

1975 WL 28960 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 26, 1975

*1 Mr. Fred M. Davis
Daniel Building
Greenville S. C. 29602

Dear Mr. Davis:

Pursuant to our telephone conversation and your recent correspondence, this letter is intended to answer your inquiry as to the legality of the proposed scheme for the disposition of a certain parcel of land. Under South Carolina law, lotteries are specifically prohibited. Sections 16-501, 16-502, Code of Laws of South Carolina. Our Supreme Court in defining lottery, said:

'The three essential elements of a lottery are first, consideration; second, prizes; and third, chance. To make a lottery, these three elements or ingredients must be present.' [Darlington Theaters v. Coker](#), 190 S.C. 282, 2 S.E.2d 782.

Upon measuring your proposed scheme against the above-referenced test, it must be concluded that the scheme is a lottery and therefore prohibited. The consideration offered is the five dollars (\$5) charge for the ticket. The prize offered is the lot. The winner will be decided by chance. All the elements or ingredients of a lottery are present. I have enclosed a recent opinion issued from this Office for it is highly instructive in this regard. Should you have further inquiries, please feel free to contact me at this Office.

With best wishes, I am,

Herman L. Moore
Law Clerk

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