CHAPTER 1

Circuses, Carnivals and Other Traveling Shows

**SECTION 52‑1‑10.** Repealed by 1993 Act No. 49, Section 1, eff May 13, 1993.

Editor’s Note

Former Section 52‑1‑10, which was derived from 1962 Code Section 5‑1; 1952 Code Section 5‑1; 1942 Code Section 6333; 1932 Code Section 6333; Civ. C. ‘22 Sections 5177, 5178, 5181‑5186; Cr. C. ‘22 Sections 247‑251; 1917 (30) 545; 1918 (30) 764; 1919 (31) 150; 1920 (31) 726, 752, 927; 1921 (32) 100, 224, 256, 331; 1922 (32) 906; 1929 (36) 57; 1930 (36) 1276; 1934 (38) 1484; 1935 (39) 266, 388, 421; 1937 (40) 241, 292; 1939 (41) 532; 1945 (44) 26; 1947 (45) 70, 131, 281; 1948 (45) 1632, prohibited carnivals and traveling tent shows.

**SECTION 52‑1‑20.** Prohibition of carnivals having games of chance or gambling devices.

No carnival to which games of chance or gambling devices are attached shall exhibit in this State. Provided, games of chance involving skill shall be permissible at recognized State and county fairs; provided, further, no cash prize shall be awarded.

HISTORY: 1962 Code Section 5‑11; 1952 Code Section 5‑11; 1942 Code Section 6333; 1932 Code Section 6333; Civ. C. ‘22 Sections 5177, 5178, 5181‑5186; Cr. C. ‘22 Sections 247‑251; 1917 (30) 545; 1918 (30) 764; 1919 (31) 150; 1920 (31) 726, 752, 927; 1921 (32) 100, 224, 256, 331; 1922 (32) 906; 1929 (36) 57; 1930 (36) 1276; 1934 (38) 1484; 1935 (39) 266, 388, 421; 1937 (40) 241, 292; 1939 (41) 532; 1945 (44) 26; 1947 (45) 70, 131, 281; 1948 (45) 1632; 1973 (58) 623.

United States Supreme Court Annotations

Governmental regulation of place of amusement, entertainment, or recreation as violating rights of owner or operator under equal protection clause of Federal Constitution’s Fourteenth Amendment ‑ Supreme Court cases. 104 L Ed 2d 1078.

**SECTION 52‑1‑30.** Limitation on time for circus licenses.

Circuses shall not be licensed for a time exceeding forty‑eight hours at one place in any one year.

HISTORY: 1962 Code Section 5‑13; 1952 Code Section 5‑13; 1942 Code Section 6333; 1932 Code Section 6333; Civ. C. ‘22 Sections 5177, 5178, 5181‑5186; Cr. C. ‘22 Sections 247‑251; 1917 (30) 545; 1918 (30) 764; 1919 (31) 150; 1920 (31) 726, 752, 927; 1921 (32) 100, 224, 256, 331; 1922 (32) 906; 1929 (36) 57; 1930 (36) 1276; 1934 (38) 1484; 1935 (39) 266, 388, 421; 1937 (40) 241, 292; 1939 (41) 532; 1945 (44) 26; 1947 (45) 70, 131, 281; 1948 (45) 1632.

LIBRARY REFERENCES

86 C.J.S., Theaters and Shows Section 22.

United States Supreme Court Annotations

Governmental regulation of place of amusement, entertainment, or recreation as violating rights of owner or operator under equal protection clause of Federal Constitution’s Fourteenth Amendment ‑ Supreme Court cases. 104 L Ed 2d 1078.

**SECTION 52‑1‑40.** Penalties for violating Sections 52‑1‑10 or 52‑1‑20.

Any person owning, operating or connected with or employed by any carnival or show violating the provisions of Sections 52‑1‑10 or 52‑1‑20 shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than twenty‑five dollars nor more than one hundred dollars or by imprisonment for not less than five nor more than thirty days. Every performance or exhibition of such carnival or show shall be a separate offense.

HISTORY: 1962 Code Section 5‑14; 1952 Code Section 5‑14; 1942 Code Section 6333; 1932 Code Section 6333; Civ. C. ‘22 Sections 5177, 5178, 5181‑5186; Cr. C. ‘22 Sections 247‑251; 1917 (30) 545; 1918 (30) 764; 1919 (31) 150; 1920 (31) 726, 752, 927; 1921 (32) 100, 224, 256, 331; 1922 (32) 906; 1929 (36) 57; 1930 (36) 1276; 1934 (38) 1484; 1935 (39) 266, 388, 421; 1937 (40) 241, 292; 1939 (41) 532; 1945 (44) 26; 1947 (45) 70, 131, 281; 1948 (45) 1632.

**SECTION 52‑1‑50.** Exhibiting circus within five miles of agricultural fair prohibited.

No circus or other large show exhibiting under canvas shall exhibit within a radius of five miles of any agricultural fair in this State during the time of the holding of such fair or one week prior to the holding of such fair, except under the auspices of or with the written consent of the association holding such fair signed by the executive office of such fair and filed with the sheriff of the county. All persons in charge of or in any way operating or assisting in carrying on any such circus or tent show violating the provisions of this section shall be fined in a sum not exceeding five hundred dollars or imprisoned for not longer than six months or both, in the discretion of the judge.

HISTORY: 1962 Code Section 5‑17; 1952 Code Section 5‑17; 1942 Code Section 6332; 1932 Code Section 6332; Cr. C. ‘22 Section 246; 1918 (30) 787; 1924 (33) 938, 939.

CROSS REFERENCES

County fairs and fair associations, see Sections 4‑33‑10 et seq.

United States Supreme Court Annotations

Governmental regulation of place of amusement, entertainment, or recreation as violating rights of owner or operator under equal protection clause of Federal Constitution’s Fourteenth Amendment ‑ Supreme Court cases. 104 L Ed 2d 1078.

**SECTION 52‑1‑60.** Designation of agent for service of process.

Any circus or other traveling show exhibiting under canvas or outdoors for gain shall, before or at the time it is licensed to show in any county, appoint in writing the clerk of court of such county, and his successors in office, as its proper and official agent or attorney upon whom any process in any action or proceeding against it shall be served and in such writing shall agree that any process against it which is served upon such agent or attorney shall be of the same legal force and validity as if served upon it personally. Such authority shall continue in force so long as any liability remains outstanding in the State. Such power of attorney shall also show:

(1) The name and post‑office address of such circus or traveling show; and

(2) Its nature, that is whether it be a person, firm, partnership, association or corporation and, in the case of a partnership, the individual names and addresses of the partners thereof.

Copies of such appointment certified by the clerk of court shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof.

In the event that any such circus or traveling show undertakes to show for gain in any county of this State without complying with the provisions of this section, such act on its part shall be deemed to constitute the clerk of the court of such county its official agent and attorney upon whom any legal process may be served.

The method of service provided for herein shall not be deemed exclusive but cumulative to any other method provided for by law.

HISTORY: 1962 Code Section 5‑18; 1952 Code Section 5‑18; 1942 Code Section 6335; 1939 (41) 102.

CROSS REFERENCES

How service is made, see Section 15‑9‑420.