

Pool, Played in Certain Ways Is Not Gambling. Gambling, What Is.

A game played upon a pool table, by means of a board containing numbered holes, is not a gambling game, for the reason that the result depends upon the skill of the individual players, and not upon mere chance.

February 24th, 1914.

Hon. J. A. Slattery,
County Attorney,
Glendive, Montana.

Dear Sir:

I am in receipt of your communication under date of the 11th instant, describing to me a certain game of pool played upon a pool or billiard table by means of a board having numbered holes therein, the game being played as follows:

Numbered balls are used and the object is to place the various balls in the holes in the board which lies upon the table, a count on each shot being made by adding the number of the ball to the number of the hole, and a count of sixty-one making a game.

From your description of the game it seems that success in winning it is entirely a matter of ones ability to snoot the object ball into the hole into which it is desired to put the ball. It is, therefore my opinion that the game is one of skill and not one of chance. Under previous rulings of this office such a game would not come within the prohibition of our gambling statutes. The opinions referred to are:

- H. S. Green, County Attorney, Great Falls, under date of April 5, 1906, Vol. 1, Opinions Attorney General, p. 124.
- S. P. Wilson, County Attorney, Deer Lodge, under date of June 27, 1908, Vol. 2, Opinions Attorney General, p. 298.
- H. C. Packer, County Attorney, Hamilton, under date of November 26, 1912, Vol. 4, Opinions Attorney General p. 53.

The distinction always made is that of whether the game depends upon mere chance as the fall of dice or the turning of a card over which the player has no control, or whether the game is one dependent wholly upon the skill of the player, the former games being within the prohibition of our statute and the latter not within it. You are, therefore, advised that in my opinion the game described by you, being a game of skill, is not within the statute prohibiting gambling games.