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In Pro Per

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June 15, 2017  
by cm/ecf

Ms. Molly C. Dwyer  
Clerk, United States Court of Appeals  
for the Ninth Circuit  
95 Seventh Street  
San Francisco, CA 94103

RE: *Charles Nichols v. Edmund Brown, Jr., et al* 9th Cir. No.: 14-55873;  
Rule 28(j) letter

Dear Ms. Dwyer:

Plaintiff-Appellant Nichols submits *A Practical Treatise on the Criminal Law Volume 3* – 1819, Published by Edward Earle as supplemental authority under FRAP Rule 28(j).

"The 1 Jac. I. c. 8 was enacted at a critical period, and intended to remedy an immediate evil. It is said to have been directed against a number of persons, who adopted a method of deadly revenge by wearing short daggers under their clothes, which they were prepared to use on slight provocations, and those frequently sought for by themselves." *Id* at pg 180 [\*746].

"[T]hose frequently sought for by themselves" means that those who carried the concealed weapons were the ones who provoked the fight. Prior to the enactment of the Statute, a person who used a concealed weapon to kill another person could plead that he acted in the heat of passion or under the influence of drink and be afforded "the benefit of clergy." Which is to say he escaped being executed.

From the point of enactment onward, in England and the English colonies in America, if one carried a concealed weapon and chose to use it, he would have to present the weapon and hold, giving his opponent the opportunity to arm himself or decline to engage in mutual combat. If he didn't and his opponent died of his wounds within 6 months then the concealed carrier was guilty of willful murder and was executed, he could not be pardoned.

England would repeal the statute in 1828 but by then the states had begun to ban the mere carriage of concealed weapons.

It is the history and tradition of the United States that carrying a concealed weapon is cowardly and/or criminal and that history and tradition predates the ratification of the Second Amendment which is why one would be hard pressed to prove that the Framers of the Second Amendment, and those who voted to enact it into law, believed that concealed carry fell within the scope of the Second Amendment.

The body of this letter contains 349 words.

Sincerely,

/s/ Charles Nichols

Charles Nichols  
Plaintiff-Appellant in Pro Per

cc: counsel of record (by cm/ecf)