

GAMBLING: Bingo and corn games constitute gambling.
LOTTERY: Bingo and corn games.

9-4

September 3, 1937.

FILED
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Honorable N. Elmer Butler
Prosecuting Attorney
Stone County
Galena, Missouri

Dear Sir:

We have your request for an opinion which is as follows:

"In the various counties in this part of the state at carnivals and picnics we sometimes have games called "Bingo" or corn games, and wheels of different kinds which I believe comes within the prohibited gambling law, also 'penny pitch' etc. Are these different concessions violations of the law?"

In the above type of games it appears that a prize is awarded for a consideration on the turn of a wheel, towit: The element of chance. Similar contests, such as guessing, have been held to be lotteries. Huddleston v. State 94 Ind. 426; Stevens v. Cincinnati Times--Star Company 73 N. E. 1058.

The Supreme Court of the United States in Dillingham v. McLaughlin, 68 L. Ed. 742, 1. c. 747, said:

"What a man does not know and cannot find out is chance as to him, and is recognized as chance by the law."

Lotteries are prohibited by the Missouri Constitution, Article XIV, Section 10, and by Section 4314 R. S. Mo. 1929.

Hon. N. E. Butler

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It is, therefore, the opinion of this office that bingo and other similar games are a lottery and in violation of the criminal laws of this State.

Respectfully submitted

FRANKLIN E. REAGAN
Assistant Attorney General.

APPROVED:

J. E. TAYLOR
(Acting) Attorney General.

FER:AH