

LOTTERY: Marking fish and offering prizes for those who catch them is a lottery.

January 16, 1939



Mr. L. Cunningham, Jr.  
Prosecuting Attorney  
Camdenton, Missouri

Dear Sir:

We have your request of January 11, 1939, for an opinion, which in part is as follows:

"The Lake of the Ozarks Association has a plan under way whereby they would catch some fifty to one hundred crappie and bass and mark them with metal tags through their dorsal fins, upon which was written a number, and then post prizes for persons who caught fish bearing the tags according to the numbers, providing the person catching the fish is a paying guest of one of the members of the Lake of the Ozarks Association.

"I would appreciate your opinion as to whether or not this is in violation of the Missouri Lottery laws."

The above plan would constitute a lottery in violation of Section 4314, R. S. Mo. 1929 because it involves a scheme for the distribution of prizes by chance. State vs. Emerson 318 Mo. 633, 1. S. W. (2nd) 109-111, State ex rel vs. Hughes 299 Mo. 529, 253 S. W. 329, State vs. McEwan 120 S. W. (2nd) 1098.

Therefore, it is the opinion of this office that the above plan involves the elements of consideration,

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chance and prize, and is therefore a lottery.

Respectfully submitted,

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APPROVED:

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