

Opinion No. 21-3029

July 6, 1921

BY: HARRY S. BOWMAN, Attorney General

TO: Mr. A. Letcher, Tucumcari, New Mexico.

Operating Game of Chance for Charitable Purposes Violation of Gambling Law.

OPINION

{*72} In reply to your letter of the 19th of June asking if it would be legal for you to operate a wheel in your candy store, a percentage of the receipts from which are to be paid over to the Catholic school in Tucumcari, I would say:

You do not state the method of operating the wheel or what class of device it is, but I would assume, from my knowledge of such things, that it is a gambling device and, therefore, that the operation is prohibited by the Gambling Act.

{*73} If the persons playing the wheel are to receive a thing of value if they win, then the device is a gambling machine and cannot be legally operated, as it is in violation of the provisions of Section 1 of Chapter 86, Laws 1921.