subject to such revocation
14 and suspension, licenses issued to the persons
15 mentioned in section four shall be good for the
16 season of issue.

1 SECTION 8. Before any license is issued for
2 the holding of any race meeting mentioned in
3 section two, the licensee shall furnish a suitable
4 bond in form and with sureties to be approved by
5 the licensing board, running to the state treasurer
6 and conditioned to pay, as a license fee, to the
7 said treasurer on or before the first day of
8 December then next following, a sum of money
9 equal to two per centum of the gross gate
10 or entrance money charged at the meeting or
11 meetings so licensed (not however including
12 moneys paid for entering horses in such races),
13 and in addition three per centum of all sums or
14 considerations charged, in respect of any special
15 privileges granted upon track course or adjoin-
16 ing premises, as such sums shall be made to
17 appear by a sworn return of the same duly
18 approved by the said licensing board. The at-
19 torney general shall bring suits upon such bonds
20 as may be necessary. No bond or license fee or

21 percentage of gate money or other receipts shall
22 be required, however, from any agricultural society
23 or farmer's club, organized under the provisions
24 of chapter one hundred and fourteen of the Public
25 Statutes.

1 SECTION 9. The board may also issue licenses
2 for the selling of pools at any particular race
3 meeting, the holding of which they may have
4 already licensed; but such a license shall per-
5 mit such pool selling only by the licensee
6 personally, only, within the bounds and confines
7 of the track or course or grounds upon which the
8 meeting is held, only between the hours of sun-
9 rise and sunset on the day of the particular race
10 meeting specified, and only on or in respect of
11 the races taking place at such meeting; but no
12 such pool selling license shall be granted unless
13 the licensee of the race meeting shall in writing
14 request or assent to the same.

1 SECTION 10. No license shall be issued under
2 this act to any foreign corporation owning or
3 operating any such track or course, unless it shall
4 appear to the licensing board that such corpora-
5 tion has fully complied with all the provisions of
6 law relating to such foreign corporation in this
7 Commonwealth, nor unless it shall appear that
8 the outstanding capital stock of such corporation
9 has been in good faith fully paid in.

1 SECTION 11. Any person violating the provi-

2 sions of section three or section four shall be
3 punished by a fine of not less than one hundred
4 dollars, nor more than five hundred dollars, and
5 for any subsequent offence under either of said
6 sections by fine of not less than two hundred and
7 fifty dollars, nor more than one thousand dol-
8 lars.

1 SECTION 12. Whoever, without a license as
2 provided in section nine, at any race meeting, for
3 the racing of horses, to which meeting entrance
4 fees or gate money in any form are charged or
5 required, directly or indirectly, shall sell any
6 pools, or offer such for sale, or be concerned
7 in selling the same, or in registering any bets
8 upon the result of a trial or contest of speed of
9 horses, except in respect of any races or trials or
10 contests of speed of horses at the particular meet-
11 ing specified in his license, and any licensee under
12 section nine of this act, who shall sell, offer for
13 sale, or be concerned in selling any pools or
14 registering any such bets, except within the
15 bounds and confines of the track or course or
16 grounds, upon which the meeting specified in his
17 license is held, or except between the hours of
18 sunrise and sunset on the day of such meeting,
19 or shall sell, offer for sale or be concerned in the
20 selling of any such pools, or the registering of
21 any bets to or for, or to any person on behalf of
22 another, who is at the time or who is known to
23 have been during the day intoxicated, or to a
24 minor, shall be punished by imprisonment not

25 exceeding one year, or by fine of not less than
26 five hundred dollars nor more than two thousand
27 dollars or both such fine and imprisonment.

1 SECTION 13. This act shall take effect upon
2 its passage.

