

## Opinion No. 13-1002

March 22, 1913

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Mr. T. A. Pace, Alamogordo, N. M.

### **GAMBLING.**

Certain games of pool, card playing and shaking dice for the drinks are games of chance.

### **OPINION**

{\*167} I have today, for the first time, seen the exact language of the anti-gambling law, which makes it unlawful for any person to play for money or other thing of value at any game of chance, and also makes it an offense for any person to permit such playing on the premises which he owns or controls.

In your recent letter to me, you ask whether it was a violation of the law to play pool, the lowest man to pay for the game. The answer to this depends upon whether the game is so played as to be a game of chance. As I understand some games of pool do have an element of chance in the distribution among the players of marbles with numbers marked thereon, those numbers to be added to the score made by the player and when, by such addition, the player makes a certain amount he wins. It seems to me that this kind of pool is a game of chance. As to other forms of pool games, it is doubtful whether courts would consider them games of chance or games of skill. I am informed that courts in other states have held both ways and we cannot be sure what view our courts would take.

You further ask whether it would be a violation of the law to engage in games of cards, the loser to pay for the drinks for the party and also whether it is a violation to shake dice for the drinks. Shaking dice and playing cards are generally conceded to be games of chance and the drinks are things of value, so that I believe that such playing is forbidden by the new law.

You also ask whether it is unlawful to take chances on anything where you punch a board and draw a number, the lucky man {\*168} getting a prize. If it is a matter of chance and not skill as to the number which the player gets, I believe that also would fall within the prohibition of the statute.