

January 27, 1939

Mr. Clifford B. Jones
President Elect
Texas Technological College
Spur, Texas

Dear Sir:

Opinion No. 0-92
Re: Legality of Sunday Football Games

This will acknowledge receipt of your letter of January 20, 1939, addressed to the Attorney General, which has been referred by him to the writer for consideration and reply.

You request an opinion of this Department in response to the question whether "Texas Tech, being a State institution, is prohibited from playing a football game on Sunday."

Your attention is directed to Chapter 2 of Title 7 of the Penal Code of Texas, being Articles 283 to 287, inclusive, entitled "Sunday Laws". These statutes set out in detail what acts are prohibited on Sunday, together with numerous exceptions to the prohibitions therein contained.

There is no specific statutory provision prohibiting the playing of football or other similar games on Sunday. In Ex parte Roquemore, 60 Tex. Cr. R. 282, 151 S.W. 1101, 32 L.R.A. (N.S.) 1186 (1910), it was held that Article 199 of the Penal Code then in effect (now Article 286 of the Penal Code) did not prohibit the playing of a baseball game on Sunday, for which an admission fee was charged.

In view of the foregoing decision and statutes, it is our opinion that the playing of a football game on Sunday is not prohibited by law. We do not know of any statutory provision which would prohibit the playing of a football game on Sunday by Texas Technological College, by reason of the fact that it is a State institution.

Our investigation has been limited to the general State

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statutes, and we have not undertaken to determine the effect, if any, which any ordinance of the City of Lubbock may have upon the question submitted.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *James P. Hart*
Assistant

JPH:ALEM

APPROVED:

Gerald C. Mann
ATTORNEY GENERAL OF TEXAS