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The Legislative history of gambling, 1861 - 1915

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THE LEGISLATIVE HISTORY OF GAMBLING,
1861 - 1915

By
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A professional paper submitted in partial fulfillment
of the requirements for the degree of

Master
in
Public Administration

Department of Public Administration
University of Nevada, Las Vegas
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Abstract

Nevada's way of regulating gambling has been of such interest over the past years that it has been given a name, the "Nevada Model". Interested parties usually are seeking to learn if this model of gambling regulation will work in other political units of this country.

The point of this paper is to give some background to the "Nevada Model" by looking at how the acts of the legislature of the state evolved through time.

Of equal importance is the understanding of the role the miners played in the formation of Nevada's culture and lifestyle. The miners brought Nevada its rugged individualism, combined with a sense of risk taking and a desire for wealth. Most of them were single, younger men who had rejected the traditional life-style of farming, family, church and community. The only community they owed allegiance to, or laws that they obeyed, was that of the camp in which they resided, or the rules of the Mining District. It is this mining culture and the resultant lifestyle it perpetuated that did not just permit gambling but, instead, embraced it.

A contextual chronological history of each Act of the Legislature from Territorial days through 1915 is contained in the section entitled Context of the Laws. Each of the statutes related to gambling from 1861 to 1915 have been reproduced and can be found in the appendix.

This is followed by the Summary, which places each of the three periods of either prohibition or legalization/regulation into perspective of the larger picture of the state's history.

The chapter titled Interpretation is this author's finding that the geography of the state, coupled with the massive influx of miners following the discovery of rich gold and/or silver lodes, on two separate occasions, is the core reason for the pro-gaming attitudes of the political culture of the state. It was this attitude toward gambling by the political culture that is evidenced by the enactment of gaming statutes by the legislature of the state.

Chapter 1. Introduction

This paper has been prepared for the Department of Public Administration, a division of the College of Urban Affairs at the University of Nevada, Las Vegas. It is a review and analysis of the history of the laws pertaining to gambling as passed by Nevada's territorial and state legislatures.

The period under review spans 46 years, beginning with the First Session of the Legislature of the Territory of Nevada in 1861, and ends with the Twenty-Seventh Session of the State Legislature in 1915. The intent is to provide an understanding of why Nevada, until recently, was the only state to allow almost all forms of gaming while other states did not.

Organization of the paper consists of this "Introduction" as an orientation for the reader, which is followed by a section that is a combination of methodology and review of the literature used in preparation of the document.

The body is labeled "Context" and is broken into three parts, with each part being a time-period that correlates to either an era of prohibition or legalization/regulation. The historical context of each bill is presented to enhance understanding.

A "Summary" chapter follows with a discussion of each of the three parts. Last, there is a chapter entitled "Interpretation" which discusses the overarching issues of the entire history.

Relevance for this compilation of legislative acts, together with the historical context surrounding each, comes from the fact that all other similar works, including books and papers, dealing with this topic fail to include the actual text of the

legislative acts themselves. Sources that provided quoted or referenced portions of the laws have a tendency to be biased in favor of the viewpoint of the author.

Reading the actual text provides an insight that cannot be achieved in any other fashion.

Additionally, many sources omit or overlook individual laws for various known or unknown reasons. The Acts in their entirety, of both the territorial and state legislatures for the period covered in this paper, are included in the Appendix.

The evolution of the law is, of itself, interesting. These legislative acts represent a reflection of how the elected representatives of the people coped with issues of the times. The first laws passed by the territorial government in 1861 came at a time when the area had just over six thousand (6,000) inhabitants, while the Act of 1915 came 54 years later with a state population of eighty-five thousand (85,000) (Elliott, 1973, p. 396). The acts form the response by the legislative bodies of the state to the political, economic, cultural and geographic environment.

The ambivalence toward gambling reflected in this historical accounting is an indicator of change in thought by society with regard to this activity. What are the factors that caused changes in how the people of this state and their elected representatives perceived gambling? The history of law can provide some of the answers by placing these laws in context. The format of the "Context" portion of this paper is designed to show this phenomenon by separating the topical time span into periods of fluctuation between prohibition and legalization/regulation.

Finally, this history represents the early part of the process of legitimization of gaming that resulted in what is now commonly known as the "Nevada Model" of gaming regulation.

Since 1978, when a new wave of interest in legalization of gambling began, the public, politicians and proponents have struggled with the issue of how to regulate this type of activity within their jurisdictions. The "Nevada Model" was one of the few U.S. examples available. It is the contention of this paper that one cannot understand completely the "Nevada Model" without a solid understanding of its evolutionary history.

This model was not created at one point in time, as was the case in New Jersey. It developed, evolved and grew over time into what it is today. It is arguable that Nevada's history of gaming regulation, through its legislative acts, is a direct result of its history beginning in 1861.

Chapter 2. Methodology/Literature Review

Methodology

Literary research was the only methodology employed in the creation and production of this paper. A comprehensive and exhaustive search through 27 volumes of territorial and state statutes, covering a 46-year period, took place in the UNLV main library. Each volume contained the entire set of legislative acts passed during their respective legislative session. The gaming laws had to be extracted from an additional 200 to 300 laws passed during the legislative period that were non-gaming in orientation.

This exhaustive search, which is the only method available for the purpose of obtaining what is found in the Appendix, has formed the basis of this study. This compilation is unique in its scope in that it is this type of research that was omitted in any other available source on this subject.

To date, the most comprehensive study on this subject only quotes portions of the law when referencing it. This study shows the actual act, in its entirety, and provides the reader with its historical context.

The search included documents of the territorial legislature that had to be procured from the State Archives. In the course of this part of the research, it was discovered that there was an Act of the 1911 legislature that had not been published and, as a result, most of the works dealing with this subject have omitted it.

All other source material was found at the UNLV main library, primarily the Gaming Special Collection; the UNR Library and the State Library and Archives at Carson City.

Literature Review

The foundation of this paper is the collection of The Statutes of the State of Nevada. These volumes contain the complete texts all of the acts passed by each state legislature from 1864 to the present. The territorial law was found in a set of the Laws of the Territory of Nevada.

Three of the better state of Nevada histories supplied much of the context. The History of Nevada, by Russell Elliott, is authoritative and covers the entire history of the state. The Appendices contain all of the census data from 1860 to 1980, dollar value of minerals produced for each year beginning in 1859 and lists of all state officials. Effie M. Mack, in Nevada: A History of the State from Earliest Times through the Civil War, offers a more personal history through the use of letters and diaries written at the times. An emotional and impassioned work by Richard Lillard called Desert Challenge: An Interpretation of Nevada, is also included.

Actual events and rational surrounding the passage of the individual gaming acts came from the following sources:

1. The Development of the Law of Gambling, 1776-1976. Written by the Cornell University Law School sponsored by a grant from the National Institute of Law Enforcement and Criminal Justice, United States Department of Justice. At over 700 pages this work covers gaming law in the United States from colonial times to the present.
2. "Nevada Gambling, First Phase, 1861- 1931". Written by Ralph Roske, is a presentation paper to the Western Historical Association which deals

with those gaming acts that he considers most relevant to the history of legalization of gaming in the state of Nevada.

3. “Veiling the Tiger,” by Phillip I. Earl, is a paper documenting the anti-gambling movement in the state of Nevada from 1861 to prohibition in 1910. Extensive cites from local newspapers support this work.
4. Nevada Gaming Law is an authoritative and complete work by the law firm of Lionel Sawyer and Collins which contains a chapter on gaming history in the state of Nevada.

Other sources used included the Journal of the Senate, Journal of the Assembly and the Appendix to the Journals of the Senate and Assembly of the Nevada State Legislature, which provided tallies of the vote on each bill, reports by the treasurer and other state officials and messages from the governor and other prominent individuals. The State Gaming Commission’s pamphlet Legalized Gambling in Nevada: Its History, Economics and Control (various years) and The House of Cards by Jerome Skolnick, were additional sources.

Chapter 3. Context of the Laws

Part 1. Prohibition - 1861 to 1868

Pre-Territorial Law

The area that is now the state of Nevada became a part of the United States in 1848. Mexico ceded this territory in Treaty of Guadalupe Hidalgo that ended the Mexican-American war (Cornell University, 1977).

The first settlers to the area where the Mormons under the direction of Brigham Young who had established the city of Salt Lake in 1846. Young and his followers were intent on creating a separate, theocratic, free and independent state called the “State of Deseret.” This new state, including most of the area that is now Nevada, was not recognized by the U. S. federal government(Mack, 1936, p.146).

This area “remained without an organized government until Congress passed the Compromise of 1850, ch.51, 9 Stat. 453, which admitted California as a state and created the Territory of Utah, which included most of what is now Nevada” (Cornell University, 1977, p. 404). Utah territorial law prohibited gambling but there was little need for enforcement as the population of the territory was predominantly Mormon. Gambling was strictly forbidden under church law (Cornell University, 1977, p. 397).

Discovery of gold in California in 1849, brought hundreds of wagon trains through the northern parts of the territory on their way to the coast. Trading posts sprang up to supply the emigrants who were by now on the final leg of their journey and in need of replenishment.

One of the earliest known instances of formalized gambling occurred in 1850 in the Carson Valley, where an individual had set up a gambling game (near a supply post) to attract California –bound prospectors and emigrants as players (Nevada Gaming Commission, 1962, p 7).

Many eager prospectors in route to California tried their luck on the way. This resulted in a small strike of gold in the place later called Genoa. Others were encouraged to prospect (Skolneck, 1978, p.103). The role of gambling during this period was minimal as was the population. This would soon change with the discovery in the spring of 1859 of the Comstock Lode. The few small strikes of gold like that in Genoa had stimulated interest in prospecting on the eastern side of the Sierras. The big find had been made and within weeks the trails to Nevada were choked with prospectors.

The lifestyle of the prospectors who came to the Comstock was that of uncertainty and risk. They were predominantly veterans of the California gold rush and they “brought with them their gamblers and their gambling habits” (Roske, 1977, p 2). Gambling flourished in the makeshift mining communities. The streets were lined with saloons, bordellos, and casinos. Mark Twain, in his book, Roughing It, commented on the widespread social acceptability of the professional gambler (Roske, 1977, p 2).

The laws of the Utah territory prohibited gambling but there were no mechanisms in place to enforce them in this distant part of the territory. The overall degree of lawlessness of the area, at this time, caused miners to create “mining

districts” to provide for some sort of stability, particularly in reference to the filing of claims and subsequent transfer of titles.

The following passage is from the preamble of the organizers of the Gold Hill Mining District who, recognizing the lack of political and legal control in this area of the Territory of Utah, intended to do something about it:

“Whereas, the isolated position we occupy, far from all legal tribunals, and cut off from those fountains of justice which every American citizen should enjoy, renders it necessary that we organize in body politic for our mutual protection against the lawless, and for meting out justice between man and man: therefor, we, citizens of Gold Hill, do here by agree to adopt the following rules and laws of our government” (Elliott, 1973, p 66).

This instrument of self-government also contained a section outlawing “banking games” like faro, monte, and roulette. The creation of mining districts was common, but law enforcement was lax when it came to gaming, which was considered by the majority of the miners as an “entertainment akin to drinking and whoring” (Earl, 1982, p 1). Regulation and enforcement of any law would have to wait until Nevada was granted Territorial status.

Nevada Territorial Act of 1861

The organic act creating the territory was signed by President Buchanan on March 2, 1861. Shortly thereafter, James W. Nye, a New York lawyer by profession, was appointed as Governor. Nye was a “law and order” advocate.

In his first speech before the newly elected legislative body of the Territory of Nevada, he encouraged that, among other items, the passage of stringent enactments to prevent gambling in the following words:

“I particularly recommend that you pass stringent laws to prevent gambling. Of all the seductive vices extant, I regard that of gambling as the worst. It holds out allurements hard to be resisted. It captivates and ensnares the young, blunts all of the moral sensibilities and ends in utter ruin. The thousand monuments that are reared along this pathway of ruin, demand at your hands all the protection the law can give” (Elliott, 1973, p 72).

Responding to this resounding appeal by the governor, the newly elected legislature enacted the above referenced Act to Prohibit Gambling. Salient features consist of :

1. Operation of a game is a felony, maximum sentence 2 years and/or \$5,000 fine.
2. Patronage of a gambling establishment is a misdemeanor, maximum sentence 6 months in jail and/or \$500 fine.
3. Allowing a game to be operated on your property is a misdemeanor, maximum sentence 6 months in jail and/or \$5000 fine.
4. Automatic immunity from prosecution for those witnesses who would provide information to a grand or petit jury.
5. District Attorneys to receive a \$100 bounty for each conviction.

Despite the \$100 bounty for enforcement, convictions under the act were virtually nonexistent.

In light of the blatant disregard and non-enforcement of the law, the second session of the territorial legislature, in 1862, considered a new bill that would license gambling. The bill was rejected "without a word of comment. . . .There is one iniquitous profession squelched, and no time lost over it..." (Marsh, 1972, p. 516).

Gambling was as much a part of the Nevada lifestyle as were the mines, and no group of representatives in Carson City managed to change this phenomenon solely by the passage of legislation (Cornell University, 1977, p 407).

It is evident that the District Attorneys, who were charged with enforcement, were not in agreement with the Act to warrant enthusiastic prosecution. Gambling flourished in a more or less open manner for the next three years (Earl, 1982, p 1).

Nevada State Constitution, 1864

There is no reference to gambling in the Nevada State Constitution other than a ban on lotteries. Although it was illegal, there were no penalties attached. This resulted in total disregard for the law to an extent that local newspapers such as the Carson Daily Appeal ran advertisements (Roske, 1977, p. 4). These lotteries were usually run by individuals, not governmental or religious organizations as is now the case. It was not until 1873 when the Constitutional ban was supported by penalties resulting from a legislative act.

A Reduction of Penalties, the Act of 1865

The newly elected legislature, considering, in a more realistic manner the lifestyle of a large portion of the populace, repealed the territorial gaming act and replaced it with one that substantially reduced penalties. The Act passed both houses out of committee with no debate. The Assembly vote was 21 to 7 in favor, while the Senate voted 12 to 2 for passage (Journal of the Assembly, 1864-65, p 295; Journal of the Senate, 1864-65, p 192).

Governor Henry G. Blasdel, a staunch anti-gambling advocate, signed the bill into law February 23, 1865; thirteen days after passage by the Senate and Assembly.

Significant features of the Act were:

1. Reduction from felony status to misdemeanor for operating a game. A lowering of the fine from \$5,000 to \$500 and jail time from 2 years to 6 months.
2. Allowing a game to be operated on an individual's property reduced to a maximum sentence 6 months in jail and/or \$500 fine.
3. No penalty for being a patron, or participating in a game.
4. Jail time to be imposed only if there was a default in payment of fines.
5. Distribution of fines, 25% to the State Treasury, 50% to the county hospital fund, and 25% to the prosecuting District Attorney.

The objective for this law was to increase enforcement by lightening the penalties. In effect, it was a form of regulation via the emphasis on fines instead of jail time. In essence, local gambling establishments were free to pursue their business, subject to an occasional minimal fine from the local district attorney, who was to keep one-fourth for himself and give the rest to the state and county" (Cornell University, 1977, p. 410)

Part 2. Regulation/Legalization

A Gambling Regulatory Bill Vetoed - 1867

Blasdel appeared before the legislators in 1867 and requested that a new anti-gambling law be passed, or to make provision for the 1865 Act to be amended and better enforcement ensured. His request was based on the claim that the 1865 Act did not conform with the State Constitution, which required all monies collected under

the penal laws of the state to go to educational purposes, not to the county hospital fund or to the prosecuting District Attorney (Journal of the Senate, 1867, p 14).

The legislature was moving in a different direction. Realization of the fact that the Act of 1865 was not being enforced, coupled with widespread popular dissatisfaction and an interest in increasing state revenue, created a common ground for a repeal movement. Licensing and control would produce much needed revenue for the counties and cities where gaming was conducted.

A bill was introduced in the second legislative session, 1867 that would provide for licensing of games with some restrictions. The bill was structured with the intent to put small, fly-by-night, operators out of business and allow those who had a stake in their communities and an interest in keeping their games honest, an opportunity to prosper (Earl, 1982, p 2).

There was tough opposition to this bill and on several occasions it seemed that it would be killed by parliamentary maneuvering on the part of anti-gaming supporters. Near the end of the legislative session it passed first in the assembly then in the senate. The margin in both houses was under a two-thirds majority and was subject to the governor's veto. Governor Blasdel vetoed the bill on March 10, 1867 after the legislature had adjourned (Roske, 1977, p 4).

Gambling is Legalized, the Act of 1869

Pro-gambling forces saw that opposition was not that strong and their last bill, in 1867, had passed but was then vetoed. Now with the support of the state controller who saw revenue losses in the form of unlicensed gambling, a bill was introduced into the assembly. It was referred to the committee on public morals. The committee

reported to the assembly in a favorable fashion by stating that “[t]he investigations of your committee lead them to the conclusion that the only effectual method of restricting gambling is to license it heavily" (Roske, 1977, p 4). The bill was passed by an assembly vote of 22 to 7.

The senate committee on public morals disagreed with the assembly committee and recommended “do not pass.” The senate disregarded the advice from the committee and passed the bill by a vote of 13 to 5 (Roske, 1977, p 5).

Governor Blasdel vetoed the bill. The assembly and the senate overrode the veto by votes of 29 to 7 and 15 to 4 respectively.

Important features of the Act are:

1. Operating a game or gambling establishment is legal as long as it’s licensed.
2. Anyone can become licensed.
3. Licenses are to be obtained from the Sheriff by payment of the license fee and registering a description of the room where the game or games will be played with the county clerk.
4. License fees for games in large counties, those over 2,000 in population are \$400 per game per quarter. In smaller counties the fee is \$250 per game, per quarter.
5. Fees are to be split between the county and the state 50-50.
6. Games cannot be played in the front room of the first or ground floor of any building.

7. No town or city or municipal corporation can prohibit, suppress or regulate any licensed gaming house or operation.
8. Persons under the age of seventeen are not allowed in these rooms.
9. Immunity from prosecution for those testifying in any court to any facts concerning offenses of this Act.
10. The District Attorney shall receive \$250 for each conviction of a person charged with an offense under this Act.

Amendments to the Act of 1869

The Act of 1869 was amended three times in subsequent legislative sessions. In 1869, the Fifth Session of the legislature revised the fee structure. License fees no longer needed to be paid in advance, they could be paid monthly. A ten percent discount was given for those who paid quarterly. The basis for the rate charged was changed. Voter turn-out, the determinant of the fee, was reduced for large county rates to those counties recording 1,500 voters in the latest general election versus 2,000 in the original Act. The overall license fee was lowered \$100 per game, per quarter.

The Seventh Session of the legislature produced the following changes:

1. The addition of specific types of games included under the act as stated in Section One. They consisted of Keno, Fan-tan, Twenty-one, Red-White-and-Blue, Red and Black, and Diana.
2. Section four's license fee is increased to \$400 per game, per quarter to be paid in advance. There no longer is any separate rate for small counties. It also removed the 10% discount for early payment.

3. The minimum age for entry into a gaming establishment is raised to twenty-one.
4. No signage of any sort is allowed outside or nearby the gaming room.
5. Any failure of the sheriff or any police officer to report violations of this act is punishable as a misdemeanor.

While changes in the fee structure and the list of games become common themes, the concepts of age limits for participation, appropriate signage and enforceability have become issues.

The last amendment to the original Act of 1869 again revises license fee structure. It also clarifies where in a building gambling may take place. The intent of the Act of 1869 was to keep this type of activity out of the public eye. It restricted gambling to the back rooms of buildings. Part of the amendment of 1877 was in response to the more creative operators who, by locating a structure on a hillside, with entrances on two different streets, could claim the upper part of the building as the second floor. In their view, gaming could be carried on in the front room.

The Lottery Act of 1873

Lotteries were prohibited under the State Constitution in Article IV which stated that "no lottery shall be authorized by this State nor shall the sale of lottery tickets be allowed" (State Constitution, 1864).

The popularity of lotteries was unquestionable and generally sold "like hot cakes." Handbills and prospectuses were commonly posted in the windows of retail stores, restaurants and saloons (Cornell University, 1977, p 418).

They were also notoriously fraudulent. Most were a blatant exploitation of the public at large. A transplanted English journalist, William Corbett, wrote the following about lotteries of this era:

"Have you an itching propensity to use your wits to advantage? Make a lottery. A splendid scheme is a bait that cannot fail to catch the gulls. Be sure to spangle it with rich prizes: the fewer the blanks--on paper-- the better; for on winding up the business, you know, it is easy to make as many blanks as you please. The Winding up, however, is not absolutely necessary ... The better way is to delay the drawing; or should it ever begin, there is no hurry about the end, or rather, let it have no end..." (Cornell University, 1977, p. 385).

This Act was passed, making it a misdemeanor to conduct, or be involved in conducting, a lottery. The intent was to put some "teeth" into the constitutional prohibition.

Social Responsibility, the Act of 1877

The title of this statute, An act to prohibit the winning of money from persons who have no right to gamble it away, is a clear indicator of its intent.

The primary feature of this Act allowed a dependent family, or a creditor, to serve notice in writing on a gambling establishment that their father, or a creditor, was depriving them of needed or owed funds by participating in their games.

The proprietor, or operator of the establishment, was made responsible for denying the named person participation in any form of gambling on the premises. Failure to comply resulted in a misdemeanor. The penalty consisted of a fine of between \$250 and \$500 and/or imprisonment of three to six months in the county jail. Proceeds of the fines were to go to county poor fund.

The Sheriff or Police official who issued gaming licenses in that jurisdiction was required to post in their offices the notices of spouses or creditors and have them available for inspection during normal hours of operation.

This statute was in response to criticism that fathers of families and other "poor debtors" were enticed to gamble away money needed for their obligations. It is a tact admission that problem gambling affected a noticeable portion of the population. (Roske, 1977, p 6).

The Law of Gambling Rewritten, the Act of 1879

The Act of 1879 was written as a result of all of the amendments to the Act of 1869, which had taken place during the preceding ten-year period. Public officials and operators of games evidenced confusion as to exactly what the law read. This Act was nothing more than a re-write of the original law incorporating all of the subsequent amendments with the exception of Section Eleven, which banned games that lent themselves to cheating or games known as "hogging games". These types of games were also prohibited in most other western states and territories (Roske, 1977, p 5).

Amendments to the Act of 1879

Over the next eighteen years, the Act of 1879 was amended five times. The 1885 Session added additional specific games to the already long list of games that were to be licensed. It was an attempt to ease enforcement of the law by removing any doubt as to what constituted a regulated game.

The next three amendments were concerned with where a gaming room could be located in a given building. The element of propriety in relation to the exposure of

this type of establishment to the public was a matter of debate. Those opposed to gambling were joined by large numbers of staunch pro-gambling advocates when the issue arose. This was the basis for the periodic changes in the statute.

The 1893 Session, in an effort to simplify matters by stating that the room in question could not be in the front room of any floor of any building. This meant that those buildings that faced two different streets, built on a slope, could not conduct games. The 1903 legislative session continued this trend by restricting gambling rooms to the second floor of any building. An exception being those smaller counties with a voter turnout of less than 2,000 at the last general election. Two story buildings were in short supply in many of the cities and towns in the small counties of Nevada in 1903.

By 1905 the attitude of the gambling room operators had prevailed. Their position was that if saloons could operate from street level, why couldn't gaming establishments? This position held through the Senate and Assembly and was signed into law. They could now operate their games in any room on any floor.

The last amendment to the Act of 1879, allowing gambling rooms on the street level, was a reflection of the economic times. Cities and counties of the state had been subject a decline in revenues due to the closure or loss of output of local mines. They had become dependent on this source of revenue and this amendment was enacted to counter the loss.

Hours of Operation, the Act of 1889

The intent of this law was to restrict hours of operation of saloons and gaming establishments. Prior to the Act, gaming rooms and saloons could and did run twenty-four hours a day.

Problems related to drunken patrons at saloons and individuals on a "loosing streak" at the games in the early hours of the morning were to be prevented by forcing the establishments to close at midnight. Lack of enforcement by police carried the penalty removal from office. This regulation was later rescinded by statute in 1905.

Liabilities of proprietors, The Act of 1897

This Act allowed parents or guardians to file civil actions against saloons and gaming rooms for allowing minor children to drink, gamble, or lounge at their establishments. It was felt that children should not be exposed to this type of activity. The threat of civil action caused owners to be more vigilant in who its patrons were and precluded the need for policing by the local sheriff.

Slot Machines Prohibited, the Act of 1901

Slot machines were a new invention. The first one was built in 1895 by Charles Fey of San Francisco. The machines were a success in local saloons, but were prohibited by this Act (Lionel, Sawyer, & Collins, 1995, p. 7).

Licensing of Slot Machines, the Act of 1905

The usual disregard for the law by the citizens of Nevada forced licensure of slot machines. The legislature thought it better to gain revenue from a license fee rather than loose it to illegal operations with these machines. The license fee was \$20 per machine per quarter. Fees were to be split evenly between the county and the state.

Failure to obtain a license was a misdemeanor subject to a fine of between \$50 and \$100 and/or imprisonment of twenty five to fifty days in county jail.

The law also provided that placement of the slot machines shall be such that they were out of sight of "any person passing along any public highway, street, sidewalk, or thoroughfare of any town or city of this State" (Act of 1905, see Appendix). Once legalized, these machines were a smashing success (Lionel, Sawyer & Collins, 1995, p. 7).

Bookmaking, the Act of 1903

Bookmaking had existed for years and the legislature again decided that revenue was being lost due to lack of licensure. The advent of better communications had also opened the door to betting on out-of-state events like prize fights and horse races.

The act provides for licensure with a fee of \$100 for the first month and \$75 per month thereafter. Additionally, out-of-state betting could not be done on the first or ground floor of a building in cities or towns that polled more than 2,000 votes in the last general election. Violation of this statute resulted in a misdemeanor with a fine of \$300 and jail time of six months or both.

Amendment to Bookmaking, the Act of 1907

This Act simply removed the restriction of conducting business on the second floor of the building.

Part 3. Prohibition

The Act of 1909

The turn of the century brought a sense of revival to the entire country. Nevada was engulfed in this mood of enlightenment. This was most evident in the city of Reno, which had grown from a small settlement into the state's center of commerce, banking and education. The University of Nevada had been established in Reno along with a stable system of education for grade and high schools. Churches prospered and had developed strong congregations.

Formation, in the spring of 1908, of the Reno Anti-Gambling League came as no surprise. It was formed as the result of a series of revival meetings, in order to petition the Reno city council to put an anti-gambling initiative on the fall election ballot.

The women's Civic League joined in this reform movement along with a number of prominent politicians from both parties, including the acting-Governor, a United States Senator, a Nevada Supreme Court Justice and the president of the University of Nevada, along with most of his faculty (Earl, 1982, p 6).

The petition drive for a local ordinance was contested by casino owners and liquor dealers. A second petition was submitted and the Anti-gambling advocates prevailed. The issue was placed on the ballot for the 1909 Reno city elections. It was overwhelmingly defeated (Lionel, Sawyer & Collins, 1995, p 8).

Frustrated by defeat of the local ordinance but gathering support, the Anti-Gambling League focused its attention on the State Legislature. "To insure that a tough bill would be passed, the Anti-Gambling League drew up its own proposal"

(Roske, 1977, p. 9). The bill was introduced into Assembly and was referred to the Public Morals Committee.

Shortly after the introduction of the bill, a rumor spread to the Assembly floor that those who did not support the bill would be "politically dead" in the future. The rumor was also printed in the Reno Evening Gazette newspaper on February 10 (Earl, 1982, pp.15-16).

Pro-gambling supporters discovered that they were a distinct minority and focused their attention on passing an amendment in committee to push back the effective date of the law from September 1, 1909 to January 1, 1910. Gambling establishment owners would have a window of time to put their economic affairs in order.

The bill, which included the amendment for an effective date of October 1, 1910, passed the Assembly by a vote of 27 to 20 (Roske, 1977, p. 9).

Important Features of the Act:

1. Made it a felony to conduct "in any capacity whatever" a list of eighteen specific games, including some traditional at-home games such as bridge, for any representative of money. Felony conviction provided for a sentence of one to five years in the State Prison.
2. It was a felony to conduct any games that provided a percentage, compensation or reward for the operator or manager either in a direct or indirect manner.
3. Maintaining slot machines, selling or dealing in pools, and bookmaking on horse races was also a felony offense.

4. Permitting gaming to be conducted on an individual's property was also a felony.
5. Each day of violation of any of the provisions was to be considered a separate offense.
6. Owning or keeping gaming equipment was subject to a fine of between \$100 and \$500 or jail time of one to six months or both.
7. Police are authorized to "break open doors for" to seize and destroy all equipment of which they had knowledge.
8. Immunization was granted to witnesses who testified about violations to this statute.

Prohibition Looses Ground, the Act of 1911

The Act of March 17, 1911 referred to in the following amendments, is not published. Richard Lillard, in his book, Desert Challenge - An Interpretation of Nevada, provides a brief synopsis of the statute.

"The swing back began in 1911 when an Act was passed, effective the first day of 1912. It retained much of the taboo. It prohibited games with a single dealer - faro, monte, roulette, rouge et noir, rondo, tan fantan, seven-and-a-half, twenty-one, hokey-pokey, craps, klondyke; banking or percentage games played with cards, dice, or any device for money or any representative of money; any gambling game in which there was any percentage or reward for the keeper; slot machines, pools, and horse races. The law did allow certain gambling. It legalized poker, stud-horse poker, five hundred, solo, and whist when the deal alternated and no percentage was taken; social games played for drinks, cigars, and prizes under two dollars" (Lillard, 1942, p. 325-326).

The Act had as its impetus the speech made by then, Governor Oddie who, though he lauded the anti-gambling legislation passed by the previous legislature, declared that it was too strict. He felt that it made "No distinction

between card and other games for recreation, and actual gambling" (Roske, 1977, p. 10).

Strict Prohibition is Reinstated, the Act of 1913

Under pressure from religious groups and other staunch anti-gambling activists, the legislature passed an Act to amend the Gambling Act. In it the games of poker, stud-horse poker, five hundred, solo and whist; games where the deal alternated and there was no percentage for the house along with social games played for drinks, cigars and prizes under \$2 were again prohibited.

In the attempt to restore the law to 1909 standards, the Act underwent numerous changes and became vague in its wording.

Some claimed that the Act restored licensed gambling and it took the Attorney General's opinion to clarify the matter. The opinion affirmed that all gambling with the exception of social games was banned (Roske, 1977, p. 10).

The Loosening of Prohibition, the Acts of 1915

The 1915 legislature passed two amendments to the Gambling Act of 1911. Betting on horse racing was licensed, as were social games played for drinks and cigars served individually, or for prizes of a value not to exceed \$2 along with slot machines for the sale of cigars and drinks.

Both amendments are reflective of the waning of anti-gaming sentiment and the lack of enforcement of the law. Few criminal prosecutions were made. The public generally ignored the legal games and patronized the larger scale clandestine gambling operations (Roske, 1977, p. 11). As one historian noted "...a sturdy chain

of surreptitious joints began to build up that conducted every known ...game, including Chinese lotteries" (Lillard, 1942, p. 325)

The legislature's actions after 1909 were signs of what was public reality. The magnitude of undercover gaming fostered a situation where, "bribes to allow unmolested games were so widespread that they were considered little more than a form of license ("The Development", 1977, p. 431)

Chapter 4. Summary

Part I. Prohibition - 1861 to 1868

This stage in the development of gambling in the state of Nevada began with the appointment of an anti-gambling governor. A major role of appointed territorial governors was to establish law and order and begin a process of taming a wild land.

Newly elected legislators knew that in order to gain statehood the U.S. Congress required that the territory curb lawlessness and this included the prohibition of gambling. The first session of the territorial legislature passed an act prohibiting gambling with little discussion. This statute was passed without the consent of the people and was almost totally ignored by the citizenry and the officials who were supposed to enforce it.

One of the prime factors contributing to this attitude was the composition of the population. The 1860 census, conducted one year after the discovery of the Comstock lode, placed the population at 6,857 individuals. By 1870 the population had risen to 42,492. This growth did not come from families immigrating to farm the land as was the case in Oregon and California, but from miners drawn to the Comstock. Most of this increase in population consisted of younger men who were eager to strike it rich by mining or prospecting. A large number were veterans from the California strikes that had dried up.

The lifestyle of these individuals was one of hard work during the day and, if they had the money – drinking, gambling, fighting and whoring at night. They did not have families to go home to and the mining camps and towns offered few sources of diversion. Gambling was a prime source of entertainment and socialization.

Part II. Regulation/Legalization 1869 to 1908

Gambling became legal by legislative act in 1869. This was followed by what must be considered "tinkering" by the legislature for the next 39 years. Amendments to the gaming Act of 1869 culminated in a rewrite in 1879. This was followed by further amendments to the new act.

A seemingly unending dispute over where gaming could be conducted within a building took place. Various acts changed this from the back room to the second floor room to a room that was on any floor.

Other laws were passed that reflected the stabilization and growth of communities. Acts were passed to curb problem gamblers, regulate the hours of operation, raise the age limit for participation, establish the liabilities of proprietors and license bookmaking.

This period was a time of population growth and then decline. The Comstock dried up in 1880's, causing a loss of one third of the state's population. Mining had become the dominant form of employment while all others trailed far behind. Loss of the Comstock as a viable producer caused a depression in the state for some time.

Funds generated by the state government became so tight that the State Treasurer in his annual report to the legislature in 1881, stated the following:

"The legislature, at its last session, passed an Act in relation to gaming, which has caused a decrease in the revenue from that source of about \$10,000 per year. The counties are benefited to that extent, but the State loses the revenue when much needed, and the attention of the Legislature is called to the fact" (Appendix to the Journals., 1881, p. 26).

This report is an indication that both state and local government was becoming aware of the revenue from licensed gambling.

Part III. Prohibition - 1909 to 1915

The Act of 1908 was the result of a reform movement that was sweeping the nation, eliminating drinking, gambling and other vices. Reno had grown from a mining town to a civil community with well-attended churches and a university. Respectability was a desired commodity. The upper class society of Reno formed the anti-gambling league and pressured the legislature into passage of their law.

Economically, the state was back as gold and silver was struck in Tonopah and Goldfield. Mining and the miners returned to Nevada along with the tax revenue they generated. As had been the case during the prior period of prohibition the bulk of the population ignored the law and gaming was carried on underground.

This period of history ends with the second depression due to the decline in production of the mines in southern Nevada followed by a loosening of the gambling laws.

The state population also dropped from 81,875 in 1910 to 77,407 in 1920 as the miners went in search of greener pastures.

Chapter 5. Interpretation

All other western states began with prohibition of gambling, as did Nevada but all of them outlawed most forms. The foregoing history of gambling law sheds light on the development of the political culture of the state.

In a nutshell, the history of gaming in Nevada consists of initial prohibition with public disregard and lack of enforcement followed by legalization. Again, there is a period of prohibition, and the laws are ignored by both citizens and law enforcement officials. Finally, legalization was effected for the last time in 1931.

The key factor in this history is the lack of enforcement and public disregard for the law during periods of prohibition. A consideration of the economic situation of the state gives a clue.

The primary industry of the state was mining. In Nevada mining was different. In the eastern part of the country and in Europe most mines were long term propositions. The mines in the American west were of another sort. When gold or silver ores were found in sufficient quantity a mine was started. The duration of the operation was usually short-lived, but when they were in operation, these mines provided employment for thousands of workers.

The Comstock brought thousands of miners to the state only to see them leave when the ore dried up. Again, at the turn of the century Tonopah and Goldfield were mining boom towns. At its peak, Tonopah had 15,000 inhabitants accounting for 20% of the state's population. It was a ghost town just a few years later.

The miners came in such large numbers that they impacted the resident population to the extent that changes in the native population's culture were

inevitable. As indicated in the Abstract, the culture and lifestyle brought to Nevada by miners was that of a rugged individualism, risk taking, and the desire for wealth. Most were single, younger men who had, for a variety of reasons, rejected the traditional life-style of farming, family, church and community.

The only community the miners owed allegiance to, or laws that they obeyed, was that of the camp they resided in and Mining District. This mining culture and lifestyle not only permitted gambling, it embraced it.

Gambling in Nevada at this time was different than other parts of the country. It was an entertainment of the common man. The gambling establishments were, for the most part nondescript rooms or a section of the local saloon. Some games were conducted in tents. The stakes were low, there were no required dress codes and everyone was welcome to come and play, regardless of their wherewithal.

In the east, gambling was a diversion of the wealthy. The casinos were opulent and rival those of the present day Las Vegas strip. The river boats of the Mississippi were on a par with the eastern casinos. The stakes were high and the patrons could afford to indulge themselves without depriving themselves financially.

The result of two waves of miners and their culture/life-style was that their culture became the culture of the majority of the state with its pro-gambling attitude.

It may be relevant, at this point to pose the question, why did Nevada not become like other states in the west? The answer lies in the lack of available natural resources of the state coupled with the mining booms.

The charts on page 37 show the population growth of three other western states. All three show a consistent growth rate over the time-period of 1850 to 1920.

Nevada is the only one that shows a loss of population and this comes at two points that correlate with the decline of the major mining strikes.

The California gold rush of 1848 brought more miners to that state than the Comstock brought to Nevada. When the gold ran out in California many miners moved on to the Comstock, but just as many stayed. They took up other occupations and assimilated into California culture and lifestyle. The state of California with its variety and depth of resources allowed those, who wished, to stay and make a living.

Nevada, on the other hand, did not offer such amenities. When the gold or silver ran out, the miners had to move on but their culture stayed on with those few who remained in the state.

Another state of interest in this comparison is Wyoming. This state is almost as lacking in resources as Nevada but evidences a political culture in regard to gambling that is closer to the other western states. Lack of the boom and bust of mining strikes allowed it to develop more slowly but with traditional format of families, farms/ranches, churches and communities. The lack of the mining culture and its impact on the resident culture allowed it to become like other western states.

The Political culture of the State of Nevada is, to a great degree a result of the two waves of miners, whose culture impacted a small resident population to such a degree that its attitudes toward gambling remained long after the had gone.

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APPENDIX

First Session of the Legislative Assembly
Of the Territory of Nevada

1861

Chapter XXV – An Act to Prohibit Gambling.

(Approved November 25, 1861)

Be it enacted, by the Governor and Legislative Assembly of the Territory of the Territory of Nevada, as follows:

Section 1. Every person who shall deal, play, carry on , open or cause to open, or who shall conduct either as owner or employé, whether for hire or not, any game of faro, monte, roulette, lansquenet, rouge et noir, or any banking game played with cards, dice, or any other device, whether the game be played for money, checks, credit, or any representative of value, shall be guilty of felony, and on conviction thereof shall be punished by imprisonment in the Territorial prison for a term not exceeding two years, and by fine not exceeding five thousand dollars.

Section 2. Every person who shall bet, hazard, or play money, checks, or anything of value against said games mentioned in the previous section shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be fined not exceeding five hundred dollars, and imprisoned in the county jail not exceeding six months.

Section 3. No person otherwise competent as a witness shall be disqualified from testifying as a witness, either before a grand or petit jury, concerning the offenses mentioned in the foregoing sections on the grounds that his testimony may incriminate himself, but such testimony shall be reduced to writing and no indictment shall afterwards be brought against him for said offenses, concerning which he has testified as a witness.

Section 4. The District Attorneys in the several counties of their districts, shall receive one hundred dollars for every conviction under this act to be collected out of the property of the party so convicted.

Section 5. Every person who shall knowingly permit any of the games mentioned in the first section to be played, conducted, or dealt, in any house owned by him or her, in whole or in part, or rented by him or her, in whole or in part, shall be guilty of a misdemeanor, and on conviction shall be fined any some not exceeding five thousand dollars, and imprisoned in the county jail six months.

First Session of the Legislature

1865

Chapter LIII – *An Act to prevent Gaming*

(Approved February 23, 1865)

The people of the State of Nevada represented in Senate and assembly, do enact as follows:

Section 1. Every person who shall deal, carry on, open, or cause to be opened, or who shall conduct either as owner or employé, whether for hire or otherwise, any game of faro, monte, roulette, lansquenet, rouge et noir, or any banking game played with cards, dice or any other device, whether the same be played for money, checks, credit, or any representative of value, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine of not less than one hundred nor more than five hundred dollars, and in default of payment of such fine shall be imprisoned in the county jail for a period of not more than six months nor less than one month.

Section 2. One fourth of all the moneys collected for fines under the provisions of this Act, shall be paid into the State Treasury in the manner prescribed by law for the payment of other moneys by the Treasurers of ----- counties, and one half thereof shall remain in the treasury of the county in which the same may be collected, to the credit and for the exclusive use and benefit of the hospital fund of such county, and be applied to the payment of the hospital expenses of such county, and one fourth thereof shall be paid to the District or Prosecuting Attorney of the county in which the conviction may have been obtained.

Section 3. Every person who shall knowingly permit any of the games mentioned in the first section of this Act, to be played, conducted or dealt in any house owned or controlled by him or her, in whole or in part, shall be guilty of a misdemeanor, and on conviction shall be fined any sum not less than one hundred nor exceeding five hundred dollars, and in default of payment of such fine shall be imprisoned in the county jail for a period of not less than one month nor more than six months.

Section 4. An Act of the Legislative Assembly of the Territory of Nevada entitled “An Act to prohibit Gaming,” approved November twenty-fifth, one thousand eight hundred and sixty-one, is hereby repealed.

Fourth Session of the Legislature

1869

Chapter LXXI – An Act to restrict gaming.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. Each and every person who shall deal, play, carry on, open, or cause to be opened, or who shall conduct, either as owner or employé, whether for hire or not, except under a license as hereinafter provided, any game of faro, monte, roulette, lansquentte, rouge et noir, roundo, or any banking game played with cards, dice, or any other device, whether the same be played for money, checks, credit, or any other representative of value, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than one thousand, nor more than three thousand dollars, or by imprisonment in the County Jail not less than three months nor more than one year, or by both such fine and imprisonment.

Section 2. Any person may procure a license for carrying on any one of the games mentioned in section one of this Act, in any single room, upon the payment to the Sheriff of the county in which the same is situated, the amount of license money fixed in section four of this Act, and upon giving to said Sheriff a definite description of the room in which he designs to carry on said game, and filing with the County Clerk of the county a copy of said description.

Section 3. Blank licenses shall be prepared by the County Auditor, which shall be signed, issued and accounted for, as is by law provided in respect to other county licenses. Each license delivered by the Sheriff under this Act to any person, shall contain the name of the licensee, a particular description of the room in which the licensee desires to carry on one of the games mentioned in the first section of this Act, specifying it by name, in the room therein described, for the period of three months next succeeding the date of issuance of the license. The said license shall protect the licensee and his employer or employers against any criminal prosecution for dealing or carrying on the game mentioned in the room described during said three months, but not for dealing or carrying on any other game than that specified, or the specified game in any other place than the room so described: provided, that the licensee shall be entitled to deal, or play, or carry on two or more games in the same room, by paying a license for each game so dealt or carried on.

Section 4. The amount to be paid to the Sheriff for the quarterly license shall be as follows: In any county in which at the General Election next preceding the time of application were polled two thousand or more votes, or in any county created after such General Election, four hundred dollars; in any other county two hundred and fifty dollars.

Section 5. All moneys received for licenses under the provisions of this Act, shall be paid, one half into the County Treasury and one half into the State Treasury, for general county and State purposes respectively.

Section 6. Every person who shall knowingly permit any of the games mentioned in the first section of this Act to be played, conducted, dealt, or carried on in any house owned by him or her, in whole or in part, except by a person who has received a license as herein provided, or his employé, and in the room described therein, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section one of this Act.

Section 7. None of the above mentioned games shall be carried on, nor shall any license issue to carry the same on, in any front room of the first or ground floor of any building, and if any person carrying on any of said games shall knowingly permit to enter or remain in ant licensed room, any person under the age of seventeen years, he shall be deemed guilty of a misdemeanor, and shall be punished as provided in section one of said Act.

Section 8. No town, city, or municipal corporation in this State shall hereafter have power to prohibit, suppress or regulate any gaming house, or game license as provided by this Act.

Section 9. No person otherwise competent as a witness shall be disqualified or excused from testifying as such, either before a grand or petit jury or any Court, to any facts concerning the offenses mentioned in the foregoing sections of this Act, on the ground that his testimony may criminate himself.

Section 10. The District Attorney of the county shall receive two hundred and fifty dollars for each conviction of any person charged with the commission of any of the offenses mentioned in this Act, which sum shall be taxed as costs in the action, but in no case shall such costs be a charge against the county.

Section 11. An Act entitled "An Act to prevent gaming," approved February 25, 1865, is hereby repealed.

Assembly Chamber
State of Nevada, March 4,

1869.

This is to certify that Assembly Bill No.78, "An Act to restrict gaming," passed the Assembly this (day) notwithstanding the objections of the Governor, by the following vote: Yeas, 29 ; nays, 7.

D. O. Atkinson
Speaker of the Assembly.

A. Whitford,
Clerk of the Assembly

Senate Chamber
State of Nevada, March 4,

1869

This is to certify that Assembly Bill No. 78, "An Act to restrict gaming," passed the Senate this day, notwithstanding the objections of the Governor. Yeas, 15; nays, 4.

Senate

Chas. F. Bicknell
Secretary of the Senate

T.D. Edwards
President pro tem. Of the

Fifth Session of the Legislature

1871

Chapter XLVII – An Act to amend an Act entitled “An Act to restrict Gaming.”

(Approved March 2, 1871)

The People of the State Of Nevada, represented in the Senate and Assembly, do enact
as follows:

Section 1. Section four of the above entitled Act is hereby amended so as
to read as follows:

Section Four. The amount to be paid to the Sheriff for a monthly license shall be as
follows: In any county in which at the general election next preceding the time of
application were polled fifteen hundred or more votes, or in any county created after
said election, one hundred dollars, and in all other counties, seventy five dollars;
provided, the applicant may procure a quarterly license, in which case there shall be
deducted ten percent from the amount of such a license.

Sixth Session of the Legislature

1873

Chapter CX – An Act to prohibit lotteries

(Approved March 7, 1873)

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. A lottery is any scheme for the disposal or distribution of property, by chance, among persons who have paid or promised to pay any valuable consideration for the chance of obtaining such property, or a portion of it, or for any share or any interest in such property upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle, or gift enterprise, or by whatever name may be known.

Section 2. Every person who contrives, prepares, sets up, proposes, or draws any lottery, is guilty of a misdemeanor.

Section 3. Every person who sells, gives, or in any manner whatever furnishes or transfers to for any other person any ticket, chance, share, or interest, or any paper, certificate or instrument purporting or understood to be or to represent any ticket, chance, share, or interest in or depending upon the event of any lottery, is guilty of a misdemeanor.

Section 4. Every person who aids or assists, either by printing, writing, advertising, publishing, or otherwise, in setting up, managing, or drawing any lottery, or in selling or disposing of any ticket, chance, or share therein, is guilty of a misdemeanor.

Section 5. Every person who opens, sets up, or keeps by himself or by any other person, any office or other place for the sale of or for registering the number of any ticket in any lottery, or who by printing, writing, or otherwise advertises or publishes the setting up, opening, or using of any such office, is guilty of a misdemeanor.

Section 6. Every person who insures or receives any consideration for insuring for or against the drawing of any ticket in any lottery whatever, whether drawn or to be drawn within this State or not, or who receives any valuable consideration upon any agreement to repay any sum or deliver the same, or any other property; if any lottery ticket or number of any ticket in any lottery shall prove fortunate or unfortunate, or shall be drawn or not be drawn at any particular time or in any particular order, or who promises or agrees to pay any sum of money, or to deliver any goods, things in action or property, or to forebear to do anything for the benefit of any person, with or without consideration, upon any event or contingency dependent upon drawing of any ticket in any lottery, or who publishes any notice or proposal of any of the purposes aforesaid, is guilty of a misdemeanor.

Section 7. All moneys and property offered for sale or distribution in violation of any of the provisions of this Act are forfeited to the State, and may be recovered by information filed or by an action brought by the Attorney General, or by any District Attorney, in the name of the State. Upon the filing of the information or complaint, the Clerk of the Court, or if the suit be in a Justice's Court, the Justice must issue an attachment against the property mentioned in the complaint or information, which attachment has the same force and effect against such property, and is issued in the same manner as attachments from the District Courts in civil cases.

Section 8. Every person who lets or permits to be used any building or vessel, or any portion thereof, knowing that it is to be used for setting up, managing, or drawing any lottery, or for the purpose of selling or disposing of lottery tickets, is guilty of a misdemeanor.

Section 9. Every offense declared to be a misdemeanor by this Act shall be punishable by a fine in any sum not exceeding five hundred dollars, or by imprisonment in the County Jail for any term not exceeding six months, or by both such fine and imprisonment.

Section 10. This Act shall take effect and be in force from and after the first day of January, one thousand eight hundred and seventy-four.

Seventh Session of the Legislature

1875

Chapter LXVIII – An Act to amend “An Act to restrict gaming,” passed March fourth, eighteen hundred and sixty-nine, and all Acts amendatory thereof.

(Approved March 4, 1875)

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of said Act is hereby amended so as to read as follows:

Section One. Each and every person who shall deal, play, carry on, open, or cause to be opened, or who shall conduct, either as owner or employé, whether for hire or not, except under a license, as hereinafter provided, any game of faro, monte, roulette, lansquenette, rouge et noir, rondo, keno, fantan, twenty-one, red white and blue, red and black, or diana, or any banking game played with cards, dice, or any other device, whether the same be played for money, checks, credit, or any other valuable thing, or representative of value, shall

Be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one thousand nor more than three thousand dollars, or by imprisonment in the County Jail not less than three months nor more than one year, or by both such fine and imprisonment.

Section 2. Section four of said Act is hereby amended so as to read as follows:

Section Four. The amount to be paid the Sheriffs, as a quarterly license, shall be four hundred dollars; and such license shall be paid for, actually and not constructively, quarterly, in advance.

Section 3. Section seven of said Act is hereby amended so as to read as follows:

Section Seven. None of the above mentioned games shall be carried on, nor shall any license issue to carry on the same, in any front room of the first or ground floor of any building, and if any persons carrying on any of said games shall knowingly permit to enter or remain in any license room any person under the age of twenty-one years, he shall be deemed guilty of a misdemeanor, and shall be punished by the same penalties as a prescribed in section one of this Act for violation of its provisions.

Section 4. No sign, notice or device of any description shall be exhibited anywhere outside of a room in which a game is licensed to be played, or published in a newspaper, or printed or written card, handbill, or poster, whereby the character of the business carried on in a room licensed for gambling shall be indicated. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, or by imprisonment in the

County Jail not less than one hundred days nor more than six months, or by both such fine and imprisonment; and it is hereby made the duty of any Sheriff, Marshal, constable, or police officer to complain of any violation within his knowledge of any of the provisions of this section and a failure to do so shall be deemed a misdemeanor, and upon conviction thereof said officers shall be subject to a fine of not more than one hundred dollars nor less than fifty dollars, or by imprisonment in the County Jail not less than twenty days nor more than fifty days, or by both such fine and imprisonment.

Section 5. All Acts or parts of Acts, in so far as they conflict with this Act, are hereby repealed.

Eighth Session of the Legislature

1877

Chapter LVII – An Act to amend an Act entitled “An Act to amend an Act to restrict gaming, passed March fourth, eighteen hundred and sixty-nine,” approved March fourth, eighteen hundred and seventy-five

(Approved February 28,1877)

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. Section four of the Act entitled “An Act to restrict gaming,” passed March fourth, eighteen hundred and sixty nine, as amended by section two of the Act entitled “An Act to amend an Act to restrict gaming,” approved March fourth, eighteen hundred and seventy five, is hereby amended so to read as follows:

Section Four. The amount to be paid to the Sheriffs as a Quarterly license shall be as follows: In any county in which, at the general election next preceding the time of application, were polled five hundred votes or more, or in any county created after said general election, four hundred dollars, and in all other counties two hundred and fifty dollars; and such license shall be paid for actually, and not constructively, quarterly in advance.

Section 2. Section seven of the Act entitled “An Act to restrict gaming,” passed March fourth, eighteen hundred and sixty-nine, as amended by section three of the Act entitled “An Act to amend an Act to restrict gaming,” approved March fourth, eighteen hundred and seventy-five, is hereby amended so as to read as follows:

Section Seven. None of the above mentioned games shall be carried on, nor shall any license to carry on the same, in any room of the first floor or story of any building; and when any building has two first floors or stories, the other being or fronting on one street and the other being or fronting on another street, then in such case no license shall issue to carry on any said games in any room on or in either of said first floors or stories of such building; provided, that in any county in which at the general election next preceding the time of application, were polled less than fifteen hundred votes, or in any county created after said general election, the licensee shall be entitled to carry on his game in any back room of the first or ground floor of any building; and if any person carrying on any of said games shall knowingly permit to enter or remain in any licensed room any person under the age of twenty-one years, he shall be deemed guilty of a misdemeanor, and shall be punished by the same penalties for violation of its provisions as are prescribed in section one of the Act of which this is amendatory.

Section 3. All Acts or parts of Acts, in so far as they conflict with this Act, are hereby repealed.

Section 4. This shall take effect and be in force on and after the tenth day of April, eighteen hundred and seventy-seven.

Eighth Session of the Legislature

1877

Chapter CIII – An Act to prohibit the winning of money from persons who have no right to gamble it away.

(Approved March 5, 1877)

The people of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. No person who has a wife, minor child, or minor children dependent in whole or in part upon his earnings for support, and to whom (with himself) all such earnings are necessary for their proper and comfortable maintenance, shall be deemed to have the right to squander any portion thereof in gambling. No person who is justly and legally indebted to another for board, clothing, goods, wares, merchandise, labor, medical attendance, or otherwise, and who is not lawfully seized of sufficient real or personal property liable to levy and sale under execution to satisfy such indebtedness shall be deemed to have the right to squander his earnings or money in gambling so long as such lawful and just debt remains unpaid.

Section 2. If any person having such dependent family or unpaid creditor as mentioned in section one of this Act, be in the habit or practice of squandering his money in gambling, it shall be the right of such family or friends of the same to give or cause to be given, written notice thereof to the proprietor, keeper, dealer in, or other person in charge of, or usually in attendance and employed at any place or places where gambling is carried on or practiced, stating in such notice all the necessary facts pertaining to his case, and requesting that no person connected with or frequenting the place be allowed to win or take his money.

Section 3. Every person who shall assist or be interested, either as a dealer, player, proprietor, principal, agent, or otherwise, in winning or taking from such head of a dependent family, or such poor debtor as is described in section one of this Act, any money, promissory note, due bill, or other evidence of indebtedness, or other valuable thing, at any gambling game, betting game, or game of chance or skill, shall be deemed guilty of a misdemeanor, and on conviction thereof be punished by a fine of not less than two hundred and fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for a term of not less than three months nor more than six months, or by both such fine and imprisonment, in the discretion of the Court; provided, that no conviction shall be for a violation of the provisions of this Act unless it be shown upon trial that the defendant, or some one connected with the game or gambling place where such winning was made, as proprietor, dealer, player, keeper, or some other person usually in attendance and employed or interested therein, had, previous to such winning, been notified or informed, in writing, that the individual (his identity being known or made known) from whom the money or other valuable thing had been won or taken, was either the head of a dependent family or poor debtor in the condition described in section one of this Act; and, if such poor

debtor, that said notice or information contained also a statement of the name of at least one of the parties to whom he was indebted, with the amount, or about the amount, due the same; and, in such last mentioned case, it shall also be shown upon the trial that at the time of the winning complained of, such indebtedness, or some portion thereof, remained unpaid. No other proof of notice to or knowledge by the defendant shall be required than that stated in this proviso.

Section 4. All licenses for gaming or gambling hereafter granted shall be deemed to be subject to the provisions of this Act.

Section 5. All fines collected under this Act shall be paid into and belong to the County Poor Fund.

Section 6. It shall be the duty of all county, town, or municipal officers, who grant or collect licenses for gaming or gambling, to keep their respective offices a list of all places where gaming or gambling is licensed to be carried on, which list shall at all reasonable hours be open to the inspection of any sober person not under twenty-one years of age.

Section 7. All Acts and parts of Acts, in so far as they conflict with the provisions of this Act, are hereby repealed.

Ninth Session of the Legislature

1879

Chapter CX- An Act to Restrict Gaming, and to repeal all other Acts in relation thereto.

(Approved March 8, 1879)

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. Each and every person who shall deal, play, carry on, open, or cause to be opened, or who shall conduct, either as owner or employe, whether for hire or not, except under a license, as hereinafter provided, any game of fare, monte, roulette, jaurgusnette, rouge-et-noir, rondo, keno, fantan, twenty-one, red white and blue, red and black or diana, or any banking game, played with cards, dice or any other device, whether the same be played for money, checks, credit, or any other valuable thing or representative of value, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than one thousand, nor more than three thousand dollars, or by imprisonment in the County Jail not less than three months, nor more than one year, or both such fine and imprisonment.

Section 2. Any person may procure a license for carrying on any one of the games mentioned in section one of this Act, in any single room, upon the payment, to the Sheriff of the county in which the same is situated, the amount of license money fixed in section four of this Act, and upon giving to said Sheriff a definite description of the room in which he designs to carry on said game, and filing with the County Clerk of the county a copy of said description.

Section 3. Blank licenses shall be prepared by the County Auditor, Which shall be issued and accounted for as is by law provided in respect to other county licenses. Each license delivered by the Sheriff under this act to any person shall contain the name of the licensee, a particular description of the room in which the licensee desires to carry on the game licensed and shall by its terms authorize the licensee to carry on one of the games mentioned on the first section of this Act, specifying it by name in the room therein described, for the period of one month next succeeding the date of issuance of the license. The said license shall protect the licensee and his employer or employers against any criminal prosecution for dealing or carrying on the game mentioned in the room described during said one month, but not for dealing or carrying on any other game than that specified, or the specified game in any other place than the room so described; provided, that the licensee shall be entitled to deal or play, or carry on two or more games in the same room, by paying a license for each game so dealt or carried on.

Section 4. The amount to be paid to the Sheriff shall be one hundred dollars for the first month, and seventy-five dollars for each successive month, so long as the licensee shall deal or carry on, or cause to be dealt or carried on, said game or games in the same room.

Section 5. All moneys received for licenses under the provisions of this Act shall be paid, three quarters into the County Treasury, and one quarter into the State Treasury, for general county and State purposes respectively.

Section 6. Every person who shall knowingly permit any of the games mentioned in the first section of this Act to be played, conducted, dealt or carried on in any house owned by him or her, in whole or in part, except by a person who has received a license, as herein provided, or his employee, and in the rooms described therein shall be guilty of a misdemeanor, and on conviction thereof, shall be punished as provided in section one of this Act.

Section 7. None of the above-mentioned games shall be carried on, nor shall any license issue to carry on the same, in any room of the first floor or story of any building, and when any building has two first floors or stories, the other being of fronting on another street, then, and in such case, no license shall issue to carry on any of said games in any room on or in either of said first floors or stories of such building; provided, that in any county in which, at the general election next preceding the time of application, were polled less than fifteen hundred votes, or in any county created after said general election, the licensee shall be entitled to carry on his game in any back room of the first or ground floor of any building; and if any person carrying on any of said games shall knowingly permit to enter or remain in any licensed room, any person under the age of twenty-one years, he shall be deemed guilty of a misdemeanor, and shall be punished by the same penalties for violation of its provisions as are described in section one of this Act.

Section 8. No town, city, or municipal corporation in this State shall hereafter have power to prohibit, suppress, or regulate any gaming house or game licensed as provided by this Act.

Section 9. No person otherwise competent as a witness shall be disqualified or excused from testifying as such, either before a grand or petit jury, or any Court, to any facts concerning the offenses mentioned in the foregoing sections of this Act, on the ground that his testimony may criminate himself.

Section 10. The District Attorney of the county shall receive two hundred and fifty dollars for each conviction of any person charged with the commission of any of the offenses mentioned in this Act, which sum shall be taxed as costs in the action; but in no case shall such costs be a charge against the county.

Section 11. Any person or persons taking out license to deal any of the games mentioned in section one of this Act, or any proprietor of any building in which any of said games are dealt, who shall knowingly or otherwise deal or allow to be dealt any cheating or thieving game, or games known as "hogging games," shall be deemed guilty of a misdemeanor, and shall be punished by the same penalties for violation of its provisions as are prescribed in section one of this Act.

Section 12. This Act shall take effect and be in force on and after the first day of April, eighteen hundred and seventy-nine.

Section 13. All Acts and parts of Acts in relation to this Act are hereby repealed.

Twelfth Session of the Legislature

1885

Chapter III – An Act to amend an Act entitled “An Act to restrict gaming, and to repeal all other Acts in relation thereto, approved March 8, 1879.

(Approved January 23, 1885)

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of said Act is hereby amended so as to read as follows:

Section one. Each and every person who shall deal, play, carry on, or cause to be opened, or who shall conduct, either as owner or employe, whether for hire or not, except under a license, as hereinafter provided, any game of faro, monte, lansquenet, rouge-et-noir, rondo, keno, fantan, twenty-one, red-white-and-blue, red and black or diana, percentage or stud-horse poker, or any banking or percentage game, played with cards, dice, or any other device, whether the same be played for money, checks, credit, or any other valuable thing or representative of value, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine of not less than one thousand nor more than three thousand dollars, or by imprisonment in the county jail not less than three months nor more than one year, or both such fine and imprisonment.

Fourteenth Session of the Legislature

1889

Chapter LXXII – An Act fixing the time for the opening and closing of saloons and gaming houses.

(Approved March 4, 1889)

The people of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. On and after the first day of April, A.D. one thousand eight hundred and eighty-nine, it shall be unlawful for any person or persons, firm or corporation engaged in the business of selling any kind or kinds of spirituous or malt liquors by the glass or drink, or engaged in carrying on or conducting any kind or character of gambling or games of chance,

To open such place of business for the sale of such liquors, or for the prosecution of such games, at an earlier hour than six o'clock in the morning of each day, and no such person or persons, firm or corporation shall sell or give away any such liquors or continue or allow the continuance of any such games in or about their respective places of business after the hour of twelve o'clock P.M. of each or any day, and all such places of business, excepting hotels, shall be closed between the hours of midnight and the hour of six o'clock the next morning of each and every day.

Section 2. A violation of any of the provisions of this Act shall be deemed a misdemeanor, and upon conviction the offender shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment, and persons acting as servants, employes or agents shall be equally liable with their employers and principals.

Section 3. Peace officers are hereby especially required to strictly enforce the provisions of this Act, and a failure on the part of any such officer to perform such duty shall render him liable to removal from office as prescribed by law.

Sixteenth Session of the Legislature

1893

Chapter XLII – An Act to amend an Act entitled “An Act to restrict gaming and to repeal all other Acts in relation thereto,” approved March 8, 1879.

(Approved March 21, 1893)

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven of said Act is hereby amended so as to read as follows:

Section seven. The licensee shall not carry on his game in any front room on the first or ground floor of any building, and if any person carrying on any of said games shall knowingly permit to enter or remain in any licensed room any person under the age of twenty-one years, he shall be deemed guilty of a misdemeanor, and shall be punished by the same penalties, for violation of its provisions, as are prescribed in section one of this Act.

Eighteenth Session of the Legislature

1897

Chapter XCV - An Act concerning the liabilities of proprietors and keepers of saloons and gambling houses.

(Approved March 19,1897)

The people of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. Any proprietor or keeper of a saloon, gambling house or resort where liquors are sold, who shall sell or give to any minor any spirituous or malt liquors, or who shall permit any minor to engage in any game in his saloon, gambling house or resort where liquors are sold, or who shall permit any minor to lounge or remain therein, shall be liable to the parent or guardian of such minor in damages, which may be collected by civil action in a sum not less than fifty nor more than one thousand dollars.

Twentieth Session of the Legislature

1901

Chapter XIII – An Act relating to nickel-in-the-slot machines and providing a penalty for carrying on or playing against such machine or device.

(Approved February 23, 1901)

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. Every person who deals, plays or carries on or conducts, either as owner or employee, whether for hire or not, any nickel-in-the-slot machine or similar device which can be played for money, checks, cigars, drinks or prizes representing value, and every person who plays or bets at or against such nickel-in-the-slot machine, or similar device, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty (\$50) dollars, nor more than one hundred (\$100) dollars or by imprisonment in the county jail not less than twenty-five nor more than fifty days, or both such fine and imprisonment.

Section 2. The District Attorney of the county shall receive fifty (\$50) dollars for each conviction of any person charged with violating the provisions of section one of this Act, which sum shall be taxed as costs in the action; but in no case shall such costs be a charge against the county.

Section 3. The full amount of all fines and costs imposed and collected under the provisions of this Act, save that portion which is to be paid to the District Attorney as provided in section two, shall be paid into the State treasury as provided by law.

Section 4. This Act shall take effect and be in full force from and after

Twenty-first Session of the Legislature

1903

Chapter LXX – An Act to amend section one of an Act entitled “An Act to amend an Act entitled ‘An Act to restrict gaming and to repeal all other Acts relation thereto,’ approved March 8, 1879,” approved February 23, 1893.

(Approved March 13, 1903)

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of said Act is hereby amended so as to read as follows:

Section one. The licensee shall not carry on any of said games in any front room on the first or ground floor or first story of any building; provided, that in any county in which, at the general election preceding the time of application for any license hereunder, were polled more than two thousand (2,000) votes, or in any county created after said general election, none of the above named games shall be carried on, nor shall any license issue to carry on the same, in any room of the first floor or first story of any building, and all licenses hereafter issued in any of the last named counties shall only authorize and permit the carrying on of any of said games in the second story of any building above the grade of the street upon which such building is situated. If any person carrying on any of said games shall knowingly permit to enter or remain in any licensed room, any person under the age of twenty-one years, or shall carry on any of said games in any floor or story not authorized by this section, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one thousand nor more than three thousand dollars or by imprisonment in the county jail not less than three months nor more than nine months or by both such fine and imprisonment

Section 2. This Act shall take effect and be in force on and after the first day of June, A.D. 1903.

Twenty-first Session of the Legislature

1903

Chapter LXV – An Act regulation within this State bookmaking on horse races, prize fights, or any games conducted outside of this State.

(Approved March 13, 1903)

The people of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. It is hereby made unlawful for any person or persons in this State to engage in, conduct or carry on any bookmaking on horse races, prize fights or any games conducted outside of this State without having first paid a license therefor in the sum of one hundred dollars for the first month and seventy-five dollars for each succeeding month; provided, it shall not be lawful in any event for any person or persons to engage in, conduct or carry on bookmaking on any such horse races, prize fights or other games conducted outside the State, on the first or ground floor of any building; and provided further, that this Act shall only apply to cities or towns in counties which county polled two thousand or more votes at the last preceding general election.

Section 2. Any person or persons violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of three hundred dollars, or imprisoned in the county jail for the period of six months, or by both such fine and imprisonment.

Section 3. This Act shall be in full force and effect immediately after its approval.

Twenty-second Session of the Legislature

1905

Chapter L – An Act to amend an Act entitled “An Act to restrict gaming and to repeal all other Acts in relation thereto,” approved March 8, 1879, approved February 23, 1893, approved March 13, 1903.

(Approved March 13, 1905)

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. Section seven of said act is hereby amended so as to read as follows;

Section Seven. The licensee may carry on his game in any room or rooms on the first or ground floor or on the second or third floors of any building, and if any person carrying on said games shall knowingly permit to enter or to remain in any such licensed room or rooms any person under the age of twenty-one years, he shall be deemed guilty of a misdemeanor, and shall be punished by the same penalties, for violation of its provisions, as are provided in section one of this Act.

Twenty-second Session of the Legislature

1905

Chapter LII – An Act to amend an Act entitled “An Act relating to nickel-in-the-slot machines and providing a penalty for carrying on or playing against such device,” approved February 23, 1901, and to prescribe a license for the carrying on of such nickel-in-the-slot machines and regulate their operation.

(Approved March 15, 1905)

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. Every person who deals, plays, or carries on or conducts, either as owner or employee, whether for hire or not, except under a license as hereinafter provided, any nickel-in-the-slot machine or similar device which can be played for money, checks, cigars, drinks or prizes representing value and every person who plays or bets at or against such nickel-in-the-slot machine or similar device shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars, or by imprisonment in the county jail not less than twenty-five nor more than fifty days, or by both such fine and imprisonment.

Section 2. Section four of said Act is hereby amended so as to read as follows: Section four. Any person may procure a license for the carrying on and operating of any nickel-in-the-slot machine, or machines or similar devices as mentioned and described in section 1 of this Act. All such licenses shall be issued and obtained in the same manner as other gaming licenses are now issued and obtained, upon payment quarterly of the sum of twenty (\$20) dollars for each machine or device so licensed, which sum shall be collected and enforced in the same manner as other gaming licenses; provided, that no nickel-in-the-slot machine or similar device licensed under this Act, shall be maintained or operated in any place or manner so that the same can be seen by any person passing along any public highway, street, sidewalk, or thoroughfare of any town or city of this State; and also provided, that any person holding a license under this Act who shall knowingly permit any person under the age of twenty-one years of age to play such nickel-in-the-slot machines shall be guilty of a misdemeanor.

Section 3. One-half of the licenses collected under the provisions of this Act shall go to the State and be assigned to the General Fund; the other half shall go to the county in which the license is paid.

Twenty-third Session of the Legislature

1907

Chapter LXXX. – An Act to amend section five of an act entitled “An Act to restrict gaming, and to repeal all other Acts in relation thereto,” approved March 8, 1879.

(Approved March 14, 1907)

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of which this Act is amendatory is hereby amended so as to read as follows:

Section five. All moneys received for licenses under the provisions of this Act shall be paid into the county treasury of the county wherein the same is collected for general purposes; provided, where the license is collected within the boundaries of any incorporated city or town the same shall be paid into the treasury of such incorporated city or town for general purposes; provided further, where the license is collected within the boundaries of any unincorporated city or town that is under the control of the Board of County Commissioners under and by virtue of an Act entitled “An Act providing for the government of the towns and cities of this State,” approved February 26, 1881, the same shall be paid into the county treasury for the general use and benefits of such unincorporated city or town.

Twenty-fourth Session of the Legislature

1909

Chapter CCX – An Act prohibiting gambling, providing for the destruction of gambling property and other matters relating thereto.

(Approved March 14, 1909)

The people of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. It shall be unlawful for any person to deal, play or carry on, open or conduct in any capacity whatever, any game of faro, monte, roulette, lansquenet, rouge et noir, rondo, tan, fan-tan, stud-horse poker, seven-and-a-half, twenty-one, hokey-pokey, craps, klondyke, whist, bridge whist, five hundred, solo, frog, or any other card game, or any banking or percentage game played with cards, dice, or any device, for money, property, checks, credit or any representative of value; or any gambling game in which any person keeping, conducting, managing or permitting the same to be carried on receives, directly or indirectly, any compensation or reward, or any percentage or share of the money or property played, for keeping, running, carrying on or permitting the said game to be carried on; or to play, maintain or keep any slot machine played for money or for checks or tokens redeemable in money; or to buy, sell or deal in pools or make books on horse races; and any person who violates any of the provisions of this section shall be guilty of a felony and upon conviction thereof shall be imprisoned in the State Prison for a period of not less than one year or more than five years.

Section 2. Every person who knowingly permits any of the games or slot machines mentioned in the preceding section to be played, conducted, dealt, or maintained in any house, building or part thereof owned or rented by such person, shall be punished as provided in the preceding section, and every day of the violation of any of the provisions of this Act shall be deemed a separate offense.

Section 3. If any person shall keep, exhibit, or have in his possession, any cards, tables, checks, wheels, slot machines or gambling devices of any nature used or kept for the purpose of playing any of the games mentioned in section one of this Act, or shall aid, assist or permit others to do the same, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than one month nor more than six months, or by both such fine and imprisonment.

Section 4. It shall be the duty of all Sheriff's, Constables, police and other peace officers whenever it shall come to the knowledge of such officer that any person has in his possession any cards, tables, checks, balls, wheels, slot machines or gambling devices of any nature or kind used or kept for the purpose of playing at any of the games mentioned in section one of this Act, or that any cards, tables, checks, balls, wheels, slot machines or gambling devices used or kept for the purposes aforesaid may be found in any place, to be seize and take such cards, tables, checks,

balls, wheels, slot machines or other gambling devices, and convey the same before a magistrate of the county in which said devices shall be found; and it shall be the duty of such judge to inquire of such witnesses as he shall summon or as may appear before him in that behalf, touching the nature of such gambling devices, and if such judge shall determine that the same are used or kept for the purpose of being used at any game or games of chance described in Section one of this Act, it shall be his duty to destroy the same. It shall be lawful for officers in executing the duties imposed upon them by this section to break open doors for the purpose of obtaining possession of any such gambling devices; and all persons having such possession of any of the articles aforesaid, shall be conveyed before a magistrate of such county and being held or committed for appearance to answer any complaint which may be preferred against them for violation of any of the provisions of this Act.

Section 5. No person, otherwise competent as a witness, shall be exempt from testifying as such concerning offenses of gambling, as set forth in this Act, on the ground that such testimony may criminate himself; but no prosecution can afterwards be had against him for any offense concerning which he testified.

Section 6. The term "person" where used in this Act shall include all individuals, firms, partnerships, associations and corporations.

Section 7. This Act shall be in effect from and after the first day of October

Twenty-second Session of the Legislature

1915

Chapter 30 – An Act to amend section 253 of an act entitled “An act concerning crimes and punishments, and repealing certain acts relating thereto,” approved March 17, 1911, and as amended March 21, 1913.

(Approved February 26, 1915)

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. Section 253 of an act entitled “An act concerning crimes and punishments, and repealing certain acts relating thereto,” approved March 17, 1911, and as amended March 21, 1913, is hereby amended so as to read as follows:

Section 253. It shall be unlawful for any person to deal, play or carry on, open or conduct in any capacity whatever, any game of faro, monte, lansquenet, rouge et noir, rondo, tan, fan-tan, seven-and-a-half, twenty-one, hokey-pokey, craps, klondyke, or ant banking or percentage game played with cards, dice, or any device, for money, property, checks, credit, or ant representative of value; or any gambling game in which any person keeping, conducting, managing or permitting the same to be carried on receives, directly or indirectly, any compensation or reward, or any percentage or share of the money or property played, for keeping, running, carrying on or permitting the said game to be carried on; or to play, maintain or keep, any slot machine played for money or for checks or tokens redeemable in money, or to buy, sell, or deal in pools, or make books on horse-races, save and except that any and all racing associations and corporations which shall obtain license to conduct race meetings in the State of Nevada, pursuant to law, may carry on and permit within the inclosure where horse-racing is held, betting upon the races conducted within said inclosure by and through the paris mutual system of betting; and any person who violates any of the above provisions shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the state prison for a period of not less than one year nor more than five years. Every person who shall play at any game whatsoever, other than those hereinabove excepted, for money, property or gain, with cards, dice or any other device which may be adapted or used in playing any game of chance, or in which chance is a material element, or who shall bet or wager on the hands or cards or sides of such as do play as aforesaid, shall be deemed guilty of a misdemeanor; provided, that nothing in this paragraph shall be construed as prohibiting social games played only for drinks and cigars served individually, or for prizes of a value not to exceed two dollars, nor nickel-in-the-slot machines for the sale of cigars and drinks and no play back allowed.

Twenty-second Session of the Legislature

1915

Chapter 284 – An Act to amend section 253 of an act entitled “An act concerning crimes and punishments, and repealing certain acts relating thereto,” approved March 17, 1911, and all acts and parts of acts supplementary thereto and amendatory thereof.

(Approved March 29, 1915)

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. Section 253 of an act entitled “An Act concerning crimes and punishments, and repealing certain acts relating thereto,” approved March 17, 1911, and all acts and parts of acts amendatory thereof and supplementary thereto, is hereby amended so as to read as follows:

Section 253. It shall be unlawful for any person to deal, play or carry on, open or conduct, in any capacity whatever, any game of faro, monte, roulette, lansequenet, rouge et noir, rondo, tan, fan-tan, seven-and-a-half, twenty-one, hokey-pokey, craps, klondyke, or any banking or percentage game played with cards, dice, or any device for money, property, checks, credit, or any representative of value; or any gambling game in which any person keeping, conducting, managing or permitting the same to be carried on receives, directly or indirectly, any compensation or reward, or any percentage or share of the money or property played, for keeping, running, carrying on or permitting the said game to be carried on; or to play, maintain or keep, any slot machine played for money or for checks or tokens redeemable in money, or to buy sell or deal in pools, or make books on horse-races, save and except the playing of poker, stud-horse poker, five hundred, solo and whist, when the deal alternates and no percentage taken and that any and all racing associations and corporations which shall obtain license to conduct race meetings in the State of Nevada, pursuant to law, may carry on and permit within the inclosure where horse-racing is held, betting upon the races conducted within said inclosure by and through the paris mutual system of betting: and any person who violates any of the above provisions shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the state prison for a period of not less than one year nor more than five years. Every person who shall play at any game whatsoever, other than those herein excepted, for money, property or gain, with cards, dice or any other device which may be adapted to or used in playing any game of chance, or in which chance is a material element or who shall bet or wager on the hands or cards or sides of such as do play as aforesaid, shall be deemed guilty of a felony; provided, however, that nothing in this paragraph shall be construed as prohibiting social games played only for drinks and cigars served individually, or for prizes of a value not to exceed two dollars, nor nickel-in-the-slot machines for the sale of cigars and drinks and no playback allowed.