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# CITY OF TOLEDO

DEPARTMENT OF LAW

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November 5, 1926.

Mr. Harry Jennings,  
Chief of Police,  
Toledo, Ohio.

Dear Sir:

In reply to your inquiry as to the legality of slot machines being displayed in different places in the City, I wish to say that some time ago this matter was taken up at a conference of the Assistants of this Department and the Director, and the general opinion on which all decided was forwarded to your office. However, after taking this matter up with Mr. Dotson and the other Assistants, we again decided as previously.

I am attaching a copy of the Decision of the Supreme Court with reference to slot machines, and you will note after reading the contents of that opinion that the Court had under consideration at the time a certain type of machine and did not go into detail about slot machines.

According to the opinion of the Judge, each case must stand on its own merit, and the facts under which the arrest was made. It will depend on the facts whether or not the machine was being played with the idea of obtaining a greater value for the money deposited in the machine. In cases where the machine shows the amount of merchandise and the prize that will be delivered after dropping in the coin and does actually deliver that amount the Court ruled that it was legally operated and could not be considered a gambling device, but in all cases where a person is taking a chance of obtaining greater value, then such device becomes a gambling device and could be legally confiscated and destroyed. You will also note from the decision that the particular machine which the Court had under consideration at the time could be used as a gambling device if a person played the machine more than once and obtained a number of checks and had them cashed by the operator.

As I stated before, in all cases it rests in the discretion of the arresting officer to determine from the facts and conditions whether or not the device is being used illegally.

Yours respectfully,

*Stanley A. Konczal*  
Assistant Director of Law.

Encl.  
SAK/W