

CALLED MEETING OF COMMISSIONERS ROADS AND REVENUE, HELD MONDAY, MARCH 11TH., 1940.

PRESENT:- R.A.Gould, C.V.Abbott, J.B.D.Paulk, R.L.Ratcliffe, W.Mc.D.Harley, J.L.Owens,
and V.H.Royal.

Minutes previous meeting read and approved.

This meeting was called for the purpose of taking action on the enforcement of the Laws with reference to Slot Machines. The Opinion rendered by the County Attorney was read and discussed. After due consideration, it was moved by Commissioner Harley, Seconded by Commissioner Ratcliffe, to instruct the Chief of the County Police to administer the Law on Slot Machines and Gambling Devices in accordance with the Opinion submitted by the County Attorney, the Chief of County Police to be furnished with a Copy of said Opinion. Unanimously adopted.

Following is the Opinion of the County Attorney:-

"The criminal provision of our law that directly covers slot machines is Code Section 26-6502 which provides that "Any person, who, by himself or another, shall keep, maintain, or employ, or carry on any lottery or other scheme or device for the hazarding of any money or valuable thing, shall be guilty of a misdemeanor.

Where it appeared from the evidence that the accused kept and maintained a machine so contrived that if one dropped a nickel in the slot therein he would either lose the nickel or win fifteen cents and that the object and purpose of the accused in keeping and maintaining this machine was to win money in this manner, he was guilty of violating the above code section. 97 Ga. 343.

The Court in 48 Ga. App. 498 in holding that what was a typical pin ball machine in which the participant deposited five cents and was given cigarettes if he shot a certain score was a violation of the above code section stating that any scheme or device operated by a person, by which one participating therein might either lose the money invested or get more than his moneys worth, the operator retaining the money so lost, is a scheme or device for the hazarding of money in violatinn of the law.

Code Section 26-6408 provides that any lawful officer, with legal authority, may break open suspected rooms or house where it is commonly known that gambling is carried on, and may take any person found gambling, and bind or cause him to be bound over to the next superior court to be held for the County where the offense was committed.

In 70 Ga. 424 the Court announced that under these provisions of law the implement of crime may be seized and held as evidence against the accused. Apparently there is no authority of our Georgia law for the confiscation and sale of slot machines. Our Court was held (1 Ga. App. 223) that property suitable only for an unlawful purpose is entitled to no protection from our courts, and that any officer seizing holding and destroying such property is not liable to the owner. In this case the court held illegal slot machines to be a kind of property suitable only for an unlawful purpose.

However the Court in 58 Ga. App. 138 held that where a slot machine is being operated by a person in his place of business and which contained money that had been placed therein, is seized by the officers, the owner may recover from the officers the money that is in the machine at the time of the seizure."

Moved by Commissioner Owens, Seconded by Commissioner Royal that all Slot Machines already taken up be returned and Cases be dismissed.

Voting Aye: Paulk, Owens, Abbott, Royal and Harley.

Voting Nay: Ratcliffe.

Moved by Commissioner Abbott, Seconded by Commissioner Harley to Deed to the present owner that portion of the Right-of-Way along Arnold Road, occupied by the business building located at the Northeast corner of Arnold Road and Ocean Boulevard, with the understanding that the portion of said Right-of-Way occupied by said building will revert back to the County at such time as said building is removed or rebuilt. Unanimously adopted.

Moved by Commissioner Royal, Seconded by Commissioner Abbott to place \$25,000. of the Sinking Fund, a 6 months time Certificate of Deposit with the Brunswick Bank & Trust Company. Unannously adopted.

BOARD ADJOURNED,


H.J.Friedman,
Engineer - Clerk.