

LOTTERY - Automobile drawing scheme.

August 24, 1938



Honorable W. Randall Smart, Member
House of Representatives
501 Commerce Building
Kansas City, Missouri

Dear Sir:

We have your request of August 20, 1938
for an opinion as follows:

"Will you please advise and without
preparing a lengthy opinion,
whether or not the following facts,
if put into effect would be in
violation of any of our statutes:

"An automobile dealer, in or-
der to promote his business,
on each car that is sold to a
customer the serial number is
placed in a box and at the end
of each week a drawing is made
and the party whose number is
drawn, his money is returned
to him."

The above facts, if put into operation, would
be a violation of the lottery statute, Section 4314, R. S.
Mo. 1929, since the scheme would include prize, chance
and consideration, the three essential elements of lottery.

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. W. Randall Smart

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It is, therefore, the opinion of this office
that the above plan as outlined is a lottery.

Respectfully submitted

FRANKLIN E. REAGAN
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

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