

Referendum Measure No. 6

Being the Submission to the People of Montana for Their
Approval or Rejection, Chapter 97, Laws of 1913, Entitled

“AN ACT ESTABLISHING A STATE ATHLETIC COM-
MISSION AND REGULATING BOXING AND SPARRING
IN THE STATE OF MONTANA.”

To Be Voted Upon at the General Election, November 3, 1914.

Published by the Secretary of State,
June, 1914.

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THE NUMBER AND FORM IN WHICH THE QUESTION
WILL APPEAR UPON A SEPARATE OFFICIAL
BALLOT ARE AS FOLLOWS:

REFERENDUM MEASURE NO. 6

“AN ACT ESTABLISHING A STATE ATHLETIC COM-
MISSION AND REGULATING BOXING AND SPARRING
IN THE STATE OF MONTANA.”

For Referendum Measure No. 6.
Relating to Boxing in Montana.

Against Said Measure No. 6.

“Section III, Revised Code as Amended:

“The manner of voting on measures submitted to the people shall be: By marking the ballot with a cross in or on the diagram opposite and to the left of the proposition **FOR WHICH** the voter desires to vote.”

Published by the Secretary of State,
June, 1914.

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“An Act Establishing a State Athletic Commission and Regulating Boxing and Sparring in the State of Montana.”

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There shall hereafter be a State Athletic Commission. Within thirty days after this act takes effect the Governor shall appoint three persons to be members of such commission, who shall hold office for the term of five years from the day following the date of their appointment, and who shall each receive a salary of Twelve Hundred Dollars (\$1200.00) per annum to be paid monthly from the taxes to be collected as hereinafter described. The commission shall maintain general offices for the transaction of its business at a place to be by them designated. The members of the commission shall, at their first meeting after their appointment, elect one of their number chairman of the commission, shall adopted a seal for the commission and may make such rules for the administration of their office, not inconsistent herewith, as they may deem expedient; and they may hereafter amend or abrogate such rules. Two of the members of the commission shall constitute a quorum to do business; and the concurrence of at least two commissioners shall be necessary to render a choice or decision by the commission.

Section 2. The commission shall appoint, and at its pleasure remove, a secretary to the commission, whose duty it shall be to keep a full and true record of all its proceedings, preserve at its general office all its books, documents and papers, prepare for service such notices and other papers as may be required of him by the commission and to perform such other duties as the commission may prescribe; and he may under direction of the commission issue subpoenas for the attendance of witnesses before the commission with the same effect as if they were issued in an action in the District Court and may, under direction of the commission, administer oaths in all matters pertaining to the duties of his office or connected with the administration of the affairs of the commission. Disobedience of such a subpoena and false swearing before such secretary shall be attended by the same consequences and be subject to the same penalties as if such disobedience or false swearing occurred in an action in the District Court. The necessary traveling and other necessary expenses of the members of the commission, which, including

the salary of the secretary shall not exceed the sum of Two Thousand Dollars (\$2,000.00) per year, shall be paid monthly by the State Treasurer on a warrant properly drawn out of the proceeds of the tax to be collected as herein provided. The commission shall annually make to the legislative assembly a full report of its proceedings for the year ending with the first day of January, and may submit, with such report, such recommendations pertaining to its affairs as to it shall seem desirable.

Section 3. The commission shall have, and hereby is invested with, the sole direction, management, and control of the jurisdiction over all boxing and sparring matches and exhibitions to be conducted, held or given within the state and by any club, corporation or association; and no boxing or sparring match or exhibition shall be conducted, held or given within the state except pursuant to its authority and in accordance with the provisions of this act. The commission may, in its discretion issue, and at its pleasure revoke, a license to conduct, hold or give boxing and sparring matches and exhibitions to any club, corporation or association which shall at the time application therefor be made, own or hold a lease for at least one year upon the building wherein it may be proposed to conduct, hold or give such boxing or sparring match or exhibition and which, if it be an amateur athletic association, may be incorporated or organized in accordance with the rules of the Amateur Athletic Union of the United States. Every license shall be subject to such rules and regulations, and amendments thereof, as the commission may prescribe. Every application for a license, as herein provided for, shall be in writing and shall be addressed to the commission and shall be verified by such officer of the club, corporation or association on whose behalf the application may be made. It shall contain a recital of such facts as, under the provisions hereof, will show the applicant entitled to receive a license, and in addition thereto, such other facts and recitals, as the commission may by rule require to be shown.

Section 4. All buildings or structures used or intended to be used, for the purpose of this act, shall be properly ventilated and provided with fire exits and fire escapes, if there need be, and in all manner conform to the laws, ordinances and regula-

tions pertaining to buildings in the city, town or village where situated. Where a part of a building or structure is used for the purpose set forth in this act, this section shall apply in the same manner.

Section 5. No boxing or sparring match or exhibition shall be of more than twelve rounds in length; and the contestants shall wear during such contests, gloves weighing at least six ounces. No boxing or sparring match or exhibition shall be held by men of the opposite color, to-wit: White men and negroes. Provided, also, that no person or persons may take part in an exhibition or sparring match unless they have first passed a rigorous physical examination to determine their fitness to engage in any such exhibition. Said examination to be conducted by a regular practicing physician, said physician to be designated by the commission.

Section 6. Any club, corporation or association which may conduct, hold or give, or participate in, any sham or fake boxing or sparring match or exhibition shall thereby forfeit its license issued in accordance with the provisions of this act, which shall therefore be, by the commission, cancelled and declared void; and it shall not thereafter be entitled to receive another such or any license pursuant to the provisions of this act.

Section 7. Any contestant who shall participate in any sham or fake boxing or sparring match or exhibition shall be penalized in the following manner; for the first offense, he shall be restrained for a period of six months, such period to begin immediately after the occurrence of such offense, from participating in any boxing competition to be held or given by any club, corporation or association duly licensed to give or hold such boxing or sparring match or exhibition; for a second offense he shall be totally disqualified from further admission or participation in any boxing contest held or given by any club, corporation or association duly licensed for said purpose.

Section 8. Every club, corporation or association which may hold or exercise any of the privileges conferred by this act, shall, within twenty-four hours after the determination of every contest furnish to the commission a written report, duly verified by one of its officers, showing the number of tickets sold for such con-

test and the amount of the gross proceeds thereof, and such other matters as the commission may prescribe, and shall also within the said time pay to the State Treasurer a tax of ten per centum of its total gross receipts from the sale of the tickets of admission to such boxing or sparring match or exhibition, which tax shall be applied to the payment of the expenses of the commission and the salary of the secretary of the commission, as herein provided. And any surplus which shall amount to more than the sum of Five Thousand Dollars (\$5,000.00) shall be apportioned by the Governor to any fund to which, in his discretion, he may see fit to apportion. Before any license shall be granted to any club, corporation or association to conduct, hold or give any boxing or sparring match or exhibition such applicant therefor shall execute and file with the State Treasurer a bond in the sum of Two Thousand Dollars to be approved as to form, and the sufficiency of the sureties thereon, by the State Treasurer, conditioned for the payment of the tax hereby imposed. Upon the filing and approval of such bond the State Treasurer shall issue to such applicant for such license a certificate of such filing and approval, which shall be by such applicant filed in the office of the commission with its application for such license; and no such license shall be issued until such certificate shall be so filed.

Section 9. The salaries of the various members of the commission, the salary of the secretary of the commission and the expenses of the commission shall be paid from the tax therein provided for and no part thereof shall be paid from any other fund in the hands of the State Treasurer.

Section 10. Whenever any such club, corporation or association shall fail to make a report of any contest at the time prescribed by this act or whenever such report is unsatisfactory to the State Treasurer he may examine or cause to be examined the books and records of such club, corporation or association, and subpoena and examine under oath its officers and other persons as witnesses for the purpose of determining the total amount of its gross receipts for any contest and the amount of tax due pursuant to the provisions of this act, which tax he may, upon and as the result of such examination, fix and de-

termine. In case of the default in the payment of any tax so ascertained to be due, together with the expenses' incurred in making such examination, for a period of twenty days after notice to such delinquent club, corporation or association of the amount at which the same may be fixed by the State Treasurer, such delinquent shall, ipso facto, forfeit its license and shall be thereby disqualified from receiving any new license or any renewal of license; and it shall in addition, forfeit to the State of Montana the sum of Five Hundred Dollars, which may be recovered by the Attorney General in the name of the State of Montana in the same manner as other penalties are by law recovered.

Section 11. Any person who violates any of the provisions of this act, for which a penalty is not herein expressly prescribed, shall be guilty of a misdemeanor.

Section 12. Upon the passage of this act all ordinances and parts of ordinances of cities and towns in this State regarding boxing and sparring shall be inoperative and void, and thereafter no ordinance regarding boxing or sparring shall be passed by any city or town.

Section 13. All acts and parts of acts in conflict herewith are hereby repealed.

Section 14. This act shall be in full force and effect from and after its passage and approval.

Approved March 14, 1913.

