

OPINION
46-229

January 14, 1946 (OPINION)

POOL ROOMS

RE: Who May Frequent

This will acknowledge your letter of January 9, advising that an application for pool and billiard tables has been sent to the attorney general's office by one H.K. Trimmer, of Maddock, North Dakota.

You want to know the law concerning the playing of pool, who may play, and when, and whether pool may be played on Sunday, and if so, what time.

Chapter 287 of the 1945 Session Laws, amending section 53-0508, is as follows:

It shall be unlawful for the owner of any pool or billiard hall or bowling alley or any place where public games of pool, billiards, bowling or cards are played, to allow any person under the age of eighteen years or any person attending a local high school, to play any of the games mentioned or to be allowed to visit any of said places, unless accompanied by parent or guardian, provided, that where bowling is conducted in a place where no intoxicating liquors are sold or consumed, minors under the age of eighteen years and over the age of fourteen years may be allowed to bowl and to visit such bowling alley, upon presentation to the owner or manager of such bowling alley of a written authorization so to do, signed by the parent or guardian of such minor.

Any person found guilty of violating this section shall be punished by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100) or by imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment."

All persons over the age of twenty-one are, of course, entitled to participate in the playing of pool, billiards, and bowling. The above-quoted statute governs the participation of minors therein. I believe it answers your question as to who may play pool.

Section 1-0301 of the North Dakota Revised Code of 1943, as amended by chapter 37 of the 1945 Session Laws, sets forth the legal holidays that prevail in North Dakota. Under chapter 37 of the 1945 Session Laws, every Sunday is declared a holiday. Section 21-2115 of the North Dakota Revised Code of 1943 deals with the act of Sabbath-breaking. Subsection 4 thereof states:

All manner of public selling, or offering or exposing for sale publicly, of any commodity, except that meats and fish may be sold at any time before 10 o'clock a.m. and foods may be sold to be eaten upon the premises where sold, and drugs, medicines,

surgical appliances, milk, ice cream and soda fountain dispensations, fruits, candy and confectionery, tobacco and cigars, newspapers and magazines may be sold at any time of the day (Sunday). None of said articles or commodities shall be sold in any billiard hall, pool hall, bowling alley, saloon, or other place where gaming of any kind is conducted unless said gaming is discontinued from 12 o'clock midnight on Saturday until 6 o'clock a.m. on Monday."

By implication, perhaps, the above might infer that pool halls and bowling alleys could allow gaming on Sunday, if none of the commodities referred to in the above quotation were sold. However, I do not deem that it would be a good practice for pool hall proprietors to allow pool playing on Sunday.

Bowling is permitted on Sunday after 1 o'clock p.m. unless prohibited by the city ordinances of the city.

NELS G. JOHNSON

Attorney General