

MASSACHUSETTS SUPREME JUDICIAL COURT

Bay State Harness Horse Racing & Breeding Ass'n v. State Racing Commission

340 Mass. 776 (1960) · Decided May 2, 1960

SUMMARY

The Massachusetts Supreme Judicial Court considered a challenge to the State Racing Commission’s issuance of a 1959 harness-racing license to Eastern Racing Association. The court stated that local approval of a race-track location was not required again when statutory amendments later permitted nighttime harness racing. The appeal was ultimately dismissed as moot because the 1959 racing season had ended, although the court addressed the recurring statutory issue.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Cutter, J.
JURISDICTION	Massachusetts
DECIDED	May 2, 1960
DISPOSITION	affirmed
PROCEDURAL POSTURE	Bay State appealed from an interlocutory decree sustaining the commission's demurrer and from a final decree dismissing its petition for review under G. L. c. 30A, § 14.
STANDARD OF REVIEW	The court reviewed the dismissal of the administrative-law petition; because the 1959 races had already occurred, it treated the appeal as moot and did not decide whether Bay State was a person aggrieved under G. L. c. 30A, § 14.
PRECEDENTIAL VALUE	Published Massachusetts Supreme Judicial Court opinion; the mootness disposition is binding, while the court's statutory interpretation was stated as guidance in a moot case and was not disposition-tied.
PARTIES	Bay State Harness Horse Racing & Breeding Association v. State Racing Commission, Eastern Racing Association, Inc., intervener

TOPICS

mootness

judicial review of agency action

pari-mutuel wagering

administrative procedure act

statutory interpretation

PRACTICE AREAS

administrative law

gaming and racing regulation

appellate procedure

QUESTIONS PRESENTED

1. Whether the appeal concerning the 1959 racing license had become moot after the 1959 races were completed.
2. Whether the 1946 statutory authorization of nighttime harness racing required Eastern to obtain a new or separate local approval for nighttime harness racing at Suffolk Downs.
3. Whether Bay State was a person aggrieved under G. L. c. 30A, § 14.

HOLDINGS

1. The case was moot because the 1959 harness races had already been run and the court could grant no relief concerning them.
2. The 1946 amendment authorizing harness racing between 7 p.m. and midnight did not impose a new requirement for local approval when the location of the track had previously been approved for horse racing.

KEY QUOTATIONS

“This case has now become moot, for we can grant no relief concerning 1959 harness races which have already been run.” (340 Mass. at 778)

“The 1946 amendment imposed no new requirement of any further local approval merely because of the provision permitting harness racing at night thereafter.” (340 Mass. at 779-780)

“The final decree dismissing the petition is affirmed, not on the merits, but because this case has become moot.” (340 Mass. at 780)

FACTUAL BACKGROUND

The State Racing Commission licensed Eastern Racing Association to conduct twenty-three nights of harness horse racing in 1959. Because Massachusetts law limited all applicants to a combined maximum of ninety racing nights, Eastern's license prevented Bay State from obtaining more than sixty-seven nights. Suffolk Downs had previously received local approval for horse racing, but Bay State alleged that Eastern had never obtained separate local approval for nighttime harness racing after the Legislature authorized nighttime harness racing in 1946.

PROCEDURAL HISTORY

Bay State petitioned the Superior Court for review of the State Racing Commission's issuance of a 1959 harness-racing license to Eastern Racing Association for twenty-three nights. The commission demurred on the grounds that Bay State failed to state a case and was not an aggrieved person; the Superior Court sustained the demurrer and entered a final decree dismissing the petition. The Supreme Judicial Court affirmed the final decree because the controversy had become moot, while stating its views on a recurring statutory question.

DISPOSITION

affirmed

CASES CITED

- Cumberland Farms, Inc. v. Milk Control Commn., 340 Mass. 672, 674-675
- Ward v. Selectmen of Scituate, 334 Mass. 1, 2-4
- Zelman v. Alcoholic Beverages Control Commn., 335 Mass. 515, 519
- Mullholland v. State Racing Commn., 295 Mass. 286, 288-289
- North Shore Corp. v. Selectmen of Topsfield, 322 Mass. 413, 416-418

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