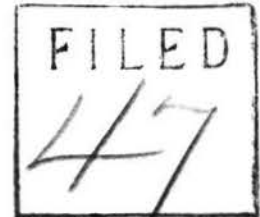


WEEKLY DRAWINGS: Lotteries.

January 10, 1938

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Honorable O. A. Kamp  
Prosecuting Attorney  
Montgomery County  
Montgomery City, Missouri

Dear Sir:

We have your request of January 5, 1938, for an opinion, which in part is as follows:

"I am writing your department for an opinion of the following proposition respecting drawings. The merchants of Montgomery City, Missouri, have been for some 6 or 8 years, holding a monthly drawing for cash and merchandise prizes, said drawing being conducted as follows: For every .50¢ spent for merchandise the purchaser received a ticket on which he wrote his name and placed it in boxes at the various places of business. Then on the first Wednesday of each month a drawing was held, and the person whose name was on the tenth, fifteenth and twentieth ticket drawn, would if present, be entitled to the prize awarded, if the person whose ticket was drawn was not present the drawing continued until the party whose ticket was drawn was present."

The principle underlying all lottery law is that a lottery is a scheme or device wherein anything of value, is for a consideration, allotted by chance. State vs. Emerson, 1 S.W. (2d) 109; State ex rel. vs. Hughes, 299 Mo. 529; 253 S.W. 229; 28 A.L.R. 1305; State vs. Becker, 248 Mo. 555, 154 S.W. 769.

Hon. O. A. Kamp

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January 10, 1938.

It is therefore the opinion of this office that the above procedure of conduct, weekly drawing, is a lottery in violation of the criminal code of this State.

Respectfully submitted,

FRANKLIN E. REAGAN,  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
(Acting) Attorney General

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