

No. 19-56004

**In The United States Court of Appeals
for the Ninth Circuit**

STEVEN RUPP, ET AL.,

Plaintiffs-Appellants,

v.

XAVIER BECERRA, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL OF THE STATE
OF CALIFORNIA,

Defendant-Appellee

On Appeal from the United States District Court
Central District of California, Southern Division

The Honorable Josephine L. Staton

No. 8:17-cv-00746-JLS-JDE

**ADDENDUM OF SELECTED STATUTES AND LEGISLATIVE
MATERIALS IN SUPPORT OF BRIEF OF AMICUS CURIAE
EVERYTOWN FOR GUN SAFETY SUPPORT OF DEFENDANT AND
AFFIRMATION FILED WITH THE CONSENT OF ALL PARTIES**

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an Order from the said Magistrate to the Collector of such County, to pay him the Sum of *Ten Shillings*, out of any Money in his Hands raised for the Use of the County; which Sums shall be allowed to such Collector on the Settlement of his Accounts.

Penalty on a Smith making or mending such Trap, &c.

9. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That every Smith or other Artificer, who shall hereafter make or mend any such Trap or other Device aforesaid, he shall forfeit and pay the Sum of *Forty Shillings*; and the Person carrying such Trap or other Device to the Artificer aforesaid, shall forfeit and pay the Sum of *Twenty Shillings*. And every Person who shall bring into this Colony any such Trap or Device as aforesaid shall forfeit and pay the Sum of *Forty Shillings*. And if the Person who shall carry the same to the Smith or Artificer shall be so poor as that he shall not be able to pay the Forfeiture aforesaid, he shall be committed to the common Gaol, until he shall prove who is Owner of such Trap or Device, or who delivered the same to him; and in such Case the Forfeiture aforesaid shall be levied on the Goods, or in Failure of Goods, on the Body of the Owner of such Trap or Device, or the Person who delivered the same to the Pauper, and the Trap or Device shall be forfeited and destroyed.

Penalty on bringing such Trap, &c. into the Colony.

Penalty for setting loaded Guns.

10. AND WHEREAS a most dangerous Method of setting Guns has too much prevailed in this Province, BE IT ENACTED *by the Authority aforesaid*, That if any Person or Persons within this Colony shall presume to set any loaded Gun in such Manner as that the same shall be intended to go off or discharge itself, or be discharged by any String, Rope, or other Contrivance, such Person or Persons shall forfeit and pay the Sum of *Six Pounds*; and on Non-payment thereof shall be committed to the common Gaol of the County for six Months.

Application of Penalties.

11. AND BE IT FURTHER ENACTED *by the Authority aforesaid*, That the Fines and Forfeitures in this Act expressed, and not particularly appropriated, shall be paid, one Half to the Prosecutor, and the other Half to and for the Use of the Poor of the Town, Precinct or District, where the Offence is committed; and that the Execution of this Act, and every Part thereof, shall be within the Cognizance and Jurisdiction of any one Magistrate or Justice of the Peace, without any Reference to the Act for Trial of small Causes in this Colony.

Jurisdiction given to one Magistrate.

This Act not to affect Parks.

12. AND BE IT ENACTED, That nothing in this Law shall be construed to extend to restrain the Owners of Parks, or of tame Deer, from killing, hunting or driving their own Deer.

Penalty on Magistrate neglecting his Duty.

13. AND BE IT ALSO ENACTED *by the Authority aforesaid*, That if any Justice of the Peace or other Magistrate, within this Province, shall have Information of any Persons offending against this Act, in killing Deer out of Season, setting and making Traps, Non-Residents killing Deer, and Persons setting of Guns, and shall not prosecute the same to Effect within two Months after such Information, he shall forfeit and pay the Sum or Sums to which the Offender against this Act would have been liable.

14. AND

Treasurer of the State, to deposit in the Bank of the State and its several branches, all that portion of the public revenue of the United States, which he has received or which he may hereafter receive, as the portion of Alabama, in the following proportion: One fifth in the Bank of the State at Tuscaloosa, one fifth in the Branch Bank at Montgomery, one fifth in the Branch Bank at Mobile, one fifth in the Branch Bank at Decatur, and one fifth in the Branch Bank at Huntsville; taking therefor certificates of deposit, and all laws or parts of laws, contravening the provisions of this act, be and the same are hereby repealed: *Provided*, That the amount of the surplus revenue already received and which may hereafter be received, shall be deposited in said Bank and its Branches, in the above and foregoing proportions, on or before the first day of May next.

Approved June 30, 1837.

No. 11.]

AN ACT

To suppress the use of Bowie Knives.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That if any person carrying any knife or weapon, known as Bowie Knives or Arkansas Tooth-picks, or either or any knife or weapon that shall in form, shape or size, resemble a Bowie Knife or Arkansas Tooth-pick, on a sudden rencounter, shall cut or stab another with such knife, by reason of which he dies, it shall be adjudged murder, and the offender shall suffer the same as if the killing had been by malice aforethought.

Penalty for carrying Bowie knives

Sec. 2. *And be it further enacted*, That for every such weapon, sold or given, or otherwise disposed of in this State, the person selling, giving or disposing of the same, shall pay a tax of one hundred dollars, to be paid into the county Treasury; and if any person so selling, giving or disposing of such weapon, shall fail to give in the same in his list of taxable property, he shall be subject to the pains and penalties of perjury.

Persons selling Bowie knives to be taxed.

Approved June 30, 1837.

[No. 12.]

AN ACT

To enlarge the prison bounds in the different counties in this State:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the several sections of an act passed in the year 1824, requiring the Judge of the county court and commissioners of roads and revenue, to mark and lay out the bounds of prisoners, be and the same is hereby repealed; and that from and after the passage of this act, the bounds of the different counties shall be the limits within which prisoners confined for debt shall be restricted, on entering into bond, as now required by law, to keep within the prison bounds; and hereafter the plaintiffs in suits shall not be compelled to pay the sustenance and support of prisoners who take the benefit of the bounds.

Prison bounds enlarged.

Approved June 30, 1837.

[No. 13.]

AN ACT

For the relief of the purchasers of the Sixteenth Section, Township four, Range six, West, in the county of Lawrence and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the President and Directors of the Branch of the Bank of the

DEADLY WEAPONS.

AN ACT to guard and protect the citizens of this State, against the unwarrantable and too prevalent use of deadly weapons.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall not be lawful for any merchant, or vender of wares or merchandize in this State, or any other person or persons whatsoever, to sell, or offer to sell, or to keep, or have about their person or elsewhere, any of the hereinafter described weapons, to wit: Bowie, or any other kind of knives, manufactured and sold for the purpose of wearing, or carrying the same as arms of offence or defence, pistols, dirks, sword canes, spears, &c., shall also be contemplated in this act, save such pistols as are known and used, as horseman's pistols, &c.

SEC. 2. *And be it further enacted by the authority aforesaid,* That any person or persons within the limits of this State, violating the provisions of this act, except as hereafter excepted, shall, for each and every such offence, be deemed guilty of a high misdemeanor, and upon trial and conviction thereof, shall be fined, in a sum not exceeding five hundred dollars for the first offence, nor less than one hundred dollars at the direction of the Court; and upon a second conviction, and every after conviction of a like offence, in a sum not to exceed one thousand dollars, nor less than five hundred dollars, at the discretion of the Court.

SEC. 3. *And be it further enacted by the authority aforesaid,* That it shall be the duty of all civil officers, to be vigilant in carrying the provisions of this act into full effect, as well also as Grand Jurors, to make presentments of each and every offence under this act, which shall come under their knowledge.

SEC. 4. *And be it further enacted by the authority aforesaid,* That all fines and forfeitures arising under this act, shall be paid into the county Treasury, to be appropriated to county purposes: *Provided, nevertheless,* that the provisions of this act shall not extend to Sheriffs, Deputy Sheriffs, Marshals, Constables, Overseers or Patrols, in actual discharge of their respective duties, but not otherwise: *Provided, also,* that no person or persons, shall be found guilty of violating the before recited act, who shall openly wear, externally, Bowie Knives, Dirks, Tooth Picks, Spears, and which shall be exposed plainly to view: *And provided, nevertheless,* that the provisions of this act shall not extend to prevent venders, or any oth-

DEEDS.

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er persons who now own and have for sale, any of the aforesaid weapons, before the first day of March next.

SEC. 5. *And be it further enacted by the authority aforesaid,* That all laws and parts of laws militating against this act, be, and the same are, hereby repealed.

JOSEPH DAY,
Speaker of the House of Representatives,
ROBERT M. ECHOLS,
President of the Senate.

Assented to, 25th December, 1837.

GEORGE R. GILMER, Governor.

DEEDS.

AN ACT to admit certain Deeds to be recorded and read in evidence ; and also, to prescribe the effect of certain other Deeds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all Deeds for lands which may have been recorded upon the usual proof of execution, but not recorded within the time prescribed by the laws of this State, shall be admitted in evidence, without further proof ; and when the originals are lost or destroyed, and that being made judicially known to the Court, copies of the same may be introduced and read in evidence, on any trial before any Court of law or equity, in this State.

SEC. 2. *And be it further enacted by the authority aforesaid,* That all Deeds executed, according to the laws of this State, but not yet recorded, may nevertheless be recorded within twelve months from the passage of this act, upon the usual proof of their execution ; and when so recorded, the same or copies thereof, when the originals are shown to be lost or destroyed, may be read in evidence without further proof.

SEC. 3. *And be it further enacted by the authority aforesaid,* That all Deeds conveying lands hereafter executed upon being attested or proved in the manner required by the laws of this State, shall be admitted to record, at any time, and after being recorded, shall be received in evidence in any Court of Law or Equity, without further proof of the execution thereof.

SEC. 4. *And be it further enacted by the authority aforesaid,* That in all cases where two or more Deeds shall hereafter be executed by the same person or persons, conveying the same

to perform the duties enjoined on them by the second section of an act, passed at Nashville, the 19th of February, 1836, chapter XLVIII, that it shall be the duty of the several county surveyors to do and perform said services within their respective counties, and that said county surveyors shall be allowed the same fees, and be subject to the same penalties that said principal surveyors were entitled to, and liable for, in processioning said lands, and that said county surveyors shall return a plat and certificate of each tract so processioned by them to the entry taker of the county, who shall forthwith record the same in his survey book, for which services the said entry taker shall be allowed the same fees as for other services of the same kind, and that said several tracts of land shall be liable to attachment and final judgment for all expenses in processioning and recording the same.

JOHN COCKE,

Speaker of the House of Representatives.

TERRY H. CAHAL,

Speaker of the Senate.

Passed January 18th, 1836.

CHAPTER CXXXVII.

An Act to suppress the sale and use of Bowie Knives and Arkansas Tooth Picks in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That if any merchant, pedlar, jeweller, confectioner, grocery keeper, or other person or persons whatsoever, shall sell or offer to sell, or shall bring into this State, for the purpose of selling, giving or disposing of in any other manner whatsoever, any Bowie knife or knives, or Arkansas tooth picks, or any knife or weapon that shall in form, shape or size resemble a Bowie knife or any Arkansas tooth pick, such merchant, pedlar, jeweller, confectioner, grocery keeper, or other person or persons for every such Bowie knife or knives, or weapon that shall in form, shape or size resemble a Bowie knife or Arkansas tooth pick so sold, given or otherwise disposed of, or offered to be sold, given or otherwise disposed of, shall be guilty of a misdemeanor, and upon conviction thereof upon indictment or presentment, shall be fined in a sum not less than one hundred dollars, nor more than five hundred dollars, and shall be imprisoned in the county jail for a period not less than one month nor more than six months.

SEC. 2. That if any person shall wear any Bowie knife, Arkansas tooth pick, or other knife or weapon that shall in

Knives not to be sold or given away

Not to be worn

form, shape or size resemble a Bowie knife or Arkansas tooth pick under his clothes, or keep the same concealed about his person, such person shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than two hundred dollars, nor more than five hundred dollars, and shall be imprisoned in the county jail not less than three months and not more than six months.

Sec. 3. That if any person shall maliciously draw or attempt to draw any Bowie knife, Arkansas tooth pick, or any knife or weapon that shall in form, shape or size resemble a Bowie knife or Arkansas tooth pick, from under his clothes or from any place of concealment about his person, for the purpose of sticking, cutting, awing, or intimidating any other person, such person so drawing or attempting to draw, shall be guilty of a felony, and upon conviction thereof shall be confined in the jail and penitentiary house of this State for a period of time not less than three years, nor more than five years.

Sec. 4. That if any person carrying any knife or weapon known as a Bowie knife, Arkansas tooth pick, or any knife or weapon that shall in form, shape or size resemble a Bowie knife, on a sudden encounter, shall cut or stab another person with such knife or weapon, whether death ensues or not, such person so stabbing or cutting shall be guilty of a felony, and upon conviction thereof shall be confined in the jail and penitentiary house of this State, for a period of time not less than three years, nor more than fifteen years.

Sec. 5. That this act shall be in force from and after the first day of March next. And it shall be the duty of the several judges of the circuit courts in this State to give the same in charge to the grand jury every term of the respective courts, and any civil officer who shall arrest and prosecute to conviction and punishment any person guilty of any of the offences enumerated in this act, shall be entitled to the sum of fifty dollars, to be taxed in the bill of costs, and the attorney general shall be entitled to a tax fee of twenty dollars in each case, when a defendant shall be convicted, and no prosecutor required on any presentment or indictment for any of the offences enumerated in this act.

JOHN COCKE,

Speaker of the House of Representatives.

TERRY H. CAHAL,

Speaker of the Senate.

Passed January 27th, 1838.

CHAPTER XCV.

AN ACT to change the day in which the Criminal Docket shall be taken up for Marshall County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Act passed March 22nd, 1877, entitled, "An Act to repeal the Act establishing a Criminal Court in the counties of Williamson, Maury, Giles and Marshall," be so amended that Section 5 of said Act shall hereafter read, that the Criminal Docket shall be taken up on the second Monday of the term of court, instead of the first Thursday of the term, as heretofore fixed by said Act, and that the second Monday of the term shall be the day on which the criminal part of said term of court shall commence for said Marshall County hereafter.

SEC. 2. *Be it further enacted*, That this Act take effect from and after its passage, the public welfare requiring it.

Passed March 14, 1879.

H. P. FOWLKES,
Speaker of the House of Representatives.

J. R. NEAL,
Speaker of the Senate.

Approved March 17, 1879.

ALBERT S. MARKS,
Governor.

CHAPTER XCVI.

AN ACT to Prevent the Sale of Pistols.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be a misdemeanor for any person to sell, or offer to sell, or to bring into the

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Sale of pistols
prohibition. State for the purpose of selling, giving away, or otherwise disposing of belt or pocket pistols, or revolvers, or any other kind of pistols, except army or navy pistol; *Provided* that this Act shall not be enforced against any persons now having license to sell such articles until the expiration of such present license.

Penalty. SEC. 2. *Be it further enacted*, That any person guilty of a violation of this Act, shall be subject to presentment or indictment, and on conviction, shall pay a fine of not less than twenty-five nor more than one hundred dollars, and be imprisoned at the discretion of the court.

Judges to
change. SEC. 3. *Be it further enacted*, That it shall be the duty of the Criminal and Circuit Judges, and other Judges to whose courts have criminal jurisdiction, to give this Act specially in charge to the grand jury at each term of the court.

Grand jury
powers. SEC. 4. *Be it further enacted*, That it shall be the duty of the grand juries to send for witnesses, in all cases where they have good reason to believe, that the provisions of this Act have been violated. And upon satisfactory evidence of its violation, they shall make presentments of the same without a prosecutor.

SEC. 5. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

SEC. 6. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed March 14, 1879.

H. P. FOWLKES,
Speaker of the House of Representatives.
J. R. NEAL,
Speaker of the Senate.

Approved March 17, 1879.

ALBERT S. MARKS,
Governor.

CHAPTER XCVII.

AN ACT to amend the Law Taxing Wagons.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That sub-Section 38 of Section 553a

ACTS OF ARKANSAS.

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buildings and grounds shall hereafter be used exclusively for State purposes, the title to the same being in the State.

SEC. 2. That this act take effect and be in force thirty days after its passage, allowing that time for said county to vacate said rooms, &c.

Approved, April 1st, 1881.

No. XCVI.

AN ACT To Preserve the Public Peace and Prevent Crime.

SECTION

- 1 Carrying of certain weapons constituted a misdemeanor; *proviso*, excepting officers, and persons journeying.
- 2 Carrying such weapons otherwise than in the hand, a misdemeanor.
- 3 Selling or disposing of such weapons, a misdemeanor.
- 4 Violation of act punishable by fine from \$50 to \$200.
- 5 Justices of the Peace knowing of violations of provisions of act and refusing to proceed, to be fined and removed.
- 6 Same penalty denounced any other officer knowing of such offense.
- 7 Violators of act how proceeded against.
- 8 Conflicting laws repealed; act in force 90 days after passage.

Be it enacted by the General Assembly of the State of Arkansas:

SECTION 1. That any person who shall wear or carry, in any manner whatever, as a weapon, any dirk or bowie knife, or a sword, or a spear in a cane, brass or metal knucks, razor, or any pistol of any kind whatever, except such pistols as are used in the army or navy of the United States, shall be guilty of a misdemeanor; *Provided*, That officers, whose duties require them to make arrests, or to keep and guard prisoners, together with the persons summoned by such officers, to aid them in the discharge of such duties, while actually engaged in such duties, are exempted from the provisions of this act. *Provided, further*, That nothing in this act be so construed as to prohibit any person from carrying any weapon when upon a journey, or upon his own premises.

SEC. 2. Any person, excepting such officers, or persons on a journey, and on his premises, as are mentioned in section one of this act, who shall wear or carry any such pistol as in [is] used in the army or navy of the United States, in any manner except uncovered, and in his hand, shall be deemed guilty of a misdemeanor.

SEC. 3. Any person who shall sell, barter or exchange, or otherwise dispose of, or in any manner furnish to any person *any person* any dirk or bowie knife, or a sword or a spear in a cane, brass or metal knucks, or any pistol, of any kind whatever, except such as are used in the army or navy of the United States, and known as the navy pistol, or any kind of cartridge, for any pistol, or any person who shall keep any such arms or cartridges for sale, shall be guilty of a misdemeanor.

SEC. 4. Any person convicted of a violation of any of the provisions of this act, shall be punished by a fine of not less than fifty nor more than two hundred dollars.

SEC. 5. Any justice of the peace in this State, who, from his own knowledge, or from legal information, knows, or has reasonable grounds to believe, any person guilty of the violation of the provisions of this act, and shall fail or refuse to proceed against such person, shall be deemed guilty of a non-feasance in office, and upon conviction thereof, shall be punished by the same fines and penalties as provided in section four of this act, and shall be removed from office.

SEC. 6. Any officer in this State, whose duty it is to make arrests, who may have personal knowledge of any person carrying arms contrary to the provisions of this act, and shall fail or refuse to arrest such person and bring him to trial, shall be punished, as provided in section four of this act.

SEC. 7. All persons violating any of the provisions of this act may be prosecuted in any of the courts of this State, having jurisdiction to try the same.

SEC. 8. All laws or parts of laws, in conflict with the provisions of this act are hereby repealed, and this act to take effect and be in force ninety days after its passage.

Approved, April 1st, 1881.

OF SOUTH CAROLINA.

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the foregoing Sections of this Act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine of not exceeding one hundred dollars, or by imprisonment not exceeding thirty days, or by both fine and imprisonment, in the discretion of the Court.

A. D. 1903.

SEC. 4. This Act shall be of force and effect from and after April first, 1903.

SEC. 5. All Acts and parts of Acts in conflict with this Act be, and the same are hereby, repealed.

Approved the 23d day of February, A. D. 1903.

No. 86.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND SECTION I OF AN ACT ENTITLED 'AN ACT TO REGULATE THE CARRYING, MANUFACTURE AND SALE OF PISTOLS, AND TO MAKE A VIOLATION OF THE SAME A MISDEMEANOR,' APPROVED 20TH OF FEBRUARY, 1901, BY STRIKING OUT CERTAIN WORDS AND INSERTING OTHER WORDS IN LIEU THEREOF," APPROVED FEBRUARY 25TH, 1902, BY PROHIBITING LEASING, RENTING, BARTERING, EXCHANGING AND HANDLING PISTOLS.

SECTION I. *Be it enacted* by the General Assembly of the State of South Carolina, That an Act entitled "An Act to amend Section I of an Act entitled 'An Act to regulate the carrying, manufacture and sale of pistols, and to make a violation of the same a misdemeanor,' approved 20th of February, 1901, by striking out certain words and inserting other words in lieu thereof," approved February 25, 1902, be amended by inserting after the words "offer for sale" and before the words "or transport for sale," the following words, "lease, rent, barter, exchange, handle;" so that said Section, when amended, shall read as follows:

Act of 25 Feb.,
1902, Vol. 23 of
Acts, p. 1093,
amended.

Section I. That from and after the first day of July, 1902, it shall be unlawful for any one to carry about the person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight; and it shall be unlawful for any person, firm or corporation to manufacture, sell or offer for sale,

Manufacture,
sale, and car-
rying of cer-
tain pistols
prohibited.
Criminal
Code, § 129,
amended.

A. D. 1903.

lease, rent, barter, exchange, or transport for sale or into this State, any pistol of less length and weight. Any violation of this Section shall be punished by a fine of not more than one thousand dollars, or imprisonment for not more than two years; and in case of a sale by a person, firm or corporation, the sum of one hundred dollars shall be forfeited to and for the use of the school fund of the County wherein the violation takes place, to be recovered as other fines and forfeitures: *Provided*, This Act shall not apply to peace officers in the actual discharge of their duties, or to carrying or keeping of pistols by persons while on their own premises.

Approved the 2d day of March, A. D. 1903.

No. 87.

AN ACT TO AMEND SECTION 20 OF THE CODE OF CIVIL PROCEDURE, FIXING THE TIMES FOR THE HOLDING OF THE CIRCUIT COURTS OF THE THIRD JUDICIAL CIRCUIT.

Code of Pro-
cedure, § 20,
amended.

Courts in
Third Circuit.

Lee County.

Florence
County.

Georgetown
County.

SECTION 1. *Be it enacted* by the General Assembly of the State of South Carolina, That Section 20 of the Code of Civil Procedure be, and the same is hereby, amended, so as to read as follows: Sec. 20. The Circuit Courts of the Third Judicial Circuit of this State shall be held as follows:

1. The Court of General Sessions at Bishopville, for the County of Lee, on the first Monday in March, the first Monday in June and the fourth Monday in September; and the Court of Common Pleas at the same place on the Wednesdays first succeeding the Mondays herein fixed for the holding of the Court of General Sessions at said place.

2. The Court of General Sessions at Florence, for the County of Florence, on the second Monday after the first Monday in March, the second Monday in June and the second Monday after the fourth Monday in September; and the Court of Common Pleas at the same place on the Wednesdays first succeeding the Mondays herein fixed for the holding of the Court of General Sessions at said place.

3. The Court of General Sessions at Georgetown, for the County of Georgetown, on the fourth Monday after the first

1907.

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No. 55.)

AN ACT

(H. 37.

To prohibit the sale, or barter, or having possession of small deadly weapons, such as small pistols, bowie knives, dirks, brass knucks, and slung shots. Be it enacted by the legislature of Alabama :

Penalty for
sale, etc.

Section 1. That any person who sells, or bar-
ters, any pistol of less than twenty-four inches
in length of barrel, or any brass knucks, metallic
knucks, dirks, slung shot, bowie knives or knife
of like kind, must on conviction be fined not less
than one hundred (\$100.00) nor more than one
thousand \$1000.00 dollars, and may also be sen-
tenced to hard labor for not less than one nor
more than three months.

Penalty for
having pos-
session of.

Section 2. Any person who has possession off
of his own premises, of any of the weapons named
in the first section of this act must on conviction
be fined not less than twenty-five (\$25.00) nor
more than five hundred (\$500.00) dollars, and
may also be sentenced to hard labor for less than
one nor more than three months.

Effect.

Section 2. This act shall go into effect and be
operative from and after the first day of July,
1908.

Approved Nov. 23, 1907.

No. 56.)

AN ACT

(H. 50.

To provide for the registration of all conveyan-
ces of real and personal property and to re-
peal all laws in conflict therewith.

Instruments,
record of;
how made.

Section 1. Be it enacted by the legislature of
Alabama, That it shall be the duty of the pro-
bate judges to record all instruments filed with
them, and entitled to registration under the law,
by writing the same in a fair hand, or by print-
ing the same in books kept for that purpose, or

TO PROHIBIT USE OF FIREARMS.

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CHAP. 129

'Section 13. Every town shall raise and expend, annually, for the support of common schools therein, exclusive of the income of any corporate school fund, or of any grant from the revenue or fund from the state, or of any voluntary donation, devise or bequest, or of any forfeiture accruing to the use of schools, not less than eighty cents for each inhabitant, according to the census by which representatives to the legislature were last apportioned, under penalty of forfeiting not less than twice nor more than four times the amount of its deficiency, and all moneys provided by towns, or apportioned by the state for the support of common schools, shall be expended for the maintenance of common schools established and controlled by the towns by which said moneys are provided, or to which said moneys are apportioned; but nothing in this section shall be so construed as to annul, or render void, the provisions made in section eighteen of this chapter for the establishing and maintenance of union schools by adjoining towns.'

Towns to
raise
money for
schools.

—expendi-
ture.

Section 2. This act shall take effect January one, nineteen hundred and ten.

Approved March 24, 1909.

Chapter 129.

An Act to prohibit the use of Firearms fitted with any device to deaden the sound of explosion.

Be it enacted by the People of the State of Maine, as follows:

Section 1. It shall be unlawful for any person to sell, offer for sale, use or have in his possession, any gun, pistol or other firearm, fitted or contrived with any device for deadening the sound of explosion. Whoever violates any of the provisions of this act shall forfeit such firearm or firearms and the device or silencer, and shall further be subject to a fine not exceeding one hundred dollars, or to imprisonment not exceeding sixty days, or to both fine and imprisonment. Any sheriff, deputy sheriff, constable, inland fish and game warden or deputy inland fish and game warden shall have authority to seize any firearm or firearms and any device or silencer found in possession of any person in violation of this act, and on conviction of the party from whom such firearm or firearms are seized, such firearm or firearms shall be sold, the proceeds to be paid to the state treasurer, and the device or silencer shall be destroyed.

Use of fire-
arms fitted
with de-
vice to
deaden
sound, pro-
hibited.

—penalty.

—seizure
of fire-
arms, and
by whom.

App. 12

ADDENDUM 17

CHAP. 130

Military
organiza-
tions not
affected.

Section 2. This act does not apply to military organizations authorized by law to bear arms, or to the national guard in the performance of its duty.

Section 3. In all prosecutions arising under this act, municipal and police courts and trial justices in their respective counties shall have upon complaint original and concurrent jurisdiction with the supreme judicial and superior courts, and all fines, penalties and forfeitures recovered by any person for any violation of this act shall be paid forthwith by the person receiving the same to the state treasurer, to be credited to fines and license fees for the protection of birds and game.

Approved March 24, 1909.

Chapter 130.

An Act to amend Paragraph Five, of Section Thirty, of Chapter Eighteen of the Revised Statutes, relating to By-laws of Local Boards of Health.

Be it enacted by the People of the State of Maine, as follows:

Paragraph
5, of sec-
tion 30,
chapter 18,
R. S.,
amended.

Paragraph five, of section thirty, of chapter eighteen of the revised statutes is hereby amended by inserting after the word "county" in the seventh line thereof the words 'or by posting copies of said by-laws in six conspicuous and public places within the town;' also by inserting after the word "publication" in the eighth line thereof the words 'or posting,' so that said paragraph, as amended, shall read as follows:

Board of
health may
make by-
laws for
preserva-
tion of life
and health.

—notice of
by-laws.

'V. Make, alter and amend such orders and by-laws as they shall think necessary and proper for the preservation of life and health and the successful operation of the health laws of the state, subject to the approval of any justice of the supreme judicial court. Notice shall be given by the board of health, of all by-laws made or amended by them, by publishing the same in some newspaper, if there is one published in such town; if there is none, then in the nearest newspaper published in the county; or by posting copies of said by-laws in six conspicuous and public places within the town; and a record of such publication, or posting, of said orders and by-laws in the office of the town clerk, shall be deemed a legal notice to all persons.'

Approved March 24, 1909.

Chap. 195.

AN ACT to amend the penal law, in relation to the sale and carrying of dangerous weapons.

Became a law May 25, 1911, with the approval of the Governor. Passed, three-fifths being present.

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

L. 1909,
ch. 88,
§§ 1896,
1897, 1899
amended.

Section 1. Sections eighteen hundred and ninety-six, eighteen hundred and ninety-seven and eighteen hundred and ninety-nine of chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," are hereby amended to read as follows:

§ 1896. **Making and disposing of dangerous weapons.** A person who manufactures, or causes to be manufactured, or sells or keeps for sale, or offers, or gives, or disposes of any instrument or weapon of the kind usually known as a blackjack,¹ slungshot, billy, sandclub, sandbag, bludgeon,² or metal knuckles, to any person; or a person who offers, sells, loans, leases, or gives any gun, revolver, pistol or other firearm or any airgun, spring-gun or other instrument or weapon in which the propelling force is a spring or air or any instrument or weapon commonly known as a toy pistol or in or upon which any loaded or blank cartridges are used, or may be used, or any loaded or blank cartridges or ammunition therefor, to any person under the age of sixteen years, is guilty of a misdemeanor.

§ 1897. **Carrying and use of dangerous weapons.** A person who attempts to use against another, or who carries, or possesses, any instrument or weapon of the kind commonly known as a blackjack,¹ slungshot, billy, sandclub, sandbag,² metal knuckles or bludgeon,² or who, with intent to use the same unlawfully³ against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, or any other dangerous or deadly instrument or weapon,⁴ is guilty of a felony.

¹ Word "blackjack" new.

² Words "sandbag, bludgeon" new.

³ Word "unlawfully" new.

⁴ Words "razor, stiletto, or any other dangerous or deadly instrument or weapon," new.

Any person under the age of sixteen years, who shall have, carry, or have in his possession,⁵ any of the articles named or described in the last section, which it is forbidden therein to offer, sell, loan, lease or give to him, shall be guilty of a misdemeanor.

⁶Any person over the age of sixteen years, who shall have in his possession in any city, village or town of this state, any pistol, revolver or other firearm of a size which may be concealed upon the person, without a written license therefor, issued to him by a police magistrate of such city or village, or by a justice of the peace of such town, or in such manner as may be *prescribed by ordinance in such city, village or town, shall be guilty of a misdemeanor.

Any person over the age of sixteen years, who shall have or carry concealed upon his person in any city, village, or town of this state, any pistol, revolver, or other firearm without a written license therefor, theretofore issued to him by a police magistrate of such city or village, or by a justice of the peace of such town, or in such manner as may be prescribed by ordinance of such city, village or town, shall be guilty of a felony.⁷

⁸Any person not a citizen of the United States, who shall have or carry firearms, or any dangerous or deadly weapons in any public place, at any time, shall be guilty of a felony. This section shall not apply to the regular and ordinary transportation of firearms as merchandise, nor to sheriffs, policemen, or to other duly appointed peace officers, nor to duly authorized military or civil organizations, when parading, nor to the members thereof when going to and from the places of meeting of their respective organizations.

§ 1899. Destruction of dangerous weapons. The unlawful⁹ carrying of a pistol, revolver, or other firearm¹⁰ or of an instrument or weapon of the kind usually known as blackjack, bludgeon,¹¹ slung-shot, billy, sandclub, sandbag,¹² metal knuckles, or of a dagger,

* So in original.

⁵ Words "in any public place" omitted.

⁶ Following sentence new.

⁷ Formerly "misdemeanor."

⁸ Following sentence formerly read: "No person not a citizen of the United States, shall have or carry firearms or dangerous weapons in any public place at any time."

⁹ Word "unlawful" new.

¹⁰ Words "or other firearm" new.

¹¹ Words "blackjack, bludgeon" new.

¹² Word "sandbag" new.

dirk, dangerous knife, or any other dangerous or deadly weapon,¹³ by any person save a peace officer, is a nuisance, and such weapons are hereby declared to be nuisances, and when any one or more of the above described instruments or weapons shall be taken from the possession of any person the same shall be surrendered to the sheriff of the county wherein the same shall be taken, except that in cities of the first class the same shall be surrendered to the head of the police force or department of said city. The officer to whom the same may be so surrendered shall, except upon certificate of a judge of a court of record, or of the district attorney, that the nondestruction thereof is necessary or proper in the ends of justice, proceed at such time or times as he deems proper, and at least once in each year, to destroy or cause to be destroyed any and all such weapons or instruments, in such manner and to such extent that the same shall be and become wholly and entirely ineffective and useless for the purpose for which destined and harmless to human life or limb.

§ 1914
added.

§ 2. Such chapter is hereby amended by adding at the end of article one hundred and seventy-two thereof a new section to be section nineteen hundred and fourteen and to read as follows:

§ 1914. Sale of pistols, revolvers and other firearms. Every person selling a pistol, revolver or other firearm of a size which may be concealed upon the person whether such seller is a retail dealer, pawnbroker or otherwise, shall keep a register in which shall be entered at the time of sale, the date of sale, name, age, occupation and residence of every purchaser of such a pistol, revolver or other firearm, together with the calibre, make, model, manufacturer's number or other mark of identification on such pistol, revolver or other firearm. Such person shall also, before delivering the same to the purchaser, require such purchaser to produce a permit for possessing or carrying the same as required by law, and shall also enter in such register the date of such permit, the number thereon, if any, and the name of the magistrate or other officer by whom the same was issued. Every person who shall fail to keep a register and to enter therein the facts required by this section, or who shall fail to exact the production of a permit to possess or carry such pistol, revolver or other firearm, if such permit is required by law, shall be guilty of a misdemeanor. Such register shall be open at all reasonable hours for

¹³ Words "or any other dangerous or deadly weapon," new. Words "without lawful permission, license or authority so to do," omitted.

the inspection of any peace officer. Every person becoming the lawful possessor of such a pistol, revolver or other firearm, who shall sell, give or transfer the same to another person without first notifying the police authorities, shall be guilty of a misdemeanor. This section shall not apply to wholesale dealers.

§ 3. This act shall take effect September first, nineteen hundred and eleven.

In effect
Sept. 1,
1911.

Chap. 196.

AN ACT to amend chapter fifty-two, laws of nineteen hundred and nine, entitled "An act relating to real property, constituting chapter fifty of the consolidated laws," in relation to officers taking acknowledgments.

Became a law May 20, 1911, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. Section three hundred and ten of chapter fifty-two of the laws of nineteen hundred and nine, entitled "An act relating to real property, constituting chapter fifty of the consolidated laws," is hereby amended so as to read as follows:

L. 1909 ch.
52, § 310
amended.

§ 310.¹ A certificate of acknowledgment or proof, made within the state, by a commissioner of deeds, justice of the peace, or, except as otherwise provided by law, by a notary public, does not entitle the conveyance to be read in evidence or recorded, except within the county in which the officer making the same is authorized to act² at the time of making such certificate, unless authenticated by a certificate of the clerk of the same county; provided, however, that all certificates of acknowledgments or proof, made by or before a commissioner of deeds of the city of New York residing in any part therein, shall be authenticated by the³ clerk of any county within said city, in whose office such commissioner of deeds shall have filed a certificate under the hand and seal of the city clerk of said city, showing the appointment and

When
county
clerk's au-
thentication
necessary.

¹ Section heading amended out.

² Words "making the same is authorized to act" substituted for word "resides."

³ Words "city clerk of said city, that the said commissioner of deeds was duly appointed and qualified as such," omitted.

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PUBLIC ACTS.

[A. D.]

Sec. 5904. A person who sells, gives away or furnishes to a person under twenty-one years of age, cigarettes, cigarette papers or wrappers shall be imprisoned not more than two months or fined not more than fifty dollars, or both. A plainly printed copy of this and the preceding section shall, upon application, be furnished by the secretary of state and be posted in a conspicuous place in each store, shop, office or place of business where cigarettes are sold or kept for sale. A person who fails to so post such copy shall be fined not more than twenty-five dollars nor less than five dollars.

SEC. 2. This act shall take effect March 1, 1913.

Approved February 3, 1913.

No. 236.—AN ACT TO IMPROVE SANITARY CONDITIONS
IN THE SALE OF BREAD AND CAKE.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. No person shall carry or cart about with intent to sell or offer for sale, or deliver to customers after it has been sold for human food, any kind or quality of bread or cake in loaf form, unless each loaf be wrapped separately in waxed paper, tissue paper or some similar wrapper or a sanitary container of sufficient thickness and quality to protect the bread and cake from dust and dirt.

SEC. 2. A person who violates a provision of this act shall be fined five dollars for each offense.

Approved December 10, 1912.

No. 237.—AN ACT TO PREVENT THE MANUFACTURE,
SALE OR USE OF GUNSILENCERS.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. A person who manufactures, sells, or uses, or possesses with intent to sell or use, an appliance known as or used for a gunsilencer shall be fined twenty-five dollars for each offense. This act shall not prevent the use or possession of gunsilencers for military purposes when so used or possessed under proper military authority and restriction.

SEC. 2. This act shall take effect January 1, 1913.

Approved November 14, 1912.

CHAPTER 296.

TAKING DEPOSITIONS WHERE BOOKS OF ACCOUNT ARE USED AS EVIDENCE.

H. F. 526.

AN ACT to amend section four thousand six hundred and twenty three (4623) of the code relating to books of account as evidence.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Book of account—when admissible—books photographed.** That section four thousand six hundred and twenty three (4623) of the code be and the same is hereby amended by adding thereto as subdivision five (5) thereof the following

5 In all cases where depositions are taken by either method provided by law, outside of the county in which the case is for trial where books of account are competent evidence in the case, the party desiring to offer the entries of said books as evidence may cause the same to be photographed by or under the direction of the officer taking the deposition and such photographic copy when certified by such officer with his seal attached shall be attached to the deposition, and if the record shows affirmatively the preliminary proof required by subdivisions one, two, three, and four of said section four thousand six hundred and twenty three such copy shall be admitted in evidence with the same force and effect as the original.

Approved April 19 A. D. 1913.

CHAPTER 297.

DANGEROUS AND CONCEALED WEAPONS.

H. F. 108.

AN ACT to prohibit the sale, keeping for sale, loaning, giving away or carrying of certain dangerous weapons, to prevent the carrying of concealed weapons, except in specified cases when a permit is issued therefor; to provide punishment for the violation of the provisions hereof. [Additional to chapter two (2) of title twenty-four (XXIV) of the code relating to offenses against lives and persons.]

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Carrying concealed weapons—age limit.** It shall be unlawful for any person, except as hereinafter provided, to go armed with and have concealed upon his person a dirk, dagger, sword, pistol, revolver, stiletto, metallic knuckles, pocket billy, sand bag, skull cracker, slung-shot, or other offensive and dangerous weapons or instruments concealed upon his person; provided that no person under fourteen years of age shall be allowed to carry firearms of any description.

SEC. 2. **Selling dangerous weapons.** It shall be unlawful to sell, to keep for sale or offer for sale, loan or give away, dirk, dagger, stiletto, metallic knuckles, sand bag or skull cracker. The provisions of this section shall not prevent the selling or keeping for sale of hunting and fishing knives.

SEC. 3. Permit to carry concealed weapons—how obtained. The chief of police in cities of the first and second class, special charter cities and cities under commission form, or where there is no organized police force, in counties, towns and villages the sheriff or mayor shall issue a permit to carry concealed a revolver, pistol or pocket billy, provided that in the judgment of said officials such permit should be granted.

SEC. 4. Permits—to whom issued. It shall be the duty of said officials to issue a permit to go armed with a revolver, pistol or pocket billy to all peace officers and such other persons who, in the judgment of said officials, should be permitted to go so armed. Mining companies, banks, trust companies, railroad and express companies may obtain a general permit good for any of their employees, only while on duty, actually engaged in guarding any property or the transportation of moneys or other valuables.

Permits issued to peace officers or to employees of railroad or express companies shall permit such persons to go armed anywhere within the state while in the discharge of their duties.

SEC. 5. Permit to sell dangerous weapons—how obtained—record. The chief of police, sheriff or mayor shall have authority to issue permits to sell and shall keep a correct list of all persons to whom permits to sell are issued, together with the number of such permit and the date each is revoked, and furnish the county recorder a copy of all such permits issued and revocations made.

SEC. 6. Revocation. Whenever any permit is issued under this act to any person to carry any of the weapons mentioned herein, by virtue of said person being a peace officer, the right of said person to carry any of said weapons shall cease when said person ceases to be such official. Said officials shall have the power to at any time at his [their] discretion, revoke any permit under and by virtue of this act.

The county recorder shall keep a complete record, in a book provided for the purpose of all permits issued, and revocations made, and sales of pistols, revolvers and pocket billies. Such record shall not be open to inspection to any, except the sheriff, mayor, or chief of police of the county or municipality.

SEC. 7. Applicant—requirements. No permit shall be granted to any person to go armed as heretofore stated, with a revolver, pistol or pocket billy, unless the applicant shall make personal application before the officials heretofore mentioned, and the applicant must state: first, the full name, residence and age of the applicant; second, the place of business, place of employment, or vocation of the applicant; third, the nature of the applicant's business.

SEC. 8. Prima facie evidence. It shall be the duty of any person armed with a revolver, pistol or pocket billy concealed upon his person, to produce at all times and upon the request of any peace officer or any other person in authority, the permit provided for in this act. And failure to so produce such permit upon request shall be deemed prima facie evidence of the violation of the terms of this act.

SEC. 9. Dealers' permits. It shall be unlawful for any person, firm, association or corporation to engage in the business of selling, keeping for sale, exchange or give away to any person within the state, any revolver, pistol or pocket billy or other weapons of a like character which can be concealed on the person, without first securing a permit from the proper officials having authority to issue such permit.

SEC. 10. Dealers' reports—failure—fictitious name—penalty. Every person selling revolvers, pistols, pocket billies and other weapons of a like character which can be concealed on the person, whether such person is a retail dealer, pawn broker or otherwise, shall report within twenty-four hours to

the county recorder, the sale of any revolver, pistol or pocket billy and in such report shall set forth the time of sale, age, occupation, place of employment or business, name and residence of such purchaser of said weapon or weapons, together with the number, make, and other marks of identification of such weapon or weapons. Every person who shall fail to make such report will be guilty of a misdemeanor, and on being convicted of a second offense his permit shall be revoked.

Any person purchasing a revolver, pistol or a pocket billy according to the provisions in sections seven and ten, and giving a fictitious name will be guilty of a misdemeanor.

SEC. 11. Violation—penalty—recognizance—first offense. Any person who shall violate any of the provisions of section one (1) shall be deemed guilty of a felony and upon conviction thereof shall be punished by a fine of not more than five hundred dollars or by imprisonment in the state prison not more than two years, or by both such fine and imprisonment in the discretion of the court, and in addition thereto may be required to enter into a recognizance with sufficient surety in such sum as the court may order, not exceeding one thousand dollars, to keep the peace and be of good behavior for a period not exceeding one year, provided that in case of the first offense the court may in its discretion reduce the punishment to imprisonment in the county jail of a term not more than three months, or a fine of not more than one hundred dollars.

SEC. 12. Not applicable to wholesale dealers or jobbers. This act shall not affect in any respect wholesale dealers or jobbers.

SEC. 13. Acts in conflict repealed. All acts, and parts of acts, in so far as they are in conflict with this act, are hereby repealed.

Approved April 19 A. D. 1913.

CHAPTER 298.

BURGLARY.

H. F. 300.

AN ACT to amend the law as it appears in section four thousand seven hundred and ninety-nine-a (4799-a) of the supplement to the code, 1907, relating to burglary with explosives.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Burglary with explosives—penalty. That section four thousand seven hundred and ninety-nine-a (4799-a) of the supplement to the code, 1907, be and the same is hereby amended by striking out the word "and" after the word "building" in the second line thereof and inserting in lieu thereof the words, "with intent to".

Approved April 18 A. D. 1913.

agree on the verdict the same shall be signed by all the jurors who concur therein, and the clerk of said court shall enter on his minutes the number of said jurors concurring in said verdict.

Sec. 3. Inconsistent acts repealed.—All acts or parts of acts inconsistent herewith are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after July 1st, 1913.

Approved March 13, 1913.

CHAPTER 64—H. F. No. 80.

An Act to prevent the sale, offering or exposing for sale or having in possession for the use or for purpose of sale within this state, of a silencer for shot-gun, revolver, rifle or other fire-arm, defining a silencer and providing penalties for violation.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Use of silencers prohibited.—No person shall within the state of Minnesota sell or offer or expose for sale, or have in possession for use upon or in connection with any rifle, shot-gun, revolver, or other fire-arm or have in possession for purposes of sale any silencer for a shot-gun, revolver, rifle or other fire-arm.

Sec. 2. Possession prima facie evidence.—In any prosecution hereunder proof of the having such silencer in possession by any person shall constitute prima facie evidence that same was had in possession of such person for use contrary to the provisions of this act.

Sec. 3. Construction of word "silencer."—A silencer within the meaning of this act is defined as a mechanical device or construction or instrument designed or intended to be temporarily or permanently attached to or used in connection with any shot-gun, revolver, rifle, or other fire-arm for the purpose of lessening or reducing the volume of sound caused by the discharge of or by the firing of such gun, rifle, revolver or other fire-arm.

Sec. 4. Violation a misdemeanor.—Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Approved March 13, 1913.

CHAPTER 65—H. F. No. 155.

An Act to amend Section Four (4) of Chapter Two Hundred Thirty-One (231) of the General Laws of Minnesota for

Relevy
and col-
lection.

§ 2. The board of supervisors of the county of Herkimer shall cause to be reassessed and levied upon the lots or parcels of land described in such account the taxes so added by the supervisor of the town of Webb, and shall direct the collection thereof, and any of such taxes which shall not have been paid to the town collector shall be returned by him to the county treasurer and state comptroller as though they were originally levied as taxes for the years nineteen hundred and twelve, nineteen hundred and thirteen and nineteen hundred and fourteen against the lands affected.

§ 3. This act shall take effect immediately.

Chap. 137.

AN ACT to amend the penal law, in relation to the selling or possessing of silencers for firearms.

Became a law April 6, 1916, with the approval of the Governor. Passed, three-fifths being present.

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

§ 1897a.
added to
L. 1909,
ch. 88.

Section 1. Chapter eighty-eight of the laws of nineteen hundred and nine, entitled "An act providing for the punishment of crime, constituting chapter forty of the consolidated laws," is hereby amended by adding after section eighteen hundred and ninety-seven, a new section, to be section eighteen hundred and ninety-seven-a, to read as follows:

§ 1897-a. **Selling, carrying and use of firearm silencers.** A person who sells or keeps for sale, or offers, or gives or disposes of, or who shall have or carry concealed upon his person any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol, or other firearms to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol, or other firearms shall be guilty of a felony, punishable by imprisonment for not more than five years.

This section shall not apply to the regular and ordinary transportation of any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol, or other firearms to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol, or other firearms, as merchandise, nor to sheriffs, policemen, or to other duly appointed peace officers, nor to duly authorized military or civil organizations,

nor when parading, nor to the members thereof when going to and from the place of meeting of their respective organizations, nor to duly authorized military or civil organizations in practice.

§ 2. Section eighteen hundred and ninety-eight of such chapter is hereby amended to read as follows:

§ 1898. Possession, presumptive evidence. The possession, § 1898 amended.
by any person other than a public officer, of any of the weapons specified in 'section eighteen hundred and ninety-seven or eighteen hundred and ninety-seven-a of this chapter,'² concealed or furtively carried on the person, is presumptive* evidence of carrying, or concealing, or possessing, with intent to use the same in violation of this article.³

§ 3. This act shall take effect September first, nineteen hundred and sixteen. In effect Sept. 1, 1916.

Chap. 138.

AN ACT to amend chapter one hundred and forty-three of the laws of eighteen hundred and ninety-eight, entitled "An act to consolidate and amend the several acts relating to the corporation called the 'Baptist Missionary Convention of the State of New York,' being chapter one hundred and twenty-eight of the laws of eighteen hundred and seventeen, chapter one hundred and seventy of the laws of eighteen hundred and twenty-five, chapter one hundred and thirty-one of the laws of eighteen hundred and forty-one, chapter forty-one of the laws of eighteen hundred and sixty-two, and chapter eighty-one of the laws of eighteen hundred and sixty-seven," generally.⁴

Became a law April 6, 1916, with the approval of the Governor. Passed, three-fifths being present.

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

Section 1. Chapter one hundred and forty-three of the laws of eighteen hundred and ninety-eight, entitled "An act to consoli- L. 1898, ch 143, §§ 1-5 amended.

* So in original.

¹ Words "the last" omitted.

² Words "eighteen hundred and ninety-seven or eighteen hundred and ninety-seven-a of this chapter," new.

³ Words "this article" substituted for words "that section."

⁴ The amendments effected by this act are so numerous and extensive that it is impracticable to indicate the changes made.

CHAPTER 145.

An act relating to and regulating the carrying, possession, sale or other disposition of firearms capable of being concealed upon the person; prohibiting the possession, carrying, manufacturing and sale of certain other dangerous weapons and the giving, transferring and disposition thereof to other persons within this state; providing for the registering of the sales of firearms; prohibiting the carrying or possession of concealed weapons in municipal corporations; providing for the destruction of certain dangerous weapons as nuisances and making it a felony to use or attempt to use certain dangerous weapons against another.

[Approved May 4, 1917. In effect July 27, 1917.]

The people of the State of California do enact as follows:

SECTION 1. Every person who manufactures or causes to be manufactured, or leases, or keeps for sale, or offers, or gives, or otherwise disposes of any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, bludgeon, or metal knuckles, a dirk or dagger, to any person within this state is guilty of a misdemeanor, and if he has been previously convicted of a crime made punishable by this section, he is guilty of a felony.

Manufacture,
etc., of
certain
dangerous
weapons
misdemeanor.

SEC. 2. Every person who possesses any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, bludgeon, metal knuckles, bomb or bombshells, or who carries a dirk or a dagger, is guilty of a misdemeanor, and if he has been convicted previously of any felony or of a crime made punishable by this act, he is guilty of a felony.

Possession
of certain
dangerous
weapons
misdemeanor.

SEC. 3. Every person who carries in any city, city and county, town or municipal corporation of this state any pistol, revolver, or other firearm concealed upon his person, without having a license to carry such firearm as hereinafter provided in section six of this act, shall be guilty of a misdemeanor, and if he has been convicted previously of any felony, or of any crime made punishable by this act, he is guilty of a felony.

Carrying
firearms
without
license
misdemeanor.

SEC. 4. The unlawful possessing or carrying of any of the instruments, weapons or firearms enumerated in section one to section three inclusive of this act, by any person other than those authorized and empowered to carry or possess the same as hereinafter provided, is a nuisance, and such instruments, weapons or firearms are hereby declared to be nuisances, and when any of said articles shall be taken from the possession of any person the same shall be surrendered to the magistrate before whom said person shall be taken, except that in any city, city and county, town or other municipal corporation the same shall be surrendered to the head of the

Unlawful
possession
of weapon,
etc.,
nuisance.

Surrender
of weapons,
etc.

Destruction
of weapons,
etc.

police force, or police department thereof. The officers to whom the same may be so surrendered, except upon certificate of a judge of a court of record, or of the district attorney of any county that the preservation thereof is necessary or proper to the ends of justice, shall proceed at such time or times as he deems proper, and at least once in each year to destroy or cause to be destroyed such instruments, weapons or other firearms in such manner and to such extent that the same shall be and become wholly and entirely ineffective and useless for the purpose for which it was manufactured.

Attended
use of
weapons
felony.

SEC. 5. Any person who attempts to use, or who with intent to use the same unlawfully against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, or any loaded pistol, revolver or other firearm, or any instrument or weapon commonly known as a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, bomb, or bombshell or any other dangerous or deadly instrument or weapon, is guilty of a felony. The carrying or possession of any of the weapons specified in this section, by any person while committing, or attempting or threatening to commit a felony, or breach of the peace, or any act of violence against the person or property of another, shall be presumptive evidence of carrying or possessing such weapon with intent to use the same in violation of this section.

License to
carry
concealed
firearm.

SEC. 6. It shall be lawful for the board of police commissioners, chief of police, city marshal, town marshal, or other head of the police department of any city, city and county, town, or other municipal corporation of this state, upon proof before said board, chief, marshal or head, that the person applying therefor is of good moral character, and that good cause exists for the issuance thereof, to issue to such person a license to carry concealed a pistol, revolver or other firearm; *provided, however,* that the application to carry concealed such firearm shall be filed in writing and shall state the name and residence of the applicant, the nature of applicant's occupation, the business address of applicant, the nature of the weapon sought to be carried and the reason for the filing of the application to carry the same.

Register
of sales of
firearms.

SEC. 7. Every person in the business of selling, leasing or otherwise transferring a pistol, revolver or other firearm, of a size capable of being concealed upon the person, whether such seller, leasor or transferrer is a retail dealer, pawnbroker or otherwise, except as hereinafter provided, shall keep a register in which shall be entered the time of sale, the date of sale, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, caliber or other marks of identification on such pistol, revolver or other firearm. Such register shall be prepared by and obtained from the state printer and shall be furnished by the state printer to said dealers on application at a cost of three dollars per one hundred leaves in duplicate and shall be in the form hereinafter provided. The purchaser of any firearm, capable of being

concealed upon the person shall sign, and the dealer shall require him to sign his name and affix his address to said register in duplicate and the salesman shall affix his signature in duplicate as a witness to the signatures of the purchaser. Any person signing a fictitious name or address is guilty of a misdemeanor. The duplicate sheet of such register shall on the evening of the day of sale, be placed in the mail, postage prepaid and properly addressed to the board of police commissioners, chief of police, city marshal, town marshal or other head of the police department of the city, city and county, town or other municipal corporation wherein the sale was made; *provided*, that where the sale is made in a district where there is no municipal police department, said duplicate sheet shall be mailed to the county clerk of the county wherein the sale is made. A violation of any of the provisions of this section by any person engaged in the business of selling, leasing or otherwise transferring such firearms is a misdemeanor. This section shall not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms as merchandise by mail, express or other mode of shipment, to points outside of the city, city and county, town or municipal corporation wherein they are situated. The register provided for in this act shall be substantially in the following form:

Duplicate
sheet
mailed to
police.

Violation
misdemeanor.

Series No. _____
Sheet No. _____ Form of
register.

ORIGINAL.

Dealers' Record of Sale of Revolver or Pistol.
State of California.

Notice to dealers: This original is for your files. If spoiled in making out, do not destroy. Keep in books. Fill out in duplicate.

Carbon duplicate must be mailed on the evening of the day of sale, to head of police commissioners, chief of police, city marshal, town marshal or other head of the police department of the municipal corporations wherein the sale is made, or to the county clerk of your county if the sale is made in a district where there is no municipal police department. Violation of this law is a misdemeanor. Use carbon paper for duplicate. Use indelible pencil.

Sold by _____ Salesman _____
City, town or township _____
Description of arm (state whether revolver or pistol) _____
Maker _____ number _____ caliber _____
Name of purchaser _____ age _____ years.
Permanent residence (state name of city, town or township,
street and number of dwelling) _____
Height _____ feet _____ inches. Occupation _____
Color _____ skin _____ eyes _____ hair _____

If traveling or in locality temporarily, give local address-----

Signature of purchaser -----
(Signing a fictitious name or address is a misdemeanor.) (To
be signed in duplicate.)

Witness -----, salesman.
(To be signed in duplicate.)

Series No. -----
Sheet No. -----

DUPLICATE.

Dealers' Record of Sale of Revolver or Pistol.
State of California.

Notice to dealers: This carbon duplicate must be mailed
on the evening of the day of sale as set forth in the original
of this register page. Violation of this law is a misdemeanor.

Sold by ----- Salesman -----

City, town or township -----

Description of arm (state whether revolver or pistol) -----

Maker ----- number ----- caliber -----

Name of purchaser ----- ago ----- years.

Permanent address (state name of city, town or township,
street and number of dwelling) -----

Height ----- feet ----- inches. Occupation -----

Color ----- skin ----- eyes ----- hair -----

If traveling or in locality temporarily, give local address-----

Signature of purchaser -----
(Signing a fictitious name or address is a misdemeanor.) (To
be signed in duplicate.)

Witness -----, salesman.
(To be signed in duplicate.)

Exceptions.

SEC. 8. Nothing in this act shall be construed to apply to
sheriffs, constables, marshals, policemen or other duly
appointed peace officers, nor to any person summoned by any
such officers to assist in making arrest or preserving the peace
while said person so summoned is actually engaged in assisting
such officer; nor to duly authorized military or civil organiza-
tions while parading nor to the members thereof when going
to and from the places of meeting of their respective organiza-
tions; nor to the possession or transportation by any merchant
of unloaded firearms as merchandise; nor to bona fide members
of any club or organization now existing or hereinafter organ-
ized, for the purpose of practicing shooting at targets upon
established target ranges, whether public or private, while
such members are using any of the firearms referred to in
this act upon or in such target ranges, or while going to and
from such ranges.

Constitution-
ality.

SEC. 9. If any section, subsection, sentence, clause or
phrase of this act is for any reason held to be unconstitutional

such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

CHAPTER 146.

An act amending an act entitled "An act to provide for the incorporation and organization and management of county water districts and to provide for the acquisition of water rights or the construction thereby of water works, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," approved June 10, 1913, by adding thereto a new section to be numbered twenty-eight, providing for the exclusion from any county water district formed under said act of territory not served by such county water district.

[Approved May 4, 1917. In effect July 27, 1917.]

The people of the State of California do enact as follows:

SECTION 1. An act approved June 10, 1913, and entitled "An act to provide for the incorporation and organization and management of county water districts and to provide for the acquisition of water rights or the construction thereby of water works, and for the acquisition of all property necessary therefor, and also to provide for the distribution and sale of water by said districts," is hereby amended by adding to said act a section numbered twenty-eight, reading as follows: Stats. 1913,
p. 1049.

Sec. 28. Any territory, included within any county water district formed under the provisions of this act, and not benefited in any manner by such district, or its continued inclusion therein, may be excluded therefrom by order of the board of directors of such district upon the verified petition of the owner or owners in fee of lands whose assessed value, with improvements, is in excess of one-half of the assessed value of all the lands, with improvements, held in private ownership in such territory. Said petition shall describe the territory sought to be excluded and shall set forth that such territory is not benefited in any manner by said county water district or its continued inclusion therein, and shall pray that such territory may be excluded and taken from said district. Such petition shall be filed with the secretary of the water district and shall be accompanied by a deposit with such secretary of the sum of one hundred dollars, to meet the expenses of advertising and other costs incident to the proceedings for the Exclusion of
territory.

Petition.

Contents.

bloodshed, lust or crime; nor shall any person hire, use or employ a minor under the age of eighteen years to sell or give away, or in any manner distribute, or permit any such minor in his custody or control to sell, give away or in any manner distribute, any material herein described.

Sec. 2. **Penalty.**—Any person who violates any provision of this act is guilty of a misdemeanor.

Approved April 14, 1917.

CHAPTER 243—S. F. No. 914.

An act to amend Section 8770, General Statutes, 1913, relating to the manufacture, sale and possession of dangerous weapons.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Manufacturing or sale of certain weapons prohibited under penalty of gross misdemeanor.**—Section 8770, General Statutes, 1913, is hereby amended so as to read as follows:

8770. Every person who shall manufacture, or cause to be manufactured, sell, keep for sale, offer, or dispose of, any instrument or weapon of the kind usually known as a slung-shot, sand-club, or metal knuckles; or who shall attempt to use against another, or with intent so to use, shall carry, conceal, or possess, any of the weapons hereinbefore specified, or any dagger, dirk, knife, pistol, or other dangerous weapon, shall be guilty of a gross misdemeanor. The possession by any person, other than a public officer, of any such weapon concealed or furtively carried on the person shall be presumptive evidence of carrying, concealing, or possessing with intent to use the same.

Approved April 14, 1917.

CHAPTER 244—S. F. No. 915.

An act regulating the sale of firearms and ammunition.
Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Selling of firearms and ammunition prohibited in certain cases.**—No person, in any city in this state, shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer or magistrate of such city.

Sec. 2. **Penalty.**—Any person who violates any provision of this act is guilty of a misdemeanor.

Approved April 14, 1917.

in accordance with the provisions of chapter three hundred and ninety-three of the acts of nineteen hundred and six, as amended by chapter five hundred and thirty-six of the acts of nineteen hundred and thirteen and chapters seventy-nine and eighty of the General Laws.

Expense, payment, etc.

SECTION 2. The expense of such alteration and reconstruction of said bridge and approaches thereto shall be paid in accordance with any existing or future decrees relating thereto, and all reimbursements received by the city on account of such alteration and reconstruction shall be applied to the payment of indebtedness issued under authority of this act.

City of Boston may borrow money, etc.

SECTION 3. For the purpose of meeting the expense of the work authorized under section one, the city of Boston may borrow, outside the statutory limit of indebtedness, from time to time within a period of five years from the effective date of this act, such sums as may be necessary, not exceeding in the aggregate, two hundred and fifty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, River Street Reconstruction Loan, Act of 1926. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates, but no loan shall be authorized under this section unless a sum equal to ten per cent of the loan so authorized is voted for the same purpose to be provided from taxes or other sources of revenue. Any sum to be raised by taxation shall be outside the tax limit as fixed for the city in the year in which the loan is authorized. Except as herein provided, indebtedness incurred under this act shall be subject to the laws relative to the incurring of debt by said city.

River Street Reconstruction Loan, Act of 1926.

Any sum to be raised by taxation to be outside tax limit.

Submission to city council, etc.

Proviso.

SECTION 4. This act shall take effect upon its acceptance by vote of the city council of said city, subject to the provisions of its charter; provided, that such acceptance occurs during the current year. *Approved April 16, 1926.*

Chap. 261 AN ACT PROHIBITING THE SALE AND USE OF SILENCERS FOR FIREARMS.

Be it enacted, etc., as follows:

G. L. 269, new section after § 10.

Sale and use of silencers for firearms prohibited.

Penalty.

Chapter two hundred and sixty-nine of the General Laws is hereby amended by inserting after section ten the following new section: — *Section 10A.* Whoever sells or keeps for sale, or offers, or gives or disposes of, or uses, any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm shall be punished by imprisonment for not more than five years in the state prison or for not more than two and one half years in a jail or house of correction. *Approved April 16, 1926.*

ness connected with this office; said traveling expenses not to exceed one hundred dollars per year per supervisor.

Jurors.

15. For attending as a grand juror, or a trial juror in criminal and civil cases in the superior court, for each day's attendance, three dollars; for each mile actually traveled one way as such grand juror, or trial juror, in the superior court, under summons or order of the court, twenty-five cents. The county clerk shall certify to the auditor the number of days' attendance, and the number of miles traveled by each juror and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

Effect of act.

SEC. 2. The provisions of this act, so far as they are substantially the same as existing statutes governing counties of this class, must be construed as continuations thereof and not as new enactments; and nothing in this act contained shall be deemed to shorten or extend the term of office or employment of any person holding office or employment under the provisions of such statutes.

CHAPTER 552.

An act to prohibit the possession of machine rifles, machine guns and submachine guns capable of automatically and continuously discharging loaded ammunition of any caliber in which the ammunition is fed to such guns from or by means of clips, disks, drums, belts or other separable mechanical device, and providing a penalty for violation thereof.

[Approved by the Governor May 16, 1927. In effect July 29, 1927.]

The people of the State of California do enact as follows:

Possession of machine guns.

SECTION 1. On and after the date upon which this act takes effect every person, firm or corporation, who within the State of California possesses any firearm of the kind commonly known as a machine gun shall be guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed three years or by a fine not to exceed five thousand dollars or by both such fine and imprisonment.

Provided, however, that nothing in this act shall prohibit police departments and members thereof, sheriffs, and city marshals or the military or naval forces of this state or of the United States from possessing such firearms for official use in the discharge of their duties.

"Machine gun" defined.

SEC. 2. The term machine gun as used in this act shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging automatically and continuously loaded ammunition of any caliber in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

other purpose. Such persons shall hold office during the term of their employment by the state highway department but the authority herein vested shall cease upon the termination of such employment. The persons so appointed shall by reason of such appointment be members of the department of public safety during the terms of such appointment but shall serve without pay as members thereof.

Approved June 2, 1927.

[No. 372.]

AN ACT to regulate and license the selling, purchasing, possessing and carrying of certain firearms; to prohibit the buying, selling or carrying of certain firearms without a license therefor; to prohibit the possession of certain weapons and attachments; to prohibit the pawning of certain firearms; to prohibit the sale, offering for sale, or possession for the purpose of sale of written or printed matter containing any offer to sell or deliver certain firearms or devices within this state; to provide penalties for the violations of this act, and to repeal act number two hundred seventy-four of the public acts of nineteen hundred eleven, being sections fifteen thousand two hundred thirty-six, fifteen thousand two hundred thirty-seven, fifteen thousand two hundred thirty-eight, fifteen thousand two hundred thirty-nine, fifteen thousand two hundred forty, fifteen thousand two hundred forty-one, fifteen thousand two hundred forty-two, fifteen thousand two hundred forty-three, fifteen thousand two hundred forty-four, fifteen thousand two hundred forty-five and fifteen thousand two hundred forty-six of the compiled laws of nineteen hundred fifteen; act number three hundred thirteen of the public acts of nineteen hundred twenty-five; and section sixteen of chapter one hundred sixty-two of the revised statutes of eighteen hundred forty-six, being section fifteen thousand six hundred forty-one of the compiled laws of nineteen hundred fifteen.

The People of the State of Michigan enact:

SECTION 1. The word "pistol" as used in this act shall mean any firearm, loaded or unloaded, thirty inches or less in length. The word "purchaser" shall mean any person who receives a pistol from another by purchase, gift or loan. The word "seller" shall mean any person who sells, furnishes, loans or gives a pistol to another. Words defined.

SEC. 2. No person shall purchase a pistol as defined in this act without first having obtained a license therefor as License before purchase.
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prescribed herein. The commissioner or chief of police, or his duly authorized deputy, in incorporated cities or in incorporated villages having an organized department of police, and the sheriff, or his authorized deputy, in parts of the respective counties not included within incorporated cities or villages, are hereby authorized to issue licenses to purchase pistols to applicants residing within the respective territories herein mentioned. No such license shall be granted to any person except he be nineteen years of age or over, and has resided in this state six months or more, and in no event shall such a license be issued to a person who has been convicted of a felony or adjudged insane in this state or elsewhere. Applications for such licenses shall be signed by the applicant under oath upon forms provided by the commissioner of public safety. Licenses to purchase pistols shall be executed in duplicate upon forms provided by the commissioner of public safety and shall be signed by the licensing authority. One copy of such license shall be delivered to the applicant and the duplicate of such license shall be retained by such licensing authority as a permanent official record for a period of six years. Such license shall be void unless used within ten days after the date of its issue. Any person who shall sell to another any pistol as defined in this act without complying with the requirements of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars or imprisonment in the county jail not more than ninety days, or both such fine and imprisonment in the discretion of the court. Such license shall be signed in ink by the holder thereof in the presence of the person selling, loaning or giving a pistol to such licensee and shall thereupon be taken up by such person, signed by him in ink and shall be delivered or sent by registered mail within forty-eight hours to the commissioner of public safety. The seller shall certify upon said license in the space provided therefor the name of the person to whom such pistol was delivered, the make, style, calibre and number of such pistol, and shall further certify that such purchaser signed his name on said license in the presence of the seller. The provisions of this section shall not apply to the purchase of pistols from wholesalers by dealers regularly engaged in the business of selling pistols at retail, nor to the sale, barter or exchange of pistols kept solely as relics, souvenirs or curios.

To whom granted.

Executed in duplicate.

Misdemeanor; penalty.

Unlawful to manufacture, etc., certain firearms, etc.

Penalty for violation.

SEC. 3. It shall be unlawful within this state to manufacture, sell, offer for sale, or possess any machine gun or firearm which can be fired more than sixteen times without reloading, or any muffler, silencer or device for deadening or muffling the sound of a discharged firearm, or any bomb or bombshell, or any blackjack, slung shot, billy, metallic knuckles, sandclub, sandbag or bludgeon. Any person convicted of a violation of this section shall be guilty of a felony and shall be punished by a fine not exceeding one thousand

dollars or imprisonment in the state prison not more than five years, or by both such fine and imprisonment in the discretion of the court. The provisions of this section shall not apply, however, to any person, firm or corporation manufacturing firearms, explosives or munitions of war by virtue of any contracts with any department of the government of the United States, or with any foreign government, state, municipality or any subdivision thereof.

SEC. 4. Any person who, with intent to use the same unlawfully against the person of another, goes armed with a pistol or other firearm or dagger, dirk, razor, stiletto, or knife having a blade over three inches in length, or any other dangerous or deadly weapon or instrument, shall be guilty of a felony and on conviction thereof shall be punished by a fine not exceeding one thousand dollars or imprisonment in the state prison for not more than five years, or by both such fine and imprisonment in the discretion of the court.

Felony,
what
deemed.

Penalty.

SEC. 5. No person shall carry a dagger, dirk, stiletto or other dangerous weapon except hunting knives adapted and carried as such, concealed on or about his person, or whether concealed or otherwise in any vehicle operated or occupied by him, except in his dwelling house or place of business or on other land possessed by him. No person shall carry a pistol concealed on or about his person, or, whether concealed or otherwise, in any vehicle operated or occupied by him, except in his dwelling house or place of business or on other land possessed by him, without a license therefor as herein provided. Any person violating the provisions of this section shall be guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars or imprisonment in the state prison for not more than five years, or by both such fine and imprisonment in the discretion of the court.

Unlawful to
carry, etc.,
dagger, etc.

SEC. 6. The prosecuting attorney, the commissioner or chief of police and the commissioner of public safety or their respective authorized deputies in incorporated cities or in incorporated villages having an organized department of police, and the prosecuting attorney, the commissioner of public safety or their authorized deputies, and the sheriff, under-sheriff or chief deputy sheriff in parts of the respective counties not included within incorporated cities or villages shall constitute boards exclusively authorized to issue licenses to carry pistols concealed on the person to applicants residing within the respective territories herein mentioned. The county clerk of each county shall be clerk of such licensing boards, which boards shall be known in law as "The Concealed Weapon Licensing Board." No such license to carry a pistol concealed on the person shall be granted to any person except he be nineteen years of age or over and has resided in this state six months or over, and in no event shall such license be issued unless it appears that the applicant has good reason to fear injury to his person or property, or has

Concealed
weapon
licensing
board.

To whom
license
granted.

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Chairman of board.	other proper reasons, and that he is a suitable person to be so licensed, and in no event to a person who has been convicted of a felony or adjudged insane in this state or elsewhere. The prosecuting attorney shall be the chairman of the said board, which shall convene at least once in each calendar month and at such other times as they shall be called to convene by the chairman. Such licenses shall be issued only upon written application signed by the applicant and on his oath and upon forms provided by the commissioner of public safety. Such licenses shall issue only with the approval of a majority of said board and shall be executed in triplicate upon forms provided by the commissioner of public safety and shall be signed in the name of the concealed weapon licensing board by the county clerk and the seal of the circuit court affixed thereto. One copy of such license shall be delivered to the applicant, the duplicate of said license shall be retained by the county clerk as a permanent official record for a period of six years, and the triplicate of such license shall be forwarded to the commissioner of public safety who shall file and index licenses so received by him and keep the same as a permanent official record for a period of six years. Each license shall be issued for a definite period of not more than one year, to be stated in the license, and no renewal of such license shall be granted except upon the filing of a new application. Every license issued hereunder shall bear the imprint of the right thumb of the licensee, or, if that be not possible, of the left thumb or some other finger of such licensee. Such licensee shall carry such license upon his person at all times when he may be carrying a pistol concealed upon his person and shall display such license upon the request of any peace officer.
Duration of license.	
When license to expire.	SEC. 7. All licenses heretofore issued in this state permitting a person to carry a pistol concealed upon his person shall expire at midnight, December thirty-one, nineteen hundred twenty-seven.
When license revoked.	SEC. 8. The licensing board herein created by section six may revoke any license issued by it upon receiving a certificate of any magistrate showing that such licensee has been convicted of violating any of the provisions of this act, or has been convicted of a felony. Such license may also be revoked whenever in the judgment of said board the reason for granting such license shall have ceased to exist, or whenever said board shall for any reasonable cause determine said licensee to be an unfit person to carry a pistol concealed upon his person. No such license shall be revoked except upon written complaint and then only after a hearing by said board, of which at least seven days' notice shall be given to the licensee either by personal service or by registered mail to his last known address. The clerk of said licensing board is hereby authorized to administer an oath to any person testifying before such board at any such hearing.

SEC. 9. On or before the first day of November, nineteen hundred twenty-seven, any person within this state who owns or has in his possession a pistol as defined in this act, shall, if he reside in an incorporated city or an incorporated village having an organized police department, present such weapon for safety inspection to the commissioner or chief of police of such city or village; if such person reside in a part of the county not included within the corporate limits of such city or village he shall so present such pistol for safety inspection to the sheriff of such county. Any person owning or coming into possession of a pistol after the first day of November, nineteen hundred twenty-seven, shall forthwith present such pistol for safety inspection in the manner provided in this section. A certificate of inspection shall thereupon be issued in triplicate on a form provided by the commissioner of public safety, containing the name, age, address, description and signature of the person presenting such pistol for inspection, together with a full description thereof; the original of such certificate shall be delivered to the registrant; the duplicate thereof shall be mailed to the commissioner of public safety and filed and indexed by him and kept as a permanent official record for a period of six years, and the triplicate of such certificate shall be retained and filed in the office of said sheriff, or commissioner or chief of police, as the case may be. The provisions of this section shall not apply to wholesale or retail dealers in firearms or to collections of pistols kept solely for the purpose of display, as relics, souvenirs, curios or antiques, nor to weapons heretofore registered under the provisions of section eleven of act number three hundred thirteen of the public acts of nineteen hundred twenty-five. Any person who fails to comply with the provision of this section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment in the discretion of the court.

Safety inspection of weapons.

Certificate issued.

SEC. 10. No pawnbroker shall accept a pistol in pawn. Any person violating this section of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars or imprisonment in the county jail for not more than ninety days or by both such fine and imprisonment in the discretion of the court.

Pistol not accepted in pawn.

SEC. 11. No person shall wilfully alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identity of any pistol. Possession of any such firearm upon which the number shall have been altered, removed or obliterated, shall be presumptive evidence that such possessor has altered, removed or obliterated the same. Any person convicted under this section shall be punished by a fine not to exceed five hundred dollars or by imprisonment

Alteration of pistol unlawful.

Exceptions to act.	<p>in the state prison not to exceed two years or by both such fine and imprisonment in the discretion of the court.</p> <p>Sec. 12. The provisions of section two, three, five and nine shall not apply to any peace officer of the state or any subdivision thereof who is regularly employed and paid by the state or such subdivision, or to any member of the army, navy or marine corps of the United States, or of organizations authorized by law to purchase or receive weapons from the United States or from this state, nor to the national guard or other duly authorized military organizations when on duty or drill, nor to the members thereof in going to or returning from their customary places of assembly or practice, nor to a person licensed to carry a pistol concealed upon his person issued by another state, nor to the regular and ordinary transportation of pistols as merchandise, or to any person while carrying a pistol unloaded in a wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business, or in moving goods from one place of abode or business to another.</p>
When unlawfully possessed.	<p>Sec. 13. When complaint shall be made on oath to any magistrate authorized to issue warrants in criminal cases that any pistol or other weapon or device mentioned in this act is unlawfully possessed or carried by any person, such magistrate shall, if he be satisfied that there is reasonable cause to believe the matters in said complaint be true, issue his warrant directed to any peace officer, commanding him to search the person or place described in such complaint, and if such pistol, weapon or device be there found; to seize and hold the same as evidence of a violation of this act.</p>
Forfeited to state.	<p>Sec. 14. All pistols, weapons or devices carried or possessed contrary to this act are hereby declared forfeited to the state.</p>
Certain books, etc., unlawful to sell, etc.	<p>Sec. 15. It shall be unlawful to sell or deliver within this state, or to offer or expose for sale, or to have in possession for the purpose of sale, any book, pamphlet, circular, magazine, newspaper or other form of written or printed matter offering to sell or deliver, or containing an offer to sell or deliver to any person within this state from any place without this state any pistol or any weapon or device mentioned in section three hereof. The provisions of this section shall not apply to sales of or offers to sell pistols at wholesale to persons regularly engaged in the business of selling such pistols at wholesale or retail, nor to sales or offers to sell such pistols made or authorized by the United States government or any department or agency thereof.</p>
Penalty for violation.	<p>Sec. 16. Any person violating the provisions of section fifteen of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed one hundred dollars or by imprisonment in the county jail not to exceed ninety days, or by both such fine and imprisonment in the discretion of the court.</p>

Sec. 17. Act number two hundred seventy-four of the public acts of nineteen hundred eleven, being sections fifteen thousand two hundred thirty-six, fifteen thousand two hundred thirty-seven, fifteen thousand two hundred thirty-eight, fifteen thousand two hundred thirty-nine, fifteen thousand two hundred forty, fifteen thousand two hundred forty-one, fifteen thousand two hundred forty-two, fifteen thousand two hundred forty-three, fifteen thousand two hundred forty-four, fifteen thousand two hundred forty-five and fifteen thousand two hundred forty-six of the compiled laws of nineteen hundred fifteen; act number three hundred thirteen of the public acts of nineteen hundred twenty-five; and section sixteen of chapter one hundred sixty-two of the revised statutes of eighteen hundred forty-six, being section fifteen thousand six hundred forty-one of the compiled laws of nineteen hundred fifteen, are hereby repealed: *Provided, however,* That any proceedings pending under any of said sections herein repealed shall not be affected hereby but shall be concluded in accordance with the law of such repealed section or sections.

Acts
repealed.

Proviso.

Sec. 18. This act is declared to be severable, and should any section hereof be hereafter declared unconstitutional or otherwise invalid, the remainder of the act shall not be affected thereby.

Saving
clause.

Approved June 2, 1927.

[No. 373.]

AN ACT to amend section twenty-five of chapter thirty of act number three hundred fourteen of the public acts of nineteen hundred fifteen, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms of civil actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," being section thirteen thousand two hundred fifty-three of the compiled laws of nineteen hundred fifteen, as amended by act number two hundred forty-three of the public acts of nineteen hundred seventeen, and to add a new section thereto to stand as section thirty-one.

The People of the State of Michigan enact:

SECTION 1. Section twenty-five of chapter thirty of act number three hundred fourteen of the public acts of nineteen hundred fifteen, as amended by act number two hundred forty-three of the public acts of nineteen hundred seventeen, is amended to read as follows:

Section
amended.

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CHAPTER 1052.

H 729 A
Approved
April 22, 1927.

AN ACT TO REGULATE THE POSSESSION OF FIREARMS.

It is enacted by the General Assembly as follows:

Certain words
and phrases,
how construed:

SECTION 1. When used in this act the following words and phrases shall be construed as follows:

"Pistol."

"Pistol" shall include any pistol or revolver, and any shot gun, rifle or similar weapon with overall length less than twenty-six inches, but shall not include any pistol without a magazine or any pistol or revolver designed for the use of blank cartridges only.

"Machine gun."

"Machine gun" shall include any weapon which shoots automatically and any weapon which shoots more than twelve shots semi-automatically without reloading.

"Firearm."

"Firearm" shall include any machine gun or pistol.

"Person."

"Person" shall include firm, association or corporation.

"Licensing authorities."

"Licensing authorities" shall mean the board of police commissioners of a city or town where such board has been instituted, the chief of police or superintendent of police of other cities and towns having a regular organized police force, and in towns where there is no chief of police or superintendent of police it shall mean the town clerk who may issue licenses upon the recommendation of the town sergeant;

"Crime of violence."

"Crime of violence" shall mean and include any of the following crimes or an attempt to commit any of the same, viz.: murder, manslaughter, rape, mayhem, assault or battery involving grave bodily injury, robbery, burglary, and breaking and entering.

"Sell."

"Sell" shall include let or hire, give, lend and transfer, and the word "purchase" shall include hire, accept and borrow, and the expression "purchasing" shall be construed accordingly."

"Purchase."

"Purchasing."

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SEC. 2. If any person shall commit or attempt to commit a crime of violence when armed with or having available any firearm, he may in addition to the punishment provided for such crime of violence be punished as provided in this act. In the trial of a person for committing or attempting to commit a crime of violence the fact that he was armed with or had available a pistol without license to carry the same, or was armed with or had available a machine gun, shall be prima facie evidence of his intention to commit said crime of violence.

Additional punishment under this act.

What to be prima facie evidence of intention to commit crime of violence.

SEC. 3. No person who has been convicted in this state or elsewhere of a crime of violence shall purchase, own, carry or have in his possession or under his control any firearm.

Who to be denied firearms.

SEC. 4. No person shall, without a license therefor, issued as provided in section six hereof, carry a pistol in any vehicle or concealed on or about his person, except in his dwelling house or place of business or on land possessed by him, and no person shall manufacture, sell, purchase or possess a machine gun except as otherwise provided in this act.

Carrying of pistol forbidden, except when.

Machine gun.

SEC. 5. The provisions of section four shall not apply to sheriffs, deputy sheriffs, the superintendent and members of the state police, prison or jail wardens or their deputies, members of the city or town police force or other duly appointed law enforcement officers, nor to members of the army, navy or marine corps of the United States, or of the national guard, when on duty, or of organizations by law authorized to purchase or receive firearms from the United States or this state, nor to officers or employees of the United States authorized by law to carry a concealed firearm, nor to duly authorized military organizations when on duty, nor to the members thereof when at or going to or from

Sec. 4 not to apply to whom.

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their customary places of assembly, nor to the regular and ordinary transportation of pistols as merchandise, nor to any person while carrying a pistol unloaded in a wrapper from the place of purchase to his home or place of business, or to a place of repair or back to his home or place of business, or in moving goods from one place or abode or business to another.

License to carry concealed pistol may be issued, to whom, when and how.

License, form of.

Triplicate license, how disposed of.

Fee for license.

Applicant for license to give bond.

SEC. 6. The licensing authorities of any city or town shall upon application of any person having a bona fide residence or place of business within such city or town, or of any person having a bona fide residence or place of business within the United States and a license to carry a pistol concealed upon his person issued by the authorities of any other state or subdivision of the United States, issue a license to such person to carry concealed upon his person a pistol within this state for not more than one year from date of issue, if it appears that the applicant has good reason to fear an injury to his person or property or has any other proper reason for carrying a pistol, and that he is a suitable person to be so licensed. The license shall be in triplicate, in form to be prescribed by the attorney-general and shall bear the fingerprint, name, address, description and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the attorney-general and the triplicate shall be preserved for six years by the licensing authorities issuing said license. A fee of two dollars may be charged and shall be paid for each license, to the officer issuing the same. Before issuing any such permit the applicant for the same shall be required to give bond to the city or town treasurer in the penal sum of three hundred dollars, with surety satisfactory to the authority issu-

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ing such permit, to keep the peace and be of good behavior. Every such permit shall be valid for one year from the date when issued unless sooner revoked. The fee charged for the issuing of such license or permit shall be applied in accordance with the provisions of section thirty-three of chapter 401 of the general laws.

SEC. 7. The attorney-general may issue a permit to any banking institution doing business in this state or to any public carrier who is engaged in the business of transporting mail, money, securities or other valuables, to possess and use machine guns under such regulations as the attorney-general may prescribe.

Attorney-general may issue permit to banking institutions, etc.

SEC. 8. It shall be unlawful within this state to manufacture, sell, purchase or possess except for military or police purposes, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged.

Muffler or silencer for firearm forbidden.

SEC. 9. Any person, except a member of the state police, the sheriff or his deputies, or a member of the police force of any city or town, or a member of the army, navy, or marine corps of the United States, or of the national guard or organized reserves when on duty, who possesses, or carries on or about his person or in a vehicle, a bomb or bomb shell, except for blasting or other commercial use, or who, with intent to use the same unlawfully against the person or property of another, possesses or carries any explosive substance, or any noxious liquid, gas or substance, shall be guilty of a violation of this act and punished as hereinafter provided.

Possession or carrying of bomb, explosive substance, or noxious liquid, gas, etc., forbidden.

SEC. 10. No property right shall exist in any firearm unlawfully possessed, carried or used, and all such firearms are hereby declared to be nuisances and forfeited to the state. When such forfeited firearms shall be

Certain firearms to be nuisances and forfeited. Disposition of forfeited firearms.

REPORT OF FIREARMS COMMITTEE

To the National Conference of Commissioners on Uniform State Laws:

The report of this committee at Buffalo last year showed that following the publication of the Uniform Firearms Act as approved by the Conference and the Bar Association at Denver in July, 1926, some objections raised by the Police Commissioner of New York City through Governor Whitman induced the Executive Committee of the Conference in January, 1927, to recommend to the Conference the withholding of the act from presentation to the states, and the recommitment of the matter to the Firearms Committee for further study and report. (Handbook, 1927, p. 866.) In view of this action of the Executive Committee of the Conference the Executive Committee of the American Bar Association took under reconsideration the approval of the act, this action being approved at the Buffalo meeting. (Bar Assn. Reports, No. 52, 1927, p. 223.)

The Firearms Committee reported at the Buffalo meeting, outlining its efforts to cooperate with the National Crime Commission, which through a subcommittee had drafted and presented to the legislatures the so-called Crime Commission Bill on the subject of firearms regulation. The text of this was printed in display with the text of the Uniform Act. It was pointed out that the Crimes Commission had taken the Uniform Act as the basis of its work, adopting a great deal of it, but with the addition of some new matters, and the change of some of the principles of the Uniform Act. (Handbook, 1927, pp. 866-914.) These matters were also adverted to by President Young in his opening address. (*Ibid.*, p. 453.) In accordance with the recommendations of the committee the Conference voted as follows (*Ibid.*, pp. 267-268, 914):

"1. That in accordance with action already taken by the Executive Committee the Uniform Firearms Act be withheld from presentation to the legislatures until further action of the Conference.

"2. That the committee on the Uniform Firearms Act be continued for the purpose of giving further consideration to the objections thereto, for further study of other proposed legislation, for further conferences with the committee of the National Crime Commission, and for further report as to whether or not it is desirable that the act be amended or retained in its present form, or as to what definite disposition should be made thereof."

With the Uniform Act thus back for consideration various meetings have been held during the year between members of the undersigned committee and members of the subcommittee of the National Crime Commission. The final joint meetings were in Washington on April 26-27, 1928, at which were present on behalf of your committee Judge Ailshie and Messrs. O'Connell and Imlay, and on behalf of the subcommittee of the Crime Commission General J. Weston Allen and Mr. J. E. Baum, of the American Bankers Association.

As a result of these meetings and the separate attention given to these matters by your own committee, both in personal conference in Washington, and in an exchange of views by letter, your committee has formulated a proposed revision, printed herewith, of the Uniform Act, incorporating some of the new matter of the Crime Commission Bill, but retaining the basic features of the Uniform Act. In notes accompanying each section, which should be studied in connection with the parallel references in the two acts as printed in last year's report (Handbook, 1927, pp. 878-889), an attempt has been made to indicate the changes. Some of the matters of major importance may be summarized as follows:

1. The revision incorporates the new matter of the Crime Commission Bill on machine guns. Most of the firearms legislation passed in the current year has been on the subject of machine guns, *e. g.*, General Laws of California of 1927, Ch. 552; Acts and Resolves of Mass., 1927, Ch. 326; Mich. Public Acts of 1927, No. 372; N. J. Public Laws 1927, Ch. 95, p. 180. There has been recent legislation on the subject also in Iowa.

2. The revision retains the principle of forbidding the carrying of concealed weapons with strict regulations for identification, but does not require a license to purchase as does the Crime Commission Bill. This constitutes the basic difference between the two acts. Upon this point your committee and the subcommittee of the Crime Commission have been unable to agree.

3. The revision retains the method of the Uniform Act in providing a general penalty section (S. 19) rather than, as in the other act, placing penalty clauses within the various sections.

4. The revision, like the original act, does not fix mandatory sentences, the matter of sentences being left open for the exercise of discretion by the courts.

Upon the basic difference between the two acts mentioned above your committee has bestowed much careful thought. The form of regulation contained in the Uniform Act was adopted by the Conference advisedly. That form is consistent with the forms of regulation which have always obtained and now obtain in the states generally, as the analysis of the subject in the second report of this committee shows. (Handbook, 1925, pp. 854-898.) The system of license to purchase has been for many years the law of New York. It was adopted in Michigan in 1925, being reenacted in the 1927 act mentioned above: it was also adopted in Massachusetts in 1926. (Acts of 1926, Ch. 395.) Beyond those states it has not gone, so far as this committee is advised.

This committee reaffirms the position heretofore taken on this subject, that such a provision is not only out of line with legislative precedents and experience, but is unenforceable. It would make criminals out of law-abiding citizens, and would not be obeyed by the lawless.

A bill drawn very much along the lines of this proposed revision, was introduced into the United States Senate April 16, 1928, by Senator Capper (S. 4086, 70th Cong.) as a local law for the District of Columbia: the same bill was introduced into the House of Representatives a few days later by Representative Frederick J. Zillahman of Maryland, a member of the District of Columbia Committee (No. 13211). The bills are now under consideration before the respective Committees on the District of Columbia of the two houses.

Your committee presents this revision for the consideration of the Conference and recommends its adoption as an act which preserves the results achieved in the work heretofore done on the Uniform Act, and incorporates valuable new material from the Crime Commission Act.

Respectfully submitted,

JOSEPH F. O'CONNELL, *Chairman*,

JAMES F. AILSHIE,

CHARLES V. IMLAY,

J. O. SETH,

L. C. SPIETH,

D. A. McDUGAL,

GEORGE B. MARTIN,

HARRY L. CRAM.

A UNIFORM ACT TO REGULATE THE SALE AND
POSSESSION OF FIREARMS

AN ACT REGULATING THE SALE, TRANSFER AND POSSESSION OF
CERTAIN FIREARMS, PRESCRIBING PENALTIES AND RULES OF
EVIDENCE, AND TO MAKE UNIFORM THE LAW WITH REFER-
ENCE THERETO

1 SECTION 1. (*Definitions.*) "Pistol," as used in this act,
2 means any firearm with a barrel less than twelve inches in
3 length.

4 "Machine gun," as used in this act, means any firearm
5 which shoots automatically and any firearm which shoots
6 more than twelve shots semi-automatically without reloading.

7 "Person," as used in this act, includes firm, association or
8 corporation.

9 "Sell" and "purchase" and the various derivatives of
10 such words, as used in this act, shall be construed to include
11 letting on hire, giving, lending, borrowing, and otherwise
12 transferring.

13 "Crime of violence," as used in this act, means any of the
14 following crimes or an attempt to commit any of the same,
15 namely: Murder, manslaughter, rape, mayhem, assault to do
16 great bodily harm, robbery, larceny, burglary, and house-
17 breaking.

Note: The words "or revolver" are omitted in the first definition and at other places where they occur in the Uniform Act, as in the Crime Commission Act, for greater simplicity.

The new definition of "machine gun" is substantially that of the Crime Commission Act.

The new definitions of "person" and "sell and purchase" are substantially those of the Crime Commission Act.

1 SECTION 2. (*Committing Crime When Armed.*) If any
2 person shall commit a crime of violence when armed with or
3 having readily available any pistol or other firearm, he may
4 in addition to the punishment provided for the crime be
5 punished also as provided by this act.

Note: The words "or having readily available" and "or other firearm" are added from the Crime Commission Act.

1 SECTION 3. (*Being Armed Prima Facie Evidence of In-*
2 *tent.*) In the trial of a person for committing a crime of
3 violence the fact that he was armed or had readily available
4 a pistol, and had no license to carry the same, or was armed
5 with or had readily available any other firearm having a total
6 length of less than twenty-six inches, or any machine gun,
7 shall be *prima facie* evidence of his intention to commit such
8 crime of violence.

Note: The words "or had readily available" are added from the Crime Commission Act; the words "or was armed with, etc.," are adopted from that act, to include firearms longer than twelve inches capable of being concealed on the person and machine guns.

1 SECTION 4. (*Persons Forbidden to Possess Certain Fire-*
2 *arms.*) No person who has been convicted in this state or
3 elsewhere of a crime of violence shall own a pistol or have one
4 in his possession or under his control.

Note: This section is substantially the same as that of the original Uniform Act and of the Crime Commission Act, except that the latter specifies a punishment which in this proposed revision as in the original Uniform Act is left for a general section.

1 SECTION 5. (*Carrying Pistol.*) No person shall carry a
2 pistol in any vehicle or concealed on or about his person, ex-
3 cept in his dwelling house or place of business or on other

4 land possessed by him, without a license therefor issued as
5 hereinafter provided.

Note: This section is the same as that of the original Uniform Act except that it incorporates the language of the corresponding Section 11 of the Crime Commission Act in making the prohibition against carrying pistols in vehicles absolute.

1 SECTION 6. (*Exceptions.*) The provisions of the preced-
2 ing section shall not apply to marshals, sheriffs, prison or
3 jail wardens or their deputies, policemen or other duly ap-
4 pointed law-enforcement officers, or to members of the army,
5 navy, or marine corps of the United States or of the national
6 guard or organized reserves when on duty, or to the regu-
7 larly enrolled members of any organization duly authorized
8 to purchase or receive such weapons from the United States
9 or from this state, provided such members are at or are going
10 to or from their places of assembly or target practice, or to
11 officers or employees of the United States duly authorized to
12 carry a concealed pistol, or to any person engaged in the busi-
13 ness of manufacturing, repairing, or dealing in firearms or
14 the agent or representative of any such person having in his
15 possession, using, or carrying a pistol in the usual or ordinary
16 course of such business, or to any person while carrying a
17 pistol unloaded and in a secure wrapper from the place of
18 purchase to his home or place of business or to a place of
19 repair or back to his home or place of business or in moving
20 goods from one place of abode or business to another.

Note: This section remains the same as that of the original Uniform Act with a few modifications introduced from the corresponding Section 12 of the Crime Commission Act.

1 SECTION 7. (*Issue of Licenses to Carry.*) [The justice
2 of a court of record, the chief of police of a city or town, and
3 the sheriff of a county or the persons authorized by any of
4 them] shall, upon the application of any person having a
5 bona fide residence or place of business within the jurisdic-
6 tion of said licensing authority or of any person having a
7 bona fide residence or place of business within the United
8 States and a license to carry a pistol concealed upon his per-
9 son issued by the lawful authorities of any state or subdivi-

10 sion of the United States, issue a license to such person to
 11 carry a pistol within this state for not more than one year
 12 from date of issue, if it appears that the applicant has good
 13 reason to fear injury to his person or property or has any
 14 other proper reason for carrying a pistol and that he is a
 15 suitable person to be so licensed. The license shall be in tripli-
 16 cate in form to be prescribed by the [Secretary of State] and
 17 shall bear the name, address, description, photograph, and
 18 signature of the licensee and the reason given for desiring a
 19 license. The original thereof shall be delivered to the licensee,
 20 the duplicate shall within seven days be sent by registered
 21 mail to the [Secretary of State] and the triplicate shall be
 22 preserved for six years by the authority issuing said license.

Note: This section remains substantially as in the original Uniform Act and as in Section 10 of the Crime Commission Act.

1 SECTION 8. (*Selling to Minors and Others.*) No person
 2 shall sell any pistol to a person who he has reasonable cause
 3 to believe is not of sound mind, or is a drug addict, or is a
 4 person who has been convicted in the District of Columbia or
 5 elsewhere of a crime of violence, or, except when the relation
 6 of parent and child or guardian and ward exists, is under
 7 the age of eighteen years.

Note: This section has been expanded to include in addition to infants the other disqualified persons named in the corresponding Section 7 of the Crime Commission Act.

1 SECTION 9. (*Transfers Regulated.*) No seller shall de-
 2 liver a pistol to the purchaser thereof until forty-eight hours
 3 shall have elapsed from the time of the application for the
 4 purchase thereof, and, when delivered, said pistol shall be
 5 securely wrapped and shall be unloaded. At the time of ap-
 6 plying for the purchase of a pistol the purchaser shall sign
 7 in triplicate and deliver to the seller a statement containing
 8 his full name, address, occupation, color, place of birth, the
 9 date and hour of application, the caliber, make, model, and
 10 manufacturer's number of the pistol to be purchased and a
 11 statement that he has never been convicted in this state or
 12 elsewhere of a crime of violence. The seller shall within six

13 hours after such application sign and attach his address and
 14 forward by registered mail one copy of such statement to the
 15 chief of police of the city or town or the sheriff of the county
 16 of which the seller is a resident; the duplicate the seller shall
 17 within seven days send with his signature and address to the
 18 [Secretary of State]; the triplicate he shall retain for six
 19 years. This section shall not apply to sales at wholesale.

Note: This section has been modified to require forty-eight instead of twenty-four hours to elapse from the time of application till the time of delivery of a weapon. A provision is also inserted for a more immediate notice to the police.

1 SECTION 10. (*Dealers to be Licensed.*) No retail dealer
 2 shall sell or expose for sale or have in his possession with in-
 3 tent to sell any pistol without being licensed as hereinafter
 4 provided.

Note: This section remains in substance the same as in the original Uniform Act except that with the new matters of definition adopted from the Crime Commission Act it conforms in language to Section 6 thereof.

1 SECTION 11. (*Dealers' Licenses, by Whom Granted and*
 2 *Conditions Thereof.*) The duly constituted licensing authori-
 3 ties of any city, town, or political subdivision of this state
 4 may grant licenses in form prescribed by the [Secretary of
 5 State] effective for not more than one year from date of issue,
 6 permitting the licensee to sell pistols at retail within this
 7 state subject to the following conditions in addition to those
 8 specified in Section 9 hereof, for breach of any of which the
 9 license shall be subject to forfeiture and the licensee subject
 10 to punishment as provided in this act:

11 1. The business shall be carried on only in the building
 12 designated in the license.

13 2. The license or a copy thereof, certified by the issuing
 14 authority, shall be displayed on the premises where it can
 15 easily be read.

16 3. No pistol shall be sold (a) if the seller has reasonable
 17 cause to believe that the purchaser is not of sound mind or
 18 is a drug addict or has been convicted in this state or else-
 19 where of a crime of violence or is under the age of eighteen

20 years, or (b) unless the purchaser is personally known to
21 the seller or shall present clear evidence of his identity.

22 4. A true record in triplicate shall be made of every pistol
23 sold, said record to be made in a book kept for the purpose,
24 the form of which may be prescribed by the [Secretary of
25 State] and shall be personally signed by the purchaser and
26 by the person effecting the sale, each in the presence of the
27 other, and shall contain the date of sale, the caliber, make,
28 model, and manufacturer's number of the weapon, the name,
29 address, occupation, color, and place of birth of the purchaser,
30 and a statement signed by the purchaser that he has never
31 been convicted in this state or elsewhere of a crime of vio-
32 lence. One copy of said record shall within six hours be sent
33 by registered mail to the chief of police of the city or town
34 or the sheriff of the county of which the dealer is a resident;
35 the duplicate the dealer shall within seven days send to the
36 [Secretary of State]; the triplicate the dealer shall retain for
37 six years.

38 5. No pistol or imitation thereof or placard advertising the
39 sale thereof shall be displayed in any part of said premises
40 where it can readily be seen from the outside.

41 No license to sell at retail shall be granted to anyone except
42 as provided in this section.

Note: This section remains substantially the same as the original
Section 11 and Section 6 of the Crime Commission Act, except that it
incorporates, like Section 9 hereof, a provision for a more immediate notice
by the dealer to the police.

1 SECTION 12. (*False Information Forbidden.*) No person
2 shall, in purchasing a pistol or in applying for a license to
3 carry the same, give false information or offer false evidence
4 of his identity.

Note: This section remains practically the same as the same section in
the original Uniform Act and as Section 13 of the Crime Commission Act,
except that the latter makes special mention therein of a penalty.

1 SECTION 13. (*Alteration of Identifying Marks Pro-*
2 *hibited.*) No person shall change, alter, remove, or obliterate
3 the name of the maker, model, manufacturer's number, or other
4 mark of identification on any pistol. Possession of any pistol

5 upon which any such mark shall have been changed, altered,
6 removed, or obliterated shall be *prima facie* evidence that the
7 possessor has changed, altered, removed, or obliterated the
8 same.

Note: This section remains the same as in the original Uniform Act and
in the corresponding Section 18 of the Crime Commission Act.

1 SECTION 14. (*Existing Licenses Revoked.*) All licenses
2 heretofore issued in this state permitting the carrying of
3 pistols shall expire at midnight of the — day of —,
4 19—.

Note: This section remains the same as in the original Uniform Act and
in Section 23 of the other act.

1 SECTION 15. (*Exceptions.*) This act shall not apply to
2 antique pistols unsuitable for use as firearms and possessed
3 as curiosities or ornaments.

Note: This section is the same in substance as in the original act, but
it adopts from the corresponding Section 22 of the other act the words
“and possessed as curiosities or ornaments.”

1 SECTION 16. (*Pawning of Pistols Prohibited.*) No per-
2 son shall make any loan secured by mortgage, deposit, or
3 pledge of a pistol.

Note: This is a new section, adopting the substance of Section 8 of the
Crime Commission Act.

1 SECTION 17. (*Machine Guns.*) No person shall possess
2 any machine gun. This section shall not apply to any foreign
3 government nor to members of the army, navy, or marine
4 corps of the United States, or of the national guard or organ-
5 ized reserves when on duty, nor to the Post Office Department
6 or its employees when on duty, nor to duly appointed law-
7 enforcement officers, nor to banking institutions established
8 under the laws of the United States, nor to public carriers
9 who are engaged in the business of transporting mail, money,
10 securities, or other valuables.

Note: This is a new section, incorporating the provisions of Sections 14
and 15 of the Crime Commission Act.

1 SECTION 18. (*Act Supersedes Local Laws.*) The provi-
2 sions of this act shall be effective and controlling throughout

3 this state, notwithstanding the provisions of any local law
4 or ordinance.

Note: This section remains the same as Section 16 of the original act and is the same in substance as Section 26 of the Crime Commission Act.

1 SECTION 19. (*Penalties.*) Any violation of any provi-
2 sion of this act shall constitute an offense punishable by a
3 fine of not more than [\$—] or imprisonment for not more
4 than [—] or both, or by imprisonment in the peniten-
5 tiary for not less than [—] nor more than [—].

1 SECTION 20. (*Constitutionality.*) If any part of this act
2 is for any reason declared void, such invalidity shall not af-
3 fect the validity of the remaining portion of this act.

1 SECTION 21. (*Short Title.*) This act may be cited as
2 “Uniform Firearms Act.”

1 SECTION 22. (*Effective Date.*) This act shall take effect
2 on the — day of —, 19—.

1 SECTION 23. (*Certain Acts Repealed.*) All laws or parts
2 of laws inconsistent herewith are hereby repealed.

Note: The above sections remain the same as Sections 17-21 in the original Uniform Act. Section 25 of the Crime Commission Act adopts Section 20. Section 24 of that act has a provision for a general penalty where none is otherwise specified, but as penalties are generally specified throughout the Crime Commission Act, Section 24 thereof differs from Section 19 hereof, which declares penalties for the whole act. This method was adopted advisedly by the Conference, as a more scientific way to deal with the subject of penalties.

States, for the purpose of having such communication delivered by the post-office establishment of such foreign country to the post-office establishment of the United States and by it delivered to such addressee in the United States, and as a result thereof such communication is delivered by the post-office establishment of such foreign country to the post-office establishment of the United States and by it delivered to the address to which it is directed in the United States, then such person shall be punished in the same manner and to the same extent as provided in section 1 of this Act: *Provided*, That any person violating this section may be prosecuted either in the district into which such letter or other communication was carried by the United States mail for delivery according to the direction thereon, or in which it was caused to be delivered by the United States mail to the person to whom it was addressed.

Approved, July 8, 1932.

Punishment for.
Proviso.
 Jurisdiction.

[CHAPTER 465.]

AN ACT

July 8, 1932.

[H. R. 8754.]

[Public, No. 275.]

To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes.

Unauthorized use,
 etc., of pistols and other
 dangerous weapons in
 District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Definitions.

DEFINITIONS

"Pistol."

SECTION 1. "Pistol," as used in this Act, means any firearm with a barrel less than twelve inches in length.

"Sawed-off shot-
 gun."

"Sawed-off shotgun," as used in this Act, means any shotgun with a barrel less than twenty inches in length.

"Machine gun."

"Machine gun," as used in this Act, means any firearm which shoots automatically or semiautomatically more than twelve shots without reloading.

"Person."

"Person," as used in this Act, includes, individual, firm, association, or corporation.

"Sell" and "pur-
 chase," etc.

"Sell" and "purchase" and the various derivatives of such words, as used in this Act, shall be construed to include letting on hire, giving, lending, borrowing, and otherwise transferring.

"Crime of violence."

"Crime of violence" as used in this Act, means any of the following crimes, or an attempt to commit any of the same, namely: Murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary, housebreaking, larceny, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

COMMITTING CRIME WHEN ARMED

Committing crime of
 violence when armed.
 Punishment for.

SEC. 2. If any person shall commit a crime of violence in the District of Columbia when armed with or having readily available any pistol or other firearm, he may, in addition to the punishment provided for the crime, be punished by imprisonment for a term of not more than five years; upon a second conviction for a crime of violence so committed he may, in addition to the punishment provided for the crime, be punished by imprisonment for a term of not more than ten years; upon a third conviction for a crime of violence so committed he may, in addition to the punishment provided for the

crime, be punished by imprisonment for a term of not more than fifteen years; upon a fourth or subsequent conviction for a crime of violence so committed he may, in addition to the punishment provided for the crime, be punished by imprisonment for an additional period of not more than thirty years.

PERSONS FORBIDDEN TO POSSESS CERTAIN FIREARMS

Persons forbidden to possess certain firearms.

Convicted of a crime.

SEC. 3. No person who has been convicted in the District of Columbia or elsewhere of a crime of violence shall own or have in his possession a pistol, within the District of Columbia.

CARRYING CONCEALED WEAPONS

SEC. 4. No person shall within the District of Columbia carry concealed on or about his person, except in his dwelling house or place of business or on other land possessed by him, a pistol, without a license therefor issued as hereinafter provided, or any deadly or dangerous weapon.

Illegally carrying, etc., dangerous weapon.

EXCEPTIONS

Exceptions.

SEC. 5. The provisions of the preceding section shall not apply to marshals, sheriffs, prison or jail wardens, or their deputies, policemen or other duly appointed law-enforcement officers, or to members of the Army, Navy, or Marine Corps of the United States or of the National Guard or Organized Reserves when on duty, or to the regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States, provided such members are at or are going to or from their places of assembly or target practice, or to officers or employees of the United States duly authorized to carry a concealed pistol, or to any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person having in his possession, using, or carrying a pistol in the usual or ordinary course of such business or to any person while carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business or in moving goods from one place of abode or business to another.

Law enforcement officers.

Army, Navy, or Marine Corps.

National Guard, etc., on duty.
Other organizations.

Carrying to places of assembly, etc.

Manufacturer, etc.

ISSUE OF LICENSES TO CARRY

SEC. 6. The superintendent of police of the District of Columbia may, upon the application of any person having a bona fide residence or place of business within the District of Columbia or of any person having a bona fide residence or place of business within the United States and a license to carry a pistol concealed upon his person issued by the lawful authorities of any State or subdivision of the United States, issue a license to such person to carry a pistol within the District of Columbia for not more than one year from date of issue, if it appears that the applicant has good reason to fear injury to his person or property or has any other proper reason for carrying a pistol and that he is a suitable person to be so licensed. The license shall be in duplicate, in form to be prescribed by the Commissioners of the District of Columbia and shall bear the name, address, description, photograph, and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, and the duplicate shall be retained by the superintendent of police of the District of Columbia and preserved in his office for six years.

Licenses.

SELLING TO MINORS AND OTHERS

Selling to minors or others.

SEC. 7. No person shall within the District of Columbia sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is a drug addict, or is a person who has been convicted in the District of Columbia or elsewhere of a crime of violence or, except when the relation of parent and child or guardian and ward exists, is under the age of eighteen years.

TRANSFERS REGULATED

Time, etc., provisions.

Register to be kept.

Limitation.

Wholesale trade.

SEC. 8. No seller shall within the District of Columbia deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, except in the case of sales to marshals, sheriffs, prison or jail wardens or their deputies, policemen, or other duly appointed law-enforcement officers, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in the District of Columbia or elsewhere of a crime of violence. The seller shall, within six hours after such application, sign and attach his address and deliver one copy to such person or persons as the superintendent of police of the District of Columbia may designate, and shall retain the other copy for six years. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 14 hereof as entitled to possess the same, and then only after permission to make such sale has been obtained from the superintendent of police of the District of Columbia. This section shall not apply to sales at wholesale to licensed dealers.

DEALERS TO BE LICENSED

Dealers to be licensed.

SEC. 9. No retail dealer shall within the District of Columbia sell or expose for sale or have in his possession with intent to sell, any pistol, machine gun, sawed-off shotgun, or blackjack without being licensed as hereinafter provided. No wholesale dealer shall, within the District of Columbia, sell, or have in his possession with intent to sell, to any person other than a licensed dealer, any pistol, machine gun, sawed-off shotgun, or blackjack.

DEALERS' LICENSES, BY WHOM GRANTED AND CONDITIONS THEREOF

Conditions, etc., for issuing dealers' licenses. *Ante*, p. 558.

SEC. 10. The Commissioners of the District of Columbia may, in their discretion, grant licenses and may prescribe the form thereof, effective for not more than one year from date of issue, permitting the licensee to sell pistols, machine guns, sawed-off shotguns, and blackjacks at retail within the District of Columbia subject to the following conditions in addition to those specified in section 9 hereof, for breach of any of which the license shall be subject to forfeiture and the licensee subject to punishment as provided in this Act.

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can be easily read.

72d CONGRESS. SESS. I. CH. 465. JULY 8, 1932.

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3. No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is a drug addict or has been convicted in the District of Columbia or elsewhere of a crime of violence or is under the age of eighteen years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 14 hereof as entitled to possess the same, and then only after permission to make such sale has been obtained from the superintendent of police of the District of Columbia.

4. A true record shall be made in a book kept for the purpose, the form of which may be prescribed by the Commissioners, of all pistols, machine guns, and sawed-off shotguns in the possession of the licensee, which said record shall contain the date of purchase, the caliber, make, model, and manufacturer's number of the weapon, to which shall be added, when sold, the date of sale.

Records.

5. A true record in duplicate shall be made of every pistol, machine gun, sawed-off shotgun, and blackjack sold, said record to be made in a book kept for the purpose, the form of which may be prescribed by the Commissioners of the District of Columbia and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other and shall contain the date of sale, the name, address, occupation, color, and place of birth of the purchaser, and, so far as applicable, the caliber, make, model, and manufacturer's number of the weapon, and a statement signed by the purchaser that he has never been convicted in the District of Columbia or elsewhere of a crime of violence. One copy of said record shall, within seven days, be forwarded by mail to the superintendent of police of the District of Columbia and the other copy retained by the seller for six years.

6. No pistol or imitation thereof or placard advertising the sale thereof shall be displayed in any part of said premises where it can readily be seen from the outside. No license to sell at retail shall be granted to anyone except as provided in this section.

Display, etc., forbidden.

FALSE INFORMATION FORBIDDEN

SEC. 11. No person, shall, in purchasing a pistol or in applying for a license to carry the same, or in purchasing a machine gun, sawed-off shotgun, or blackjack within the District of Columbia, give false information or offer false evidence of his identity.

False information or evidence forbidden.

ALTERATION OF IDENTIFYING MARKS PROHIBITED

SEC. 12. No person shall within the District of Columbia change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same within the District of Columbia: *Provided, however,* That nothing contained in this section shall apply to any officer or agent of any of the departments of the United States or the District of Columbia engaged in experimental work.

Alteration, etc., of identification marks, prohibited.

Provido. Experimental work.

EXCEPTIONS

SEC. 13. This Act shall not apply to toy or antique pistols unsuitable for use as firearms.

Toys, etc., excepted.

POSSESSION OF CERTAIN DANGEROUS WEAPONS

Possession of certain dangerous weapons forbidden.

Proviso.
Exceptions.

SEC. 14. No person shall within the District of Columbia possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, slung shot, sand club, sandbag, or metal knuckles, nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms: *Provided, however,* That machine guns, or sawed-off shotguns, and blackjacks may be possessed by the members of the Army, Navy, or Marine Corps of the United States, the National Guard, or Organized Reserves when on duty, the Post Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly appointed law-enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money, securities, or other valuables, wholesale dealers and retail dealers licensed under section 10 of this Act.

PENALTIES

Punishment for violations.

SEC. 15. Any violation of any provision of this Act for which no penalty is specifically provided shall be punished by a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

CONSTITUTIONALITY

Invalidity of any provision not to affect remainder.

SEC. 16. If any part of this Act is for any reason declared void, such invalidity shall not affect the validity of the remaining portions of this Act.

CERTAIN ACTS REPEALED

Vol. 31, p. 1328, repealed.

SEC. 17. The following sections of the Code of Law for the District of Columbia, 1919, namely, sections 855, 856, and 857, and all other Acts or parts of Acts inconsistent herewith, are hereby repealed.

Approved, July 8, 1932.

[CHAPTER 466.]

JOINT RESOLUTION

July 8, 1932.
[H. J. Res. 462.]
[Pub. Res., No. 35.]

Making an appropriation to provide transportation to their homes for veterans of the World War temporarily quartered in the District of Columbia.

World War veterans. Appropriation for, to provide transportation from District of Columbia to their homes.
Post, p. 701.

Proviso.
Credited as a loan.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That to enable the Administrator of Veterans' Affairs, upon the request of any honorably discharged veteran of the World War, temporarily quartered in the District of Columbia, who is desirous of returning to his home, to provide such veteran with railroad transportation thereto prior to July 15, 1932, together with travel subsistence at the rate of 75 cents per day, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000: *Provided,* That all amounts expended under this appropriation in behalf of any veteran shall constitute a loan without interest which, if not repaid to the United States, shall be deducted from any amounts payable to such veteran on his adjusted-service certificate.

Approved, July 8, 1932.

Calendar No. 608

72D CONGRESS
1st Session

}

SENATE

}

REPORT
No. 575

TO CONTROL SALE OF FIREARMS IN THE DISTRICT OF COLUMBIA

APRIL 19, 1932.—Ordered to be printed

Mr. CAPPER, from the Committee on the District of Columbia,
submitted the following

REPORT

[To accompany H. R. 8754]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 8754) to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, having considered the same, reports favorably thereon, and recommends that the bill do pass, with the following amendments:

On page 1, line 5, after the word "length", strike out the remainder of the paragraph and insert a period.

On page 1, after line 7, insert the following:

"Sawed-off shotgun", as used in this act, means any shotgun with a barrel less than twenty inches in length."

On page 6, line 13, after the word "gun", insert a comma and the words "sawed-off shotgun".

On page 6, line 23, after the word "gun", insert the words "sawed-off shotgun".

On page 7, line 2, after the word "gun", insert the words "sawed-off shotgun".

On page 7, line 9, after the words "guns", insert the words "sawed-off shotguns".

On page 7, line 25, after the word "gun", insert a comma and the words "sawed-off shotgun".

On page 8, line 7, after the word "pistols", strike out the word "and", and insert a comma; in the same line, after the word "guns", insert the words "and sawed-off shotguns".

On page 8, line 13, after the word "gun", insert the words "sawed-off shotgun".

On page 9, line 11, after the word "gun", insert a comma and the words "sawed-off shotgun".

On page 9, line 17, after the word "pistol", strike out the word "or" and insert a comma; in the same line, after the word "gun", strike out the period, insert a comma and the words "or sawed-off shotgun" and a period.

On page 9, line 18, after the word "pistol", strike out the word "or" and insert a comma; in the same line, after the word "gun", insert a comma and the words "or sawed-off shotgun".

On page 10, line 12, after the word "guns", insert a comma and the words "sawed-off shotguns".

On page 10, line 13, after the word "by", strike out the words "any foreign government" and the comma immediately following.

PURPOSE OF THE BILL

The intent of the proposed legislation is to provide a fair and effective control of the traffic in firearms in the District of Columbia.

The bill embraces a comprehensive program of such control, with six principal features. These are:

1. Regulation of the sale of pistols to the public, and of firearms and other weapons to law-enforcement officers, Government agencies, etc.
2. Licensing of dealers in firearms.
3. Licensing of persons to carry pistols.
4. Prohibiting possession of weapons for which there is no legitimate use.
5. Prohibiting possession of pistols by persons previously convicted of a crime of violence.
6. Imposition of penalties for commission of a crime while armed, in addition to the penalty for the crime.

NEED FOR LEGISLATION

The need for firearms legislation has been recognized by public officials and the people of the District of Columbia for many years.

All types of deadly weapons are openly sold in the District with virtually no restrictions. The existing law regulating sale of dangerous weapons requires merely that a purchaser shall, at the time of purchase, give his name and address to the dealer, who communicates this information to the police, after the sale. The law is ineffective and invites evasion.

The police department has informed the committee that firearms were used in 686 crimes of violence in the 5-year period ending June 30, 1931.

The bill hereby reported is based on the uniform firearms act drafted by the national conference of commissioners on uniform State laws and approved by the American Bar Association, after many years' study of firearms legislation.

The bill has been studied and favorably reported on by the District Commissioners and numerous civic organizations. The committee knows of no objection to its enactment on the part of any Washingtonian.

CONTROL OF PISTOL SALES

Under the terms of the bill, the prospective purchaser of a pistol is required to sign in duplicate and give to the dealer a statement

containing his name, address, occupation, and other pertinent information. The dealer is to give one copy of this application to the police within six hours. The sale can not be consummated, however, until 48 hours after the time of application.

The provision allows ample time for investigation of the applicant. It would prevent also the hasty and impulsive purchase of firearms for whatever purpose.

POSSESSION OF REVOLVERS

The right of an individual to possess a pistol in his home, or on land belonging to him, is not disturbed by the bill.

The superintendent of police is empowered by the bill to issue licenses, valid for one year, to carry revolvers.

PENALTIES FOR COMMITTING CRIMES OF VIOLENCE WHEN ARMED

The bill proposes the imposition of penalties for committing crimes of violence when armed. These penalties would be in addition to those already provided by law for such criminal offenses, and range from a maximum of five years' imprisonment for a first conviction to a maximum of 30 years for a fourth or subsequent conviction.

VARIOUS RESTRICTIONS IMPOSED BY BILL

The bill prohibits—

Possession or ownership of a pistol by any person previously convicted of a crime of violence;

Unlicensed carrying of concealed weapons;

Sale of a pistol by any person in the District "to a person who he has reasonable cause to believe is not of sound mind, or is a drug addict, or is a person who has been convicted in the District of Columbia or elsewhere of a crime of violence or, except when the relation of parent and child or guardian and ward exists, is under the age of 18 years;"

Open display by dealers of pistols or placards advertising the sale of pistols;

Giving of false information or offering false evidence of identity in purchase of firearms or in applying for a license to carry a pistol;

Alteration or obliteration of identifying marks on firearms;

Possession of any machine gun, sawed-off shotgun, blackjack, slung shot, sand club, sandbag, metal knuckles or any device for silencing or muffling the noise of firing any firearm.

OTHER PROVISIONS

Exceptions are made by the bill to provide for the purchase and possession of firearms and other weapons by Government agencies, military organizations, persons entrusted with the care of valuables, law enforcement officers generally, licensed dealers, etc.

The procedure for licensing of dealers, and the keeping of stock and sale records by dealers, are provided also.

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AMENDMENTS

The committee gave extended consideration to a Senate bill identical to that hereby reported, differing only in one particular.

This exception lies in amendments made on the floor of the House so as to include sawed-off shotguns in the restrictive provisions of the act. The committee agrees that such weapons have no legitimate private use in the District of Columbia, and should not be sold to or possessed by the general public.

The committee therefore has amended the bill to define the term "sawed-off shotgun," and has inserted this term in a number of places throughout the bill to carry out the full intent of the House amendments.

INDORSEMENTS

The committee held a public hearing on the proposed legislation, as embodied in the Senate bill (S. 2751), and discussed the House bill subsequent to its reference to the committee. No opposition to the bill was manifested at the hearing.

The enactment of this plan of firearms control is urged by the District Commissioners, the Federation of Citizens' Associations, the District of Columbia Department of the American Legion, the District Federation of Women's Clubs, the Washington Board of Trade, the National Rifle Association, the National Anti-Weapon Association, the Federal Bar Association, and numerous other clubs and associations.

There are appended hereto, as part of this report, the commissioners' report on the Senate bill, and sundry communications of interested organizations.

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 26, 1932.

HON. ARTHUR CAPPER,
*Chairman Committee on the District of Columbia,
United States Senate, Washington, D. C.*

DEAR SIR: The Commissioners of the District of Columbia have the honor to recommend favorable action upon Senate bill 2751, Seventy-second Congress, first session, entitled "A bill to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes," which you referred to them at your instance for report touching the merits of the bill and the propriety of its passage.

The bill has been carefully reviewed by representatives of the Washington Board of Trade, of the police department, and of the corporation counsel for the District, as well as by the commissioners; and all agree that its enactment would serve the need felt for the control of the possession, sale, transfer, and use of pistols and other dangerous weapons in the District.

Very truly yours,

L. H. REICHELDERFER,
President Board of Commissioners of the District of Columbia.

FEDERATION OF CITIZENS' ASSOCIATIONS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., February 6, 1932.

HON. ARTHUR CAPPER,
*Chairman Committee on the District of Columbia,
Senate Office Building, Washington, D. C.*

DEAR SENATOR CAPPER: At its meeting January 30, the Federation adopted a report of its committee on law and legislation approving Senate bill 2751 to

TO CONTROL SALE OF FIREARMS IN DISTRICT OF COLUMBIA 5

control the possession, sale, transfer, and use of pistols, etc., concluding with the following language:

"We not only favor the pending bill, but feel that it could be broadened with propriety to impose similar restrictions upon the sale of firearms generally regardless of barrel length."

Respectfully,

H. C. PHILLIPS,
Corresponding Secretary.

THE AMERICAN LEGION,
DEPARTMENT OF THE DISTRICT OF COLUMBIA,
Washington, D. C., February 6, 1932.

Hon. ARTHUR CAPPER,
Washington, D. C.

SIR: Inclosed herewith is a copy of a resolution adopted by the American Legion, Department of the District of Columbia, at its last executive committee meeting held on Thursday, January 28, 1932.

Respectfully,

C. W. BROWNING,
Department Adjutant.

Whereas the safety of peaceful citizens of the District of Columbia demands that some restriction be placed upon the sale of firearms in the District of Columbia: Therefore be it

Resolved, That the executive committee of the Department of the District of Columbia, American Legion, approves the Capper firearms control bill, S. 2751, introduced in the Senate by Senator Capper, and commends its enactment by the Congress of the United States.

WASHINGTON BOARD OF TRADE,
Washington, D. C., December 30, 1931.

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SENATOR CAPPER: This is to notify you of the passage of the inclosed proposed firearms bill, unanimously by the public order committee and executive committee of the Washington Board of Trade.

Very truly yours,

ODELL S. SMITH,
Chairman Public Order Committee.

Resolved, That the District of Columbia Federation of Women's Clubs indorses S. 2751, introduced by Senator Capper to control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia: And be it further

Resolved, That copies of this resolution be sent to the Senate and House Committees on the District of Columbia and to the Commissioners of the District of Columbia.

Presented to the District of Columbia Federation of Women's Clubs by the department of legislation.

EDITH L. PHELPS,
Chairman of Legislation, Federation of Women's Clubs.

Adopted January 25, 1932.

NATIONAL RIFLE ASSOCIATION OF AMERICA,
Washington, D. C., April 18, 1932.

Senator ARTHUR CAPPER,
Washington D. C.

MY DEAR SENATOR CAPPER: This letter is to inform you that the National Rifle Association is in thorough accord with the provisions of Senate bill 2751 and H. R. 8754. These bills are based upon what is known as the uniform firearms act, applicable to the District of Columbia. It is our earnest hope that your committee will speedily report the bill favorably to the Senate as it is our

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desire this legislation be enacted for the District of Columbia, in which case it can then be used as a guide throughout the States of the Union, some seven or eight of which have already enacted similar legislation.

Very truly yours,

M. A. RECKORD,
Executive Vice President.

THE FEDERAL BAR ASSOCIATION,
Washington, D. C., February 26, 1932.

HON. ARTHUR CAPPER,
United States Senate.

MY DEAR SENATOR CAPPER. The Federal Bar Association has considered the bill S. 2751 relating to the sale of firearms in the District of Columbia and has approved it. This measure seems especially necessary at this time when thousands of visitors are expected to come to Washington in connection with the bicentennial celebration. Numerous cases have recently been called to my attention in which crimes could not have been committed if there had been a proper regulation of the sale of arms in the District of Columbia. Such restrictions prevail in England and many other countries and severe penalties are imposed upon those illegally in possession of firearms. This Government should not lag behind the rest of the world in restricting the activities of its criminal element.

With appreciation of your interest in the matter and assurance of our hearty support of this measure, I am,

Very sincerely yours,

WILLIAM R. VALLANCE, *President.*

NORTHEAST WASHINGTON CITIZENS' ASSOCIATION,
Washington, D. C., February 10, 1932.

SENATE COMMITTEE ON THE DISTRICT OF COLUMBIA,
Senate Office Building, Washington, D. C.

GENTLEMEN: At the last meeting of our association held on February 8, 1932, the members indorsed Senate bill No. 2751, a bill regulating the sale and possession of firearms in the District of Columbia, with the following limitation:

"That an amendment be added which shall constitutionally prevent the importation of such firearms into the District by mail or otherwise except to licensed dealers or to the purchasing departments of the District of Columbia and Federal Governments."

Very truly yours,

JOSEPH NOTES,
Secretary Northeast Washington Citizens' Association.

SOUTHEAST WASHINGTON CITIZENS' ASSOCIATION (INC.),
Washington, D. C., January 28, 1932.

HON. ARTHUR CAPPER,
United States Senate, Washington, D. C.

DEAR SENATOR: The Southeast Washington Citizens' Association (Inc.), at their meeting of January 26, 1932, adopted a resolution indorsing a firearms control act for the Nation's Capital.

It is earnestly hoped Congress will take early action on this question.

Yours very truly,

GEORGE C. GLICK, *Secretary.*

MID-CITY CITIZENS' ASSOCIATION,
Washington, D. C., January 29, 1931.

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SIR: I am pleased to inform you that at the last regular meeting of the Mid-City Citizens' Association it was voted to indorse the bill you have recently introduced which is known as S. 2751, to control the possession, sale, etc., of pistols and other dangerous weapons—the "fire arms" bill.

Respectfully,

M. E. SALSBURY, *Secretary.*
ADDENDUM 70

WEST END CITIZENS' ASSOCIATION,
Washington, D. C., February 18, 1932.

HON. ARTHUR C. CAPPER,
Chairman Senate District Committee, Washington, D. C.

DEAR SIR: At a recent meeting of the West End Citizens' Association the following resolution was unanimously adopted:

"Resolved, That the West End Citizens' Association endorse the firearms control act for the District of Columbia."

Sincerely yours,

DAVID BAPP, Secretary.

MOUNT PLEASANT CITIZENS' ASSOCIATION,
Washington, D. C., February 24, 1932.

HON. ARTHUR CAPPER,
United States Senate, Washington, D. C.

MY DEAR SENATOR CAPPER: For your information and such use as you may deem proper, there is inclosed a copy of a resolution adopted by our association at its meeting on Saturday evening last.

Very truly yours,

JOHN DE LA MATER, Secretary.

Whereas the District of Columbia does not have an adequate law for the control of firearms and other dangerous weapons; and

Whereas Senator Arthur Capper and Representative Mary T. Norton have presented bills to their respective branches of Congress to control the possession, sale, transfer, and use of pistols and other dangerous weapons: Therefore be it

Resolved, That the Mount Pleasant Citizens' Association most highly commends Senator Capper and Representative Norton, and that it earnestly urges Congress to pass Senate bill No. 2751 and House bill No. 8754 at the earliest possible date; and be it further

Resolved, That copies of this resolution be sent to Hon. Arthur Capper, Hon. Mary T. Norton, the honorable Commissioners of the District of Columbia, and the Federation of Citizens' Associations.

Submitted by Earl E. Dillon, chairman committee on fire and police protection.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Mount Pleasant Citizens' Association at its meeting on February 13, 1932.

JOHN DE LA MATER, Secretary.

MICHIGAN PARK CITIZENS' ASSOCIATION,
Washington, D. C., January 19, 1932.

HON. ARTHUR CAPPER,
United States Senator.

MY DEAR SENATOR CAPPER: I beg to acknowledge the receipt of a copy of your radio address dealing with the subject, A Firearms Control Act for the Nation's Capital. Your message was read to the meeting of the Michigan Park Citizens Association, held Wednesday evening, January 13, 1932, and I am pleased to inform you that the association indicated by proper resolution its entire accord and support with your bill, it being their opinion that the results to be obtained from your proposed legislation will have an extremely good effect on this city.

Assuring you of the desire of our association to cooperate with you in your untiring efforts to improve conditions in this city, I am,

Very truly yours,

WM. AL KIRKLAND, Secretary.

AMERICAN UNIVERSITY PARK CITIZENS' ASSOCIATION,
Washington, D. C., February 13, 1932.

HON. ARTHUR CAPPER,
Chairman District of Columbia Committee,
United States Senate, Washington, D. C.

SIR: At its February meeting this association adopted the following resolution:

"Resolved, That the American University Park Citizens' Association indorses the act identified as the uniform firearms acts, Senate bill No. 2751, and urges its speedy enactment into law, providing, however, that an amendment be made to

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said bill by the insertion, on page 5, line 10, after the word 'addict,' of the words 'or is an habitual drunkard,' or words to the same effect."

This association would be glad to see legislation on this subject extended in scope so as to include not only small firearms, which alone are included in Senate bill No. 2751, but firearms of whatever size or description. It refrains from proposing such an amendment to the present bill at this time, desiring to have the protection which this law will provide with the least possible delay. However, a future extension of the act to include larger weapons is respectfully recommended to the consideration of the Congress.

Very truly yours,

ELIZABETH L. MCCOLLUM, *Secretary.*

Same letter to District Committee, House of Representatives.

Copy to Federation of Citizens' Associations of District of Columbia.

CITIZENS FORUM OF COLUMBIA HEIGHTS,
Washington, D. C., February 18, 1932.

HON. ARTHUR CAPPER,
United States Senate, Washington, D. C.

DEAR MR. CAPPER: At the regular meeting of this forum, February 16, 1932, your bill (S. 2751) entitled "A bill to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia," was given unanimous indorsement by the members of the association. A copy of the bill, with the indorsement of the forum, was ordered sent to the Federation of Citizens Associations.

Very sincerely yours,

H. V. MAYBEE, *Secretary.*

PROGRESSIVE CITIZENS ASSOCIATION OF GEORGETOWN,
Washington, D. C., January 28, 1932.

HON. ARTHUR CAPPER,
*Committee of the District of Columbia,
United States Senate, Washington, D. C.*

DEAR SENATOR CAPPER: The Progressive Citizens' Association of Georgetown at the regular meeting held January 18, 1932, indorsed S. 2751 to control the possession, sale, transfer, and use of pistols, request you to add in section 7, line 12, "or habitual drunkards."

Senate bill 10 to extend the powers of the Commissioners of the District was not indorsed. A copy of the resolution passed by the organization is inclosed.

We are especially interested in S. 2172, to provide old-age securities for persons over 60 years of age residing in the District of Columbia.

Is there any thing we can do to assist in the passage of this bill, which we have already indorsed?

Sincerely yours,

(Mrs.) HELEN STAFFORD WHITTON.

WASHINGTON HIGHLANDS CITIZENS' ASSOCIATION.
Washington, D. C., February 6, 1932.

HON. ARTHUR CAPPER,
*Chairman Committee on District of Columbia,
Senate Office Building, Washington, D. C.*

DEAR SENATOR CAPPER: I have been instructed by the Washington Highlands Citizens' Association, in regular meeting assembled, to inform you this association has gone on record as indorsing the bill you introduced in Congress for the regulation of the sale and possession of firearms in the District of Columbia.

We assure you we are grateful to you for this legislation, and feel it should be indorsed by all the people.

Very truly yours,

CARRIE L. DAVIDSON, *Secretary.*

NORTH CLEVELAND PARK CITIZENS' ASSOCIATION,
Washington, D. C., February 3, 1932.

HON. ARTHUR CAPPER,
Senate Office Building, Washington, D. C.

DEAR SIR: Upon direction of the association, I am inclosing herewith a copy of a resolution recently adopted, in support of a measure in which you are interested.

I am sure this not only expresses the opinions of the members of this association but also that of the majority of our citizens.

Yours truly,

JOHN A. BRESNAHAN,
Secretary.

Resolution presented by Mr. John B. Dickman, jr., at the February 2, 1932, meeting of the North Cleveland Park Citizens' Association, and adopted by unanimous vote of the association on that date.

A FIREARMS CONTROL ACT FOR THE NATIONS' CAPITAL

Whereas the indiscriminate sale of firearms has been an outstanding menace to the security and welfare of the citizens of the city of Washington, who for many years have memorialized the Congress of the United States for enactment of remedial legislation; and

Whereas the need for regulation of the sale of firearms was greater or more urgent on the record of recent law transgressions in which firearms played the principal part: Therefore be it

Resolved, That North Cleveland Park Citizens' Association, in regular meeting assembled, this 2d day of February, 1932, indorse the sentiments expressed by Senator Capper, of Kansas, in his address as a member of the Advisory Council of the National Antiweapon Association, December 16, 1931, and broadcasted on that date; and be it further

Resolved, That the officers of this association, in company with the committee on law and legislation, attend the meetings of the Senate on the District of Columbia when hearings are scheduled on bills relating to the sale of firearms in the District of Columbia, that a copy of these resolutions be forwarded to Senator Capper, of Kansas.

NEWCOMB CLUB,
Bethesda, Md., February 19, 1932

Senator ARTHUR CAPPER,
Senate Office Bldg., Washington, D. C.

DEAR SIR: The Newcomb Club of Bethesda wishes to go on record as favoring your bill for the restriction of the sale of firearms in the District of Columbia.

Although we are located in Maryland, because of the proximity of Bethesda to the District we are directly affected by such legislation.

Sincerely,

(Mrs.) L. B. MAY M. JACKSON,
Corresponding Secretary.

THE AMERICAN LEGION,
Washington, D. C., January 29, 1932.

HON. ARTHUR CAPPER,
United States Senate, Washington, D. C.

SIR: Victory Post, No. 4, of the American Legion of the Department of the District of Columbia in regular meeting on January 26, 1932, adopted unanimously the inclosed resolution.

Yours truly,

A. J. KEARNEY, Adjutant.

Whereas the safety of peaceful citizens of the District of Columbia demands that some restriction be placed upon the sale of firearms in the District of Columbia: Therefore be it

Resolved, That Victory Post No. 4 of the Department of the District of Columbia, American Legion, approves the Capper firearms control bill introduced in the Senate by Senator Capper and commends its enactment by the Congress of the United States.

10 TO CONTROL SALE OF FIREARMS IN DISTRICT OF COLUMBIA

Resolved, That the Petworth Woman's Club indorses S. 2751, a bill introduced by Senator Capper to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, and that copies of this resolution be sent to the Senate and House Committees on the District of Columbia.

NATIONAL ANTI-WEAPON ASSOCIATION,
March 2, 1932.

Hon. ARTHUR CAPPER,
Chairman Committee on the District of Columbia,
United States Senate, Washington, D. C.

DEAR SENATOR CAPPER: You are to be commended for the interest you have manifested in a firearms control law for the District of Columbia.

The fact that Washington is completely lacking in the control and regulation of the sale of pistols and revolvers doubtless constitutes one of the most serious problems confronting the police to-day in the suppression of violent crimes.

Not the least important provision of this pending legislation is the elementary safeguard it provides for children.

When you consider that some 20 childhood fatalities resulting from shooting were reported in the local newspapers, as occurring in various parts of the United States during the one month of December, 1931, it would seem children can and do all too easily secure deadly weapons.

Immediate passage by Congress of the firearms control bill would constitute not only a protective measure for children—it would be a constructive move for the general betterment of the Nation's capital city.

Yours very truly,

E. R. GRANT, *President*.

METROPOLITAN POLICE DEPARTMENT,
District of Columbia, March 8, 1932.

Hon. ARTHUR CAPPER,
United States Senate, Washington, D. C.

MY DEAR SENATOR CAPPER: I am sending, for your information in connection with your firearms bill, the following data secured from our statistical bureau and information available to that bureau:

In the District of Columbia	Total	Average per year
1. Pistols sold during the 3 years ending June 30, 1931.....	10, 171	3, 390½
2. Crimes committed in which firearms were used during the 5 years ending June 30, 1931:		
Murders.....	132	26¾
Manslaughter.....	4	¾
Robberies.....	982	196½
Assault with dangerous weapon.....	550	110
3. Number of cases of above in which shootings occurred.....	686	137½

I am informed that your bill is progressing nicely, which is very gratifying.
Sincerely yours,

PELHAM D. GLASSFORD,
Major and Superintendent.

WHEATLEY PARENT-TEACHER ASSOCIATION,
Washington, D. C., January 18, 1932.

Hon. Senator ARTHUR CAPPER,
Chairman Senate District Committee,
United States Senate, Washington, D. C.

MY DEAR SENATOR CAPPER: Having seen in the local papers and heard your talk over the radio to the effect that you have introduced a bill in Congress for the regulation of the sale of firearms in the District of Columbia, the Wheatley School Parent-Teacher Association takes this opportunity to inform you that at its last meeting the members unanimously voted to indorse your measure.

TO CONTROL SALE OF FIREARMS IN DISTRICT OF COLUMBIA 11

It is evident from the frequent cases of shooting persons in this city, both malicious and accidental, that there should be a law preventing the sale of these deadly weapons so promiscuously. It should not be possible for irresponsible persons or those bent on crime to walk into a store and without any formality purchase a pistol or other dangerous firearms.

There have been just recently several accidental shootings of small children, resulting either in the death or severe injury to the victims. Such conditions should be made impossible by stringent law, and we feel that the passage of your bill will not only be of benefit to the present generation but also those to follow.

Ever mindful of your deep interest in the welfare of the residents of the District of Columbia, we are,

Most sincerely yours,

Mrs. KATHRYN B. SHILLING,
Corresponding Secretary.

○

substance or matter of any kind which is injurious to person or property, or is nauseous, sickening, irritating or offensive to any of the senses.

(2) It shall be unlawful to manufacture or prepare, or to possess any liquid, gaseous, or solid substance or matter of any kind which is injurious to person or property, or is nauseous, sickening, irritating or offensive, to any of the senses with intent to throw, drop, pour, deposit, release, discharge or expose the same in, upon or about any theater, restaurant, place of business, place of amusement, or any other place of public assemblage.

(3) **Penalty.** Any person violating any of the provisions hereof shall be punished by imprisonment in the county jail for not less than three months and not more than one year, or by a fine of not less than five hundred dollars and not more than two thousand dollars, or by both such fine and imprisonment.

(4) Any person who, in violating any of the provisions of subdivision (1) of this section, wilfully employs or uses any liquid, gaseous or solid substance which may produce serious illness or permanent injury through being vaporized or otherwise disbursed in the air or who, in violating any of the provisions of subdivision (1) of this section, wilfully employs or uses any tear gas, mustard gas or any of the combinations or compounds thereof, or wilfully employs or uses acid or explosives, shall be guilty of a felony and shall be punished by imprisonment in the State prison for not less than one year and not more than five years. **Penalty.**

CHAPTER 450.

An act to amend sections 1, 2, 3, 6, and 7 of an act entitled "An act regulating the sale, offering for sale, possession or transportation of machine rifles, machine guns and sub-machine guns, and providing a penalty for the violation thereof," approved May 16, 1927. **Stats. 1927, p. 938, amended.**

[Approved by the Governor May 20, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Section 3 of the act cited in the title hereof is hereby amended to read as follows: **Stats. 1931, p. 2203.**

Sec. 3. It shall be lawful for the Superintendent of the Division of Criminal Identification and Investigation of the Department of Penology to issue permits for the possession and transportation or possession or transportation of such machine guns, upon a showing satisfactory to him that good cause exists for the issuance thereof to the applicant for such permit; provided, that no permit shall be issued to a person who is under twenty-one years of age. **Permits re machine guns.**

Stats. 1931,
p. 2203.

SEC. 2. Section 1 of said act is hereby amended to read as follows:

Possession
or sale of
machine
guns.

Section 1. On and after the date upon which this act takes effect every person, firm or corporation, who within the State of California sells, offers for sale, possesses or knowingly transports any firearms of the kind commonly known as a machine gun, except as herein prescribed, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the State Prison not to exceed five years or by a fine not to exceed five thousand dollars or by both such fine and imprisonment.

Exceptions.

Provided, however, that nothing in this act contained shall prohibit the sale to, purchase by, or possession of such firearms by police departments and members thereof, sheriffs, and city marshals, or the military or naval forces of this State or of the United States for use in the discharge of their official duties.

Stats. 1927,
p. 938.

SEC. 3. Section 2 of said act is hereby amended to read as follows:

Machine
gun defined.

Sec. 2. The term machine gun as used in this act shall be construed to apply to and include all firearms known as machine rifles, machine guns, or submachine guns capable of discharging automatically and continuously loaded ammunition of any caliber in which the ammunition is fed to such gun from or by means of clips, discs, drums, belts or other separable mechanical device and all firearms which are automatically fed after each discharge from or by means of clips, discs, drums, belts or other separable mechanical device having a capacity greater than ten cartridges.

Stats. 1931,
p. 2203.

SEC. 4. Section 6 of said act is hereby amended to read as follows:

Revocation
of permits.

Sec. 6. Permits issued in accordance with this act may be revoked by the issuing authority at any time when it shall appear that the need for such firearms has ceased or that the holder of the permit has used such firearms for purposes other than those allowed by the permit or that the holder of the permit has not exercised great care in retaining custody of any weapons possessed under the permit.

Stats. 1931,
p. 2203.

SEC. 5. Section 7 of said act is hereby amended to read as follows:

Licenses
to sell.

Sec. 7. The Superintendent of the Division of Criminal Identification and Investigation of the Department of Penology may also grant licenses in a form to be prescribed by him effective for not more than one year from the date of issuance, to permit the sale at the place specified in the license of such firearm subject to all of the following conditions, upon breach of any of which the license shall be revoked:

Conditions.

1. Such business shall be carried on only in the place designated in the license.

2. Such license or a certified copy thereof must be displayed on the premises in a place where it may easily be read.

3. No such firearm shall be delivered to any person not authorized to receive the same under the provisions of this act.

4. A complete record must be kept of sales made under the authority of the license, showing the name and address of the purchaser, the descriptions and serial numbers of the weapons purchased, the number and date of issue of the purchaser's permit, if any, and the signature of the purchaser or purchasing agent. This record shall be open to the inspection of any peace officer or other person designated by the Superintendent of the Bureau of Criminal Identification and Investigation.

CHAPTER 451.

An act to amend section 4041.11 of the Political Code, relating to powers and duties of boards of supervisors.

[Approved by the Governor May 20, 1933. In effect August 21, 1933.]

The people of the State of California do enact as follows:

SECTION 1. Section 4041.11 of the Political Code is hereby amended to read as follows: Stats. 1929, p. 1450.

4041.11. (1) Under such limitations and restrictions as Pounds, etc. are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and powers to maintain, regulate and govern public pounds, fix the limits within which animals shall not run at large, and appoint poundkeepers, who shall be paid out of the fines imposed and collected from the owners of impounded animals, and from no other source.

(2) To provide for the prevention of injuries to sheep by dogs, and to tax dogs and direct the application of the tax. Protection of sheep.

(3) To provide for the destruction of gophers, squirrels, Pests. other wild animals, noxious weeds, plant diseases, and insects injurious to fruit or fruit trees, or vines, or vegetable or plant life.

(4) To provide by ordinances, not in conflict with the general laws of the State, for the protection of fish and game, and may shorten the season for taking or killing of fish and game, within the dates fixed by the general State laws, but shall not lengthen the same. Protection of fish and game.

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corrected thereby, and shall be certified by the proper officers of the municipality as to authorization and by an engineer or surveyor as to correctness, and the signatures of such persons shall be acknowledged in like manner as a deed.

Such plat or plats when so certified and acknowledged may be filed in the office of the register of deeds and the declaration thereon may be recorded at length in a "Book of Plat Certificates"; and when so filed and recorded such plat or plats and declaration together with the record thereof shall be prima facie evidence in all matters shown or stated therein as to the lands covered thereby.

This act shall not apply to a city whose charter provides for official supervision of plats by municipal officers, commission or board.

Approved April 10, 1933.

CHAPTER 189—H. F. No. 166

An act to amend Mason's Minnesota Statutes of 1927, Section 7456, relating to renewal of corporate existence.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Publication of notices of renewal of corporate existence.—That Mason's Minnesota Statutes of 1927, Section 7456, be amended so as to read as follows:

"7456. No such resolution shall take effect until a duly certified copy thereof shall have been filed, recorded, and published in the same manner as its original certificate. *Provided, that in the case of a co-operative association, it shall not be necessary to publish said resolution.*"

Approved April 10, 1933.

CHAPTER 190—H. F. No. 189

An act making it unlawful to use, own, possess, sell, control or transport a "machine gun", as hereinafter defined, and providing a penalty for the violation thereof.

App. 53

ADDENDUM 80

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Definitions.**—(a) Any firearm capable of loading or firing automatically, the magazine of which is capable of holding more than twelve cartridges, shall be a machine gun within the provisions of this Act.

(b) Any firearm capable of automatically reloading after each shot is fired, whether firing singly by separate trigger pressure or firing continuously by continuous trigger pressure; which said firearm shall have been changed, altered or modified to increase the magazine capacity from the original design as manufactured by the manufacturers thereof, or by the addition thereto of extra and/or longer grips or stocks to accomodate such extra capacity, or by the addition, modification and/or attachment thereto of any other device capable of increasing the magazine capacity thereof, shall be a machine gun within the provisions of this Act.

(c) A twenty-two caliber light sporting rifle, capable of firing continuously by continuous trigger pressure, shall be a machine gun within the provisions of this Act. But a twenty-two caliber light sporting rifle, capable of automatically reloading but firing separately by separate trigger pressure for each shot, shall not be a machine gun within the provisions of this Act and shall not be prohibited hereunder, whether having a magazine capacity of twelve cartridges or more. But if the same shall have been changed, altered, or modified, as prohibited in section one (b) hereof, then the same shall be a machine gun within the provisions of this Act.

Sec. 2. **Application.**—This Act shall not apply to sheriffs, coroners, constables, policemen or other peace officers, or to any warden, superintendent or head keeper of any prison, penitentiary, county jail or other institution for retention of any person convicted of or accused of crime, while engaged in the discharge of official duties, or to any public official engaged in the enforcement of law; nor to any person or association possessing a machine gun not useable as a weapon and possessed as a curiosity, ornament or keepsake; when such officers and persons and associations so excepted shall make and file with the Bureau of Criminal Apprehension of this state within 30 days after the passage of this Act, a written report showing the name and address of such person or association and the official title and position of such officers and showing a particular description of such machine gun now owned or possessed by them or shall make such report as to hereinafter acquired machine guns within 10 days of the acquisition thereof; nor to any person legally summoned to assist in making arrests or preserving peace, while said person so summoned is engaged in assisting such officer; nor shall this Act apply to the armed forces of the United States or of the State of Minnesota.

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Sec. 3. **Machine guns prohibited.**—Any person who shall own, control, use, possess, sell or transport a machine gun, as herein defined, in violation of this Act, shall be guilty of a felony.

Approved April 10, 1933.

CHAPTER 191—S. F. No. 336

An act to amend Mason's Minnesota Statutes of 1927, Section 646 relating to claims against counties.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Claims against county—appeal.**—That Mason's Minnesota Statutes of 1927, Section 646, be amended to read as follows:

“646. When any claim against a county is disallowed by the board in whole or in part, a claimant may appeal from its decisions to the district court by causing a written notice of such appeal to be filed in the office of the auditor within fifteen days after *written notice mailed to said claimant by the county auditor showing the disallowance of said claim* and giving security for costs, to be approved by the auditor, who shall forthwith notify the county attorney thereof. When any claim against a county shall be allowed in whole or in part by such board, no order shall be issued in payment of the same or any part thereof until after fifteen days from date of the decision; and the county attorney may, on behalf and in the name of such county, appeal from such decision to the district court, by causing a written notice of such appeal to be filed in the office of the auditor within fifteen days after date of the decision appealed from; or any seven taxpayers of the county may in their own names appeal from such decision, to the district court by causing a written notice of appeal stating the grounds thereof to be filed in the office of the auditor within fifteen days after the date of the decision appealed from, and giving to the claimant security for his costs and disbursements to be approved by a judge of the district court; and thereafter no order shall be issued in payment of any such claim until a certified copy of the judgment of the court shall be filed in the office of the auditor. Upon the filing of such notice of appeal, the court shall acquire jurisdiction of the parties and of the subject matter, and may compel a return to be made as in the case of an appeal from a judgment of a justice of the peace.

Approved April 10, 1933.

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Passed March 30, 1933.

Approved April 6, 1933.

GEORGE WHITE,
Governor.

The sectional number herein is in conformity to the General Code.

JOHN W. BRICKER,
Attorney General.

Filed in the office of the Secretary of State at Columbus, Ohio, on
the 10th day of April, A. D. 1933.

GEORGE S. MYERS,
Secretary of State.

File No. 63.

(House Bill No. 166)

AN ACT

To supplement section 12819 of the General Code by the enactment of
supplemental sections 12819-3, 12819-4, 12819-5, 12819-6 and
12819-7, relative to the sale and possession of machine guns.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12819 of the General Code be supplemented by the enactment of sections 12819-3, 12819-4, 12819-5, 12819-6 and 12819-7, to read as follows:

Definitions.

Sec. 12819-3. For the purpose of this act, a machine gun, a light machine gun or a sub-machine gun shall be defined as any firearm which shoots automatically, or any firearm which shoots more than eighteen shots semi-automatically without reloading. Automatically as above used means that class of firearms which, while the trigger on the firearm is held back continues to fire successive shots. Semi-automatically means that class of firearm which discharges one shot only each time the trigger is pulled, no manual reloading operation being necessary between shots.

Machine gun permit; application; bond of applicant; exceptions.

Sec. 12819-4. No person shall own, possess, transport, have custody of or use a machine gun, light machine gun or sub-machine gun, unless he first procures a permit therefor from and at the discretion of the

adjutant general of Ohio, who shall keep a complete record of each permit so issued. A separate permit shall be obtained for each gun so owned, possessed or used. The adjutant general shall require each applicant for such permit to give an accurate description of such weapon, the name of the person from whom it was or is to be obtained, the name of the person or persons to have custody thereof and the place of residence of the applicant and the custodian. Before obtaining such permit each applicant shall give bond to the state of Ohio, to be approved by the adjutant general in the sum of five thousand dollars, conditioned to save the public harmless by reason of any unlawful use of such weapon while under the control of such applicant or under the control of another with his consent; and any person injured by such improper use may have recourse on said bond. Provided, however, that this section shall not affect the right of the national guard of Ohio, sheriffs, regularly appointed police officers of incorporated cities and villages, regularly elected constables, wardens and guards of penitentiaries, jails, prisons, penal institutions or financial institutions maintaining their own police force and such special officers as are now or may be hereafter authorized by law to possess and use such weapons when on duty. Any person who owns, possesses or has custody of a machine gun, light machine gun or sub-machine gun at the time when this section shall become effective, shall have thirty days thereafter in which to comply with the provisions of this section.

Penalty for possession, transportation, etc., without permit.

Sec. 12819-5. Whoever owns, possesses, transports or has custody of or uses a machine gun, light machine gun or sub-machine gun without a permit, as provided by section 12819-4 of the General Code, or whoever having such permit, uses or consents to the use by another of such weapon in an unlawful manner, shall be guilty of a felony and upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than ten years.

Requirements for sale, etc.; penalty for violation.

Sec. 12819-6. Whoever sells, barter or gives to another a machine gun, light machine gun or sub-machine gun, shall first require exhibition of the permit provided by section 12819-4 of the General Code, and shall use the information contained in such permit to make a complete record of such transaction, containing the date of the permit and of the transfer together with the names of the parties thereto, which record shall be preserved by such transferor for a period of five years. Whoever violates this section shall, upon conviction, be imprisoned in the penitentiary not less than one or more than five years. This section shall not apply to the barter or sale of machine guns, light machine guns or sub-machine guns to those not required by section 12819-4 of the General Code to procure such permit.

War trophies excepted.

Sec. 12819-7. This act shall not apply to captured war trophies

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ACTS OF ASSEMBLY

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CHAP. 95.—An ACT to empower the councils of cities and towns to release the liability and liens for interest, penalties and accrued costs, or any part thereof, on unpaid taxes due such cities and towns for any year or years to and including 1933, provided such taxes are paid within one hundred and twenty days after this act is in force. [H B 48]

Approved March 7, 1934

1. Be it enacted by the General Assembly of Virginia, That the councils of cities and towns are hereby empowered to release all persons, firms, associations and corporations from all liability, for interest, penalties and accrued costs on any taxes due such respective cities and towns for any year or years prior to and including the year nineteen hundred and thirty-three, that are unpaid at the time the ordinance relieving same goes into effect, provided such unpaid taxes are paid such cities or towns within one hundred and twenty days after the date this act shall be in force.

2. That nothing in this act contained shall empower any such council to release any liability for interest, penalties and accrued costs, or any part thereof, on such unpaid taxes as are not paid within the one hundred and twenty days aforesaid.

3. By reason of the necessity of immediately granting said councils power to grant taxpayers the above relief, an emergency is declared to exist, and this act shall be in force from its passage.

CHAP. 96.—An ACT to define the term "machine gun"; to declare the use and possession of a machine gun, for certain purposes, a crime and to prescribe the punishment therefor; to require manufacturers, dealers and other persons, with certain exemptions, in possession thereof, to register all machine guns with the Secretary of the Commonwealth; to keep records of and report transfers and sales to the said Secretary; to allow inspection of records and of machine guns by peace officers; to provide for seizures and search warrants; to prescribe rules of evidence and presumptions; to provide penalties, and to repeal all inconsistent acts. [S B 110]

Approved March 7, 1934

1. Be it enacted by the General Assembly of Virginia, as follows:
Section 1. Where used in this act:

(a) "Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than seven shots or bullets may be rapidly, or automatically, or semi-automatically discharged from a magazine, by a single function of the firing device, and also applies to and includes weapons, loaded or unloaded, from which more than sixteen shots or bullets may be rapidly, automatically, semi-automatically or otherwise discharged without reloading.

(b) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault with intent to maim,

disable, disfigure or kill, robbery, burglary, housebreaking, breaking and entering, and larceny.

(c) "Person" applies to and includes firm, partnership, association or corporation.

Section 2. Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a crime punishable by death or by imprisonment in the State penitentiary for a term of not less than twenty years.

Section 3. Unlawful possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of not less than ten years.

Section 4. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) When in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) When the machine gun is of the kind described in section eight and has not been registered as in said section required; or

(d) When empty or loaded pistol shells of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

Section 5. The presence of a machine gun in any room, boat, or vehicle shall be *prima facie* evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

Section 6. Nothing contained in this act shall prohibit or interfere with

First. The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose. This act shall not apply to machine guns and automatic arms issued to the National Guard of Virginia by the United States or such arms used by the United States Army or Navy or in the hands of troops of the National Guards of other States or Territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions.

Second. The possession of a machine gun for scientific purposes, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

Third. The possession of a machine gun other than one adapted to use pistol cartridges of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber, for a purpose manifestly not aggressive or offensive.

Section 7. Every manufacturer or dealer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer or dealer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable by a fine of not less than one hundred dollars nor more than one thousand dollars.

Section 8. Every machine gun now in this State adapted to use pistol cartridges of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber shall be registered in the office of the Secretary of the Commonwealth on the effective date of this act, and annually thereafter. If acquired hereafter it shall be registered within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the Secretary of the Commonwealth, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The Secretary of the Commonwealth shall immediately upon registration required in this section furnish the registrant with a certificate of registration, which shall be kept by the registrant and produced by him upon demand by any peace officer. Failure to keep or produce such certificate for inspection shall be a misdemeanor and punishable by a fine of not less than five nor more than one thousand dollars, and any peace officer may, without warrant, seize the machine gun and apply for its confiscation as provided in section nine of this act. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

Section 9. Warrant to search any house or place and seize any machine gun adapted to use pistol cartridges of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber possessed in violation of this act may issue in the same manner and under the same restrictions as provided by law for stolen property, and any court of record, upon application of the Commonwealth's attorney, a police officer or conservator of the peace, shall have jurisdiction and power to order any machine gun, thus or otherwise legally seized, to be confiscated and either destroyed or delivered to a peace officer of the State or a political subdivision thereof.

Section 10. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given

effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 11. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 12. This act may be cited as the Uniform Machine Gun Act.

Section 13. All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

CHAP. 97.—An ACT to make effective the Constitutional provision to the effect that the General Assembly shall establish and maintain an efficient system of public free schools throughout the State, and to repeal all acts and parts of acts inconsistent with this act. [S B 153]

Approved March 7, 1934

Whereas, section one hundred and twenty-nine of the Constitution of Virginia provides that "The General Assembly shall establish and maintain an efficient system of public free schools throughout the State," now, therefore,

1. Be it enacted by the General Assembly of Virginia, as follows:

Section 1. The school board of each and every school division in the State is hereby empowered and required to maintain the public free schools of such division for a period of at least eight months or one hundred and sixty teaching days in each school year. In order that each school division may have the funds necessary to enable the school board to maintain the elementary and high schools thereof for such minimum terms, it is hereby provided that when any county, city or town has legally complied with the existing laws with reference to local school levies, such school division or divisions shall be allotted out of the public school funds held in the treasury of the State for each group of twenty-five to forty pupils in average daily attendance, a sum equal to the amount to be derived by dividing said public school fund by the number of groups of twenty-five to forty pupils in average daily attendance in the State, depending upon the density of population, to be apportioned by the State Board of Education, as provided in section one hundred and thirty-five of the Constitution and in conformity with the provisions of the Code and of the Acts of the Assembly under such rules and regulations as may be set up by said State Board of Education.

Section 2. That in addition the counties and cities shall provide, from local school taxes, as provided in section one hundred and thirty-six of the Constitution of Virginia, for the supplementing of their instructional programs such amounts as will insure the services of properly prepared and effective teaching personnel, and to the degree that financial ability and community interest in education will permit; provided further, that the counties and cities shall provide, in keeping with the laws already existing, such funds as may be necessary for debt service, capital outlay, transportation, general operation and maintenance.