

Opinion No. 278.**Gambling—Trade Checks & Counters.**

HELD: 1. Proprietors licensed to maintain card tables may supply their customers with counters or chips for the purpose of keeping the score of the licensed games, when such counters have no exchange value in money or merchandise.

May 10, 1938.

Mr. Cedor B. Aronow
County Attorney
Shelby, Montana

My dear Mr. Aronow:

You have requested an opinion on the following set of facts:

Certain places of business licensed to maintain card tables for the use and pleasure of their customers, as provided by Chapter 153, Laws of 1937, wish to obtain and use in the operation of these card games certain special counters for the purpose of keeping score or count of the progress of the game; such counters to have no value whatsoever but merely kept for the convenience of the players in keeping tally.

Under the recent decision of the supreme court in *State v. Aldahl and Ober*, No. 7764, 106 Mont. 390, decided March 24, 1938, you wish to know if the practice described above is lawful.

Chapter 153, Laws of 1937, permits proprietors of business establishments to obtain a license from the county making it lawful for them to keep and maintain in their place of business card tables for the use and pleasure of their customers at which certain enumerated games may be played for amusement and pastime, and for the maintenance of which a charge may be made, to be paid by the purchase of trade checks redeemable in merchandise. The case of *State v. Aldahl and Ober*, supra, simply held that these trade checks were not to be used in playing the games permitted, but were only the rental value of the tables maintained, as the games are to be played only for amusement and pastime, and betting at or against such games is strictly prohibited. But there is nothing in Chapter 153, nor in that opinion, which prevents the use of chips or counters merely for the purpose of keeping the score when such chips and counters have no value. Then it is my opinion that the practice set forth is lawful and not a violation of Chapter 153.