

Gambling Devices, Dice Not. Dice, Not a Gambling Device.

The possession of dice by any one is lawful, because not a gambling device, under the provisions of Section 8417, Revised Codes.

January 23rd, 1914.

Hon. D. L. Blackstone,
County Attorney,
Chinook, Montana.

Dear Sir:

I am in receipt of your letter of the 20th instant, wherein you request my opinion upon certain matters relating to the anti-gambling laws of this state. For your information I will state that the matters concerning which you make inquiry have, in my judgment been passed upon heretofore by this office, with one exception which will be hereafter noted. I refer to Opinions of Attorney General, Volume 4, page 255; Idem, Volume 2, page 172.

You inquire whether the having of dice in one's possession is a crime under Sec. 8417 of the Revised Codes. You are advised that dice are not among the enumerated gambling devices mentioned under 8417, Revised Codes. Hence, under familiar rules of statutory construction, the possession of dice by anyone is not a crime.

Yours very truly,

D. M. KELLY,
Attorney General.