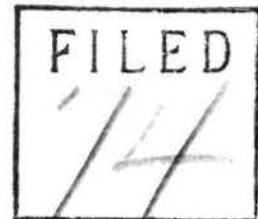


LOTTERIES: Weekly drawings.

February 26, 1938

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Mr. E. L. Redman  
Prosecuting Attorney  
Gentry County  
Albany, Missouri

Dear Sir:

We have your request of February 24th for an opinion upon a scheme whereby prizes are given away to persons who register and who are required to be present at the time the prize is awarded in order to receive it.

This is nothing more than a lottery and is an identical plan with Bank Night heretofore condemned by the Supreme Court of this State and in most of the states of the Union.

Geo. Washington Law Review (May 1936)  
pp. 475, 491.

Glover et al. vs. Malloska, 238 Mich.  
216, 213 N.W. 107;

State vs. Danz, 250 Pac. 37, 140 Wash. 546;

Society et al. vs. Seattle, 203 Pac. 21,  
118 Wash. 258;

Featherstone vs. Independent Service Station  
Ass'n (Tex.) 10 S.W. (2d) 124;

State vs. Bader et al. 24 Ohio, N.P. (N.S.)  
186, Affirmed in 21 Ohio L. Rep. 293.

Mr. E. L. Redman

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February 26, 1938

CONCLUSION

It is therefore the opinion of this office that the drawing scheme referred to in your letter used by Montgomery Ward and others is in violation of the lottery law of this state.

Respectfully submitted,

FRANKLIN E. REAGAN,  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
(Acting) Attorney General

FER:MM