

GAMBLING - "Bank Night"

4-20
April 12th, 1934.



Winger, Reeder, Barker and Hazard
Attorneys at Law
Waltower Building
Kansas City, Missouri

Attention: Leland Hazard

Dear Sir:

We have your request for an opinion relative to the use of "Bank Night" in theaters.

We have carefully examined the "Bank Night Instructions", and from these instructions we find that the following elements of lottery or gift enterprise prohibited by Section 4314 R. S. Mo. 1929 are:

- 1st. Prize - Money deposited in bank.
- 2nd. Chance - Made under Paragraph 6 of the Instructions in the form of a public drawing where the winning number gets the prize.
- 3rd. Consideration - In the form of good will and advertising, as specified in Paragraph 8 of "Bank Night Instructions".

Consideration, chance and prize, the essential elements of lottery or gift enterprise, are therefore present. State v. Emerson, 1 S. W. (2d) 109.

It is, therefore, the opinion of this office that "Bank Night", as set out in the instructions in your letter, is prohibited by the laws of Missouri.

Yours very truly,

APPROVED:

FRANKLIN E. REAGAN
Assistant Attorney General

ROY McKITTRICK