

**Opinion No. [30-19]**

August 19, 1930

**BY:** J. A. MILLER, Assistant Attorney General

**TO:** Hon. J. Benson Newell, District Attorney, Las Cruces, New Mexico.

DOG RACING -- Not prohibited.

**OPINION**

Reference is made to yours of the 12th inst. in which you submit for an opinion the question of dog racing and the selling of tickets as bets on the races.

Gaming, it appears, was not an offense at common law consequently is only an offense here in those cases covered by statute. I find no statute in New Mexico broad enough, in my opinion, to cover or include dog racing, consequently I am of the opinion that that sport is not prohibited by our statutes. The only betting I find prohibited by statute is betting on elections and the gaming prohibited by statutes seems to be limited to card games and gambling devices enumerated in the statutes.

Your enclosures, that is, a ticket and a contract or disbursement certificate, herewith returned.

We appear to have no statute pertaining to prize fighting and it appears not to be an offense in New Mexico.