

No. 20-55437

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

KIM RHODE, *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
Southern District of California, Southern Division

The Honorable Roger T. Benitez

No. 3:18-cv-00802-BEN-JLB

**ADDENDUM OF SELECTED STATUTES AND SELECTED 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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Reports to be sent to House of Representatives and printed.

Appropriation for examinations, etc.

Provisos.
No survey, etc., unless provided for.

No supplemental reports, etc., to be made.

No project authorized until appropriation made.

submitting plan and estimate for its improvement; and the Chief of Engineers shall submit to the Secretary of War the reports of the local and division engineers, with his views thereon and his opinion of the public necessity or convenience to be subserved by the proposed improvement; and all such reports of preliminary examinations with such recommendations as he may see proper to make, shall be transmitted by the Secretary of War to the House of Representatives, and are hereby ordered to be printed when so made.

SEC. 8. For preliminary examinations, contingencies, expenses connected with inspection of bridges, the service of notice required in such cases, the examination of bridge sites and reports thereon, and for incidental repairs for which there is no special appropriation for rivers and harbors, one hundred and twenty-five thousand dollars: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this act shall be made: *And provided further*, That after the regular or formal report on any examination, survey, project, or work under way or proposed is submitted, no supplemental or additional report or estimate, for the same fiscal year, shall be made unless ordered by a resolution of Congress. The Government shall not be deemed to have entered upon any project for the improvement of any water way or harbor mentioned in this act until funds for the commencement of the proposed work shall have been actually appropriated by law.

Approved, July 13, 1892.

July 13, 1892.

CHAP. 159.—An Act to punish the carrying or selling of deadly or dangerous weapons within the District of Columbia, and for other purposes.

District of Columbia.

Carrying concealed weapons forbidden.

Openly carrying weapons with unlawful intent forbidden.

Punishment, first offense.

Provisos.
Exceptions.

Lawful use of weapons.

Permits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful for any person or persons within the District of Columbia, to have concealed about their person any deadly or dangerous weapons, such as daggers, air-guns, pistols, bowie-knives, dirk knives or dirks, blackjacks, razors, razor blades, sword canes, slung shot, brass or other metal knuckles.

SEC. 2. That it shall not be lawful for any person or persons within the District of Columbia to carry openly any such weapons as hereinbefore described with intent to unlawfully use the same, and any person or persons violating either of these sections shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for the first offense, forfeit and pay a fine or penalty of not less than fifty dollars nor more than five hundred dollars, of which one half shall be paid to any one giving information leading to such conviction, or be imprisoned in the jail of the District of Columbia not exceeding six months, or both such fine and imprisonment, in the discretion of the court: *Provided*, That the officers, non-commissioned officers, and privates of the United States Army, Navy, or Marine Corps, or of any regularly organized Militia Company, police officers, officers guarding prisoners, officials of the United States or the District of Columbia engaged in the execution of the laws for the protection of persons or property, when any of such persons are on duty, shall not be liable for carrying necessary arms for use in performance of their duty: *Provided, further*, that nothing contained in the first or second sections of this act shall be so construed as to prevent any person from keeping or carrying about his place of business, dwelling house, or premises any such dangerous or deadly weapons, or from carrying the same from place of purchase to his dwelling house or place of business or from his dwelling house or place of business to any place where repairing is done, to have the same repaired, and back again: *Provided further*, That nothing contained in the first or second sections of this act shall be so construed as to apply to any person who shall have been granted a written permit to carry such weapon or weapons by any judge of the police court of the District

of Columbia, and authority is hereby given to any such judge to grant such permit for a period of not more than one month at any one time, upon satisfactory proof to him of the necessity for the granting thereof; and further, upon the filing with such judge of a bond, with sureties to be approved by said judge, by the applicant for such permit, conditioned to the United States in such penal sum as said judge shall require for the keeping of the peace, save in the case of necessary self-defense by such applicant during the continuance of said permit, which bond shall be put in suit by the United States for its benefit upon any breach of such condition.

SEC. 3. That for the second violation of the provisions of either of the preceding sections the person or persons offending shall be proceeded against by indictment in the supreme court of the District of Columbia, and upon conviction thereof shall be imprisoned in the penitentiary for not more than three years.

Punishment, second offense.

SEC. 4. That all such weapons as hereinbefore described which may be taken from any person offending against any of the provisions of this act shall, upon conviction of such person, be disposed of as may be ordered by the judge trying the case, and the record shall show any and all such orders relating thereto as a part of the judgment in the case.

Disposition of weapons taken from offenders.

SEC. 5. That any person or persons who shall, within the District of Columbia, sell, barter, hire, lend or give to any minor under the age of twenty-one years any such weapon as hereinbefore described shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, pay a fine or penalty of not less than twenty dollars nor more than one hundred dollars, or be imprisoned in the jail of the District of Columbia not more than three months. No person shall engage in or conduct the business of selling, bartering, hiring, lending, or giving any weapon or weapons of the kind hereinbefore named without having previously obtained from the Commissioners of the District of Columbia a special license authorizing the conduct of such business by such person, and the said Commissioners are hereby authorized to grant such license, without fee therefor, upon the filing with them by the applicant therefor of a bond with sureties to be by them approved, conditioned in such penal sum as they shall fix to the United States for the compliance by said applicant with all the provisions of this section; and upon any breach or breaches of said condition said bond shall be put in suit by said United States for its benefit, and said Commissioners may revoke said license. Any person engaging in said business without having previously obtained said special license shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars, of which one half shall be paid to the informer, if any, whose information shall lead to the conviction of the person paying said fine. All persons whose business it is to sell barter, hire, lend or give any such weapon or weapons shall be and they hereby, are, required to keep a written register of the name and residence of every purchaser, barterer, hirer, borrower, or donee of any such weapon or weapons, which register shall be subject to the inspection of the major and superintendent of Metropolitan Police of the District of Columbia, and further to make a weekly report, under oath to said major, and superintendent of all such sales, barterings, hirings, lendings or gifts. And one half of every fine imposed under this section shall be paid to the informer, if any, whose information shall have led to the conviction of the person paying said fine. Any police officer failing to arrest any person guilty in his sight or presence and knowledge of any violation of any section of this act shall be fined not less than fifty nor more than five hundred dollars.

Punishment for sale of weapons to minors.

Special license for dealers in weapons.

Penalty for dealing without license.

Register of sales, etc.

Half of fine to informer.

Penalty for failure to arrest by officers.

Repeal.

SEC. 6. That all acts or parts of acts inconsistent with the provisions of this act be, and the same hereby are, repealed.

Approved, July 13, 1892.

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FIREARMS

[Ch. 136.

CHAPTER 136.

FIREARMS.

(S. B. No. 426, by Senator Irby.)

AN ACT

RELATING TO THE SALE, RENTAL AND GIVING AWAY OF FIRE-
ARMS IN THE STATE OF COLORADO; AND PROVIDING A
PENALTY FOR THE VIOLATION THEREOF.

Be it Enacted by the General Assembly of the State of Colorado:

Defining term
"firearms."

Section 1. In this Act, the term "firearms" means a pistol, revolver or other weapon of any description, loaded or unloaded from which any shot, bullet, or other missile can be discharged, and the length of the barrel of which, not including any revolving detachable or magazine breach, does not exceed twelve inches.

The words "antique firearms" shall not include firearms as hereinbefore defined, with or for which ammunition is not sold, or which there is reasonable ground for believing are not capable of being effectually used.

Not affect
existing laws.

Section 2. This act shall not affect the rights conferred or penalties imposed, concerning firearms by the Constitution of this State, or by laws heretofore enacted and now in force, except in so far as said laws are inconsistent herewith.

Record of all
sales or rentals
shall be kept.

Section 3. Every individual, firm or corporation engaged, within this commonwealth, in the retail sale, rental or exchange of firearms, pistols or revolvers, shall keep a record of each pistol or revolver sold, rented or exchanged at retail. Said record shall be made at the time of the transaction in a book kept for that purpose and shall include the name of the person to whom the

pistol or revolver is sold or rented, or with whom exchanged; his age, occupation, residence, and, if residing in a city, the street and number therein where he resides; the make, calibre and finish of said pistol, or revolver, together with its number and serial letter, if any; the date of the sale, rental or exchange of said revolver; and the name of the employee or other person making such sale, rental or exchange. Said record book shall be open at all times to the inspection of any duly authorized police officer. Records open to inspection of police officers.

Section 4. Every individual, firm or corporation failing to keep the record provided for in the first section of this act, or who shall refuse to exhibit such record when requested by a police officer, and any purchaser, lessee or exchanger of a pistol or revolver, who shall, in connection with the making of such record, give false information, shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than twenty-five, nor more than one hundred dollars, or by imprisonment in the county jail for a term not exceeding one year, or by both such fine and imprisonment. Failure to comply. Penalty.

Section 5. Justices of the Peace, within their respective counties, shall have jurisdiction to hear and determine all cases arising under the provisions of this Act, and appeal from judgment shall be to the County Courts in the respective counties in the same manner as is now provided by law for appeals from judgments of the Justices of the Peace in the cases of misdemeanor. Justices of Peace jurisdiction.

Approved May 26th, 1911.

LAWS
OF THE
STATE OF DELAWARE

PASSED
AT A SESSION OF THE GENERAL ASSEMBLY

COMMENCED AND HELD AT DOVER

On Tuesday, January 3rd, A. D. 1911

AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED
STATES THE ONE HUNDRED AND THIRTY-FIFTH

VOLUME XXVI

THE STAR PRINTING CO.
WILMINGTON, DEL.
1911

ADDENDUM 8

OF THE REVENUES OF THE STATE.

CHAPTER 15.

OF THE REVENUES OF THE STATE.

AN ACT regulating the sale of deadly Weapons and providing a Special License therefor.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Dealers in
deadly weap-
ons must ob-
tain a spe-
cial license
to sell.

Section 1. That from and after the first day of June, in the year of our Lord, one thousand nine hundred and eleven, it shall be unlawful for any person or persons, firm, company or corporation, to sell, or expose to sale, any pistol or revolver, or revolver or pistol cartridges, stiletto, steel or brass knuckles, or other deadly weapons made especially for the defense of one's person, without first having obtained a license therefor, which license shall be known as "Special License to Sell Deadly Weapons;" provided, however, that this provision shall not relate to toy pistols, pocket knives, or knives used in the domestic household, or surgical instruments or tools of any kind.

Not to relate
to certain
implements.

Shall pay \$25
for said
license.

Section 2. Any person or persons, firm, company or corporation, desiring to engage in the business of selling revolvers, pistols, or revolver or pistol cartridges, stilettos, steel or brass knuckles, or other weapons made for the defense of one's person, shall, after the above mentioned date, apply to the Clerk of the Peace of the County in which it is desired to conduct such business and shall obtain a license therefor, for which he, they, or it shall pay the sum of twenty-five dollars, which said license shall entitle the holder thereof to conduct said business for the term of one year from its date.

License to
continue for
one year.

Shall not sell
to a minor,
or intoxicat-
ed person.

Section 3. It shall be unlawful for any person or persons, or a member of any firm, or the agents or officers of any corporation to sell to a minor, or any intoxicated person,

LAWS OF DELAWARE.

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OF THE REVENUES OF THE STATE.

any revolver, pistol, or revolver or pistol cartridges, stiletto, steel or brass knuckles, or other deadly weapons, made especially for the defense of one's person.

Section 4. It shall be the duty of any person or persons, firm, company or corporation, desiring to engage in the business aforesaid, to keep and maintain in his place of business at all times, a book which shall be furnished him by the Clerk of the Peace of the County wherein he does business in which said book he shall enter the date of the sale, the name and address of the person purchasing any such deadly weapon, the number and kind of deadly weapon so purchased, the color of the person so purchasing the same, and the apparent age of the purchaser; and no sale shall be made until the purchaser has been positively identified. This book shall at all times be open for inspection by any Judge, Justice of the Peace, Police Officer, Constable, or other Peace Officer of this State.

Shall keep a book to be furnished by the Clerk of the Peace.

Shall enter date of sale, name and address of person purchasing, kind of weapon, etc.

Book shall be open for inspection.

Section 5. Any person, firm, company or corporation, or any member of any firm, or the agents or officers of any corporation, violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not exceeding the sum of one hundred dollars, or a term of imprisonment not exceeding six months or both, within the discretion of the Court.

Penalty for violating the provisions of the Act.

Section 6. All of the provisions of Chapter 117, Volume 13, Laws of Delaware, relative to the issuance of licenses and the duties and powers of the several officials therein mentioned and all penalties therein imposed, shall extend to and be applied to licenses issued under authority of this Act.

Provisions of Chap. 117, Vol. 13, to apply.

Approved March 16, A. D. 1911.

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.

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.

Sec. 1621. Upon appeal being taken, the clerk of the court where the notice of appeal is filed, must within 30 days thereafter, or such further time as such court, or the judge thereof may allow, transmit a certified copy of the notice of appeal, certificate of cause, if any, and judgment roll to the clerk of the Supreme Court.

Filed in the office of the Secretary of State February 26, 1913.

CHAPTER 256.

AN ACT

[S. B. 330.]

Forbidding the sale, barter, giving away, disposal of or display for sale of pocket pistols and revolvers, and fixing a penalty for the violation thereof.

Be it enacted by the People of the State of Oregon:

Section 1. It shall be unlawful for any person, firm or corporation to display for sale at retail any pocket pistol or revolver or to sell at retail, barter, give away or dispose of the same to any person whomsoever, excepting a policeman, member of the militia or peace officer of the State of Oregon, unless the purchaser or person attempting to procure the same shall have a permit for the purpose of procuring such pocket pistol or revolver signed by the municipal judge or city recorder of the city or county judge or a justice of the peace of the county wherein such person resides.

Section 2. *Provided*, that no judge, city recorder or justice of the peace shall issue such permit until said applicant has furnished him with an affidavit from at least two reputable freeholders as to the applicant's good moral character.

Section 3. All persons, firms or corporations engaged in the retail sale of pocket pistols or revolvers shall keep a record of the sale of such pocket pistols or revolvers by registering the name of the person or persons and the number of the pocket pistol or revolver and shall transmit same to the sheriff of the county in which purchase is made on the 1st and 15th day of each calendar month.

Section 4. Any person violating the provisions of this act shall be guilty of a misdemeanor.

Filed in the office of the Secretary of State February 26, 1913.

CHAPTER 2

EXTRAORDINARY SESSION LAWS

CHAPTER 2.

An Act Entitled: "An Act providing for the Registration of All Fire Arms and Weapons and Regulating the Sale Thereof and Defining the Duties of Certain County Officers and Providing Penalties for a Violation of the Provisions of This Act."

Be it enacted by the Legislative Assembly of the State of Montana:

Registration of
all firearms re-
quired.

Section 1. Within thirty days from the passage and approval of this Act, every person within the State of Montana, who owns or has in his possession any fire arms or weapons, shall make a full, true, and complete verified report upon the form hereinafter provided to the sheriff of the County in which such person lives, of all fire arms and weapons which are owned or possessed by him or her or are in his or her control, and on sale or transfer into the possession of any other person such person shall immediately forward to the sheriff of the County in which such person lives the name and address of that purchaser and person into whose possession or control such fire arm or weapon was delivered.

Duty upon sale
or transfer.

Section 2. Such report shall be in the following form:

Form of report.

County of.....
No.....
State of Montana }
County of..... } ss.

....., being first duly sworn on oath deposes and says:

1. That he is a citizen of....., and that his address is.....Street, City or Town of....., County of.....

2. That he is the owner (has in his possession or control) the following fire arms and weapons. Manufacturer's name....., Manufacturer's No....., calibre, and where possible date and Manufacturer's series.

3. That he was born at....., on theday of....., A. D. 18....., and that his occupation is.....

4. Description: Height..... inches, color....., skin....., eyes....., hair.....,

Dated at....., Montana, this.....day of.....1918.

Subscribed and sworn to before me this.....day of.....A. D., 1918.

FIFTEENTH LEGISLATIVE ASSEMBLY

CHAPTER 2

Section 3. Any person signing a fictitious name or address or giving any false information in such report shall be guilty of a misdemeanor, and any person failing to file such report as in this Act provided, shall be guilty of a misdemeanor. Such report may be verified before any person authorized by the laws of this state to administer oaths, or before any sheriff, under-sheriff, or deputy sheriff. It shall be unlawful for any person to purchase, borrow or otherwise acquire possession of any firearm or weapon as in this Act defined, from any person, firm or corporation outside of the State of Montana, without first obtaining a permit from the sheriff of the County in which such person lives. And no sheriff shall give any such permit without first procuring from such person an affidavit in substantially the same form as herein provided in Section 2, setting forth the description of the firm arm or weapon in Paragraph 2, which such person desires to purchase. No permit shall be given by the sheriff until he is satisfied that the person applying for such permit is of good moral character and does not desire such fire arm or weapon for any unlawful purpose.

Signing a fictitious name or address or failing to report, a misdemeanor.

Verification before whom.

Permit to purchase or borrow weapon must be first obtained.

Sheriff shall first require what.

It shall be unlawful for any person, Railroad Company, Express Company or Transportation Company to deliver to any person without a permit from the sheriff of the County within which such delivery is made, any gun, fire arm or ammunition.

Common carrier shall not deliver any such weapon until when.

Section 4. It shall be the duty of the Board of County Commissioners of each County in this State to forthwith furnish the sheriff of such County with sufficient blanks for carrying out the purposes of this Act.

County Commissioners to furnish blanks.

Section 5. That within thirty days from the passage and approval of this Act, every person engaged in the business of selling, leasing or otherwise transferring any fire arm or weapon, whether such seller is a retail dealer, pawn broker or otherwise, shall obtain a register from the County Clerk, in which shall be entered at the time of sale, the date of sale, full description of fire arm or weapon sold, name of purchaser, permanent residence, temporary residence, age, occupation, height, color of skin, color of eyes, color of hair, and the signature of such purchaser. Any purchaser of a fire arm or weapon shall be required to sign his name in the aforesaid register in the space provided for the same. Any person signing a fictitious name or address shall be guilty of a mis-

Dealers and lessors shall obtain register.

Register shall contain what.

False registration.

CHAPTER 2

EXTRAORDINARY SESSION LAWS

Failing to keep register. demeanor. Any person who shall fail to keep a register and to enter therein all facts required by this Act shall be guilty of a misdemeanor. Such register shall be open at all reasonable hours for the inspection of any peace office.

County Clerk to print and furnish registers at cost. Section 6. The County Clerk of each County shall forthwith cause to be printed a sufficient number of such registers for the purpose of carrying out the provisions of this Act and shall dispose of the same at the actual cost thereof. The leaves of such register shall be in duplicate and shall be in the following form:

County of
No.

ORIGINAL.

Form. of register. DEALERS RECORD OR SALE OF FIRE ARM OR WEAPON.

STATE OF MONTANA.

NOTICE TO DEALERS: This original is for your files. If spoiled in making out do not destroy; keep in book.

Carbon duplicate must be mailed on the date of sale to the sheriff of the County. Violation of this law is a misdemeanor. Use indelible pencil.

Sold by....., Salesman....., City or Town of.....
Description of fire arm or weapon.....
.....
Maker....., number....., calibre.....
Name of purchaser....., age....., permanent residence....., Street, City or Town of....., County of....., Temporary residence.....
Street, City or Town of....., County of.....
Height....., feet....., inches; occupation....., color..... skin....., eyes....., hair.....
Date of Sale.....

Witness:

.....
Salesman.

(signing a fictitious name or making false report is a misdemeanor.)

County of.....
No.

FIFTEENTH LEGISLATIVE ASSEMBLY

CHAPTER 2

DUPLICATE.

DEALERS RECORD OF SALE OF FIRE ARM OR WEAPON.

STATE OF MONTANA.

NOTICE TO DEALERS: This carbon duplicate must be mailed on the date of sale to the sheriff of the County. Violation of this law is a misdemeanor.

Sold by....., Salesman....., City or Town of.....

Description of fire arm or weapon.....

.....

Maker....., number....., calibre.....

Name of purchaser....., age....., permanent

residence..... Street, City or Town of.....,

County of....., temporary residence..... Street,

City or Town of....., County of.....

Height.....feetinches; Occupation.....,

color....., skin..... eyes....., hair.....

Date of sale.....

.....

Witness:

.....

Salesman.

Section 7. Any person or corporation violating any of the provisions of this Act or any person or corporation who receives by parcel post or otherwise any fire arms or ammunition without first having a permit as in this Act provided, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or shall be imprisoned in the county jail for not less than ten days nor more than six months, or be punished by both such fine and imprisonment.

Violation of Act
a misdemeanor.

Penalty.

Section 8. For the purposes of this Act a fire arm or weapon shall be deemed to be any revolver, pistol, shot gun, rifle, dirk, dagger or sword.

Fire arm de-
fined.

Section 9. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 10. This Act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1918.

DEADLY WEAPONS.

CHAPTER 28.

STATE REVENUE.

DEADLY WEAPONS.

AN ACT to amend Chapter 6 of the Revised Code of the State of Delaware in relation to the sale of deadly weapons.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1. That Chapter 6 of the Revised Code of the State of Delaware be and the same is hereby amended by repealing 259, Section 222, and inserting in lieu thereof the following, to be known as 259, Section 222.

259, Section 222. It shall be unlawful for any person or persons, or a member of any firm, or the agents or officers of any corporation to sell to a minor or any intoxicated person, any revolver, pistol, or revolver or pistol cartridges, stiletto, steel or brass knuckles, or other deadly weapons made for the defense of one's person.

It shall be the duty of any person or persons, firm, company or corporation desiring to engage in the business aforesaid, to keep and maintain in his place of business at all times a book which shall be furnished him by the Clerk of the Peace of the County wherein he does business, in which said book he shall enter the date of the sale, the name and address of the person purchasing any such deadly weapon, the number and kind of deadly weapon so purchased, the color of the person so purchasing the same, and the apparent age of the purchaser, and the names and addresses of at least two freeholders resident in the County wherein the sale is made, who shall positively identify the purchaser before the sale can be made; *Provided*, that no

DEADLY WEAPONS.

clerk, employee or other person associated with the seller shall act as one of the identifying freeholders. This book shall at all times be open for inspection by any Judge, Justice of the Peace, Police Officer, Constable, or other Peace Officer of this State.

Approved April 10, A. D. 1919.

archives, or a majority of them. Two of such commissioners shall be persons well versed in the English and Hawaiian languages, and the other member thereof shall be a person well versed in the Hawaiian language. The commissioners so appointed shall jointly and actively, and without delay, complete the compilation of said dictionary. The members of said board shall receive such compensation for their services as the said commissioners of public archives, with the approval of the governor, shall determine.

SECTION 3. This appropriation shall be expended by the board of commissioners of the public archives in accordance with the terms of Chapter 198 of the Revised Laws of Hawaii, 1915.

SECTION 4. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1919.

C. J. McCARTHY,
Governor of the Territory of Hawaii.

ACT 124

[H. B. No. 304]

AN ACT TO AMEND CHAPTER 125 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED BY ACT 122 OF THE SESSION LAWS OF 1915, RELATING TO FIREARMS AND AMMUNITION, BY ADDING THERETO TWO NEW SECTIONS TO BE KNOWN AS SECTIONS 2202B AND 2202C.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 125 of the Revised Laws of Hawaii, 1915, as amended by Act 122 of the Session Laws of 1915, is hereby amended by adding thereto two new sections to be known as Section 2202B and Section 2202C and to read as follows:

"Section 2202B. Any person, firm, or corporation, dealing in or keeping for sale firearms, or any other person in possession of firearms, shall not make an individual or retail sale of any such firearms, unless the person desiring to purchase the same shall first have obtained from the sheriff or a deputy sheriff of the county or city and county a written permit for such purchase; the person desiring to purchase any such firearms shall deliver the said written permit to the proposed vendor, and if the sale is effected, the said vendor shall indorse on the back of said permit a full and complete description of the particular firearm sold under said permit, and immediately transmit the said permit by mail or otherwise to the office or officer issuing the same.

"Section 2202C. Any person, firm, or corporation who shall violate any of the provisions of Section 2202B shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00)."

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1919.

C. J. McARTHUR,
Governor of the Territory of Hawaii.

ACT 125

[H. B. No. 308]

AN ACT TO AMEND SECTIONS 2206 AND 2211 OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, RELATING TO WEIGHTS AND MEASURES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2206 of the Revised Laws of Hawaii,

amended by inserting after the word "commissioner" in line six thereof, and before the word "the" in said line, the words "corporation commission, legislative reference library."

SEC. 4. That section five thousand three hundred and sixty-two of the Revisal of one thousand nine hundred and five be amended by inserting after the word "at" in line three thereof, and before the word "one" in said line, the words "such price as he deems reasonable, not less than."

Section 6352
of the Revisal
amended.

SEC. 5. This act shall be in force from and after its ratification. Ratified this 8th day of March, A.D. 1919.

CHAPTER 196

AN ACT TO AMEND CHAPTER 115, PUBLIC LAWS OF 1913, PERMITTING THE PRESIDENT OF THE BOARD OF TRUSTEES OF THE APPALACHIAN TRAINING SCHOOL FOR TEACHERS TO EXECUTE DEED TO RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter one hundred and fifteen, Public Laws of North Carolina, session one thousand nine hundred and thirteen, be amended by inserting between the first word in said section and the second word, the following: "the President of," and strike out in the first line of said section the words "are further" and insert in lieu thereof the word "is."

Authority conferred on
president.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 8th day of March, A.D. 1919.

CHAPTER 197

AN ACT TO REGULATE THE SALE OF CONCEALED WEAPONS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm, or corporation in this State to sell, give away or dispose of, or to purchase or receive, at any place within the State from any other place within or without the State, without a license or permit therefor shall have first been obtained by such purchaser or receiver from the clerk of the Superior Court of the county in which such purchase, sale, or transfer is intended to be made, any pistol, so-called pump-gun, bowie knife, dirk, dagger or metallic knucks.

Unlawful to sell,
give away, buy
or receive pistol,
pump-gun,
bowie knife,
dagger or
knucks without
license or
permit.

Permits and licenses to be issued by clerks of Superior Courts.

SEC. 2. That the clerks of the Superior Courts of any and all counties of this State are hereby authorized and directed to issue to any person, firm, or corporation in any such county a license or permit to purchase or receive any weapon mentioned in section one of this act from any person, firm, or corporation offering to sell or dispose of the same, which said license or permit shall be in the following form, to wit:

NORTH CAROLINA,

-----County.

Form of license to purchaser of weapon.

I, -----, clerk of the Superior Court of said county, do hereby certify that-----whose place of residence is-----Street, in -----(or) in-----Township -----County, North Carolina, having this day satisfied me as to his, her (or) their good moral character, and that the possession of one of the weapons described in section one of this act is necessary for self-defense or the protection of the home, a license or permit is therefore hereby given said-----to purchase one pistol, (or)-----from any person.
(If any other weapon is named, strike out word pistol.)

son, firm, or corporation authorized to dispose of the same.

This ----- day of -----, 19--

-----,

Clerk Superior Court.

Applicant must be of good moral character.

SEC. 3. That before the clerk of the Superior Court shall issue any such license or permit, he shall fully satisfy himself by affidavits, oral evidence, or otherwise, as to the good moral character of the applicant therefor, and that such person, firm, or corporation requires the possession of such weapon mentioned in section one of this act for protection of the home: *Provided*, that if said clerk shall not be so fully satisfied, he shall refuse to issue said license or permit: and *Provided further*, that nothing in this act shall apply to officers authorized by law to carry firearms. The clerk shall charge for his services upon issuing such license or permit a fee of fifty cents.

Proviso: clerk may refuse permit.
Proviso: officers of law not affected.
License fee.

Record kept by clerk.

SEC. 4. That the clerk of the Superior Court shall keep a book, to be provided by the board of commissioners of each county, in which he shall keep a record of all licenses or permits issued under this act, including the name, date, place of residence, age, former place of residence, etc., of each such person, firm, or corporation to whom or which a license or permit shall have been so issued.

Dealer's record of sales.

SEC. 5. That each and every dealer in pistols, pistol cartridges and other weapons mentioned in section one of this act shall keep an accurate record of all sales thereof, including the name, place

of residence, date of sale, etc., of each person, firm, or corporation, to whom or which any and all such sales are made, which said record shall be open to the inspection of any duly constituted State, county or police officer, within this State.

SEC. 6. That during the period of listing taxes in each year the owner or person in possession or having the custody or care of any pistol or other weapon mentioned in section one of this act shall be, and is hereby, required to list the same specifically, together with the value thereof, as is now required by law for listing other personal property for taxes: *Provided*, that all persons listing any such weapons for taxes as aforesaid shall also be required to designate his place of residence, local street address, or otherwise as the case may be.

Weapons to be listed for taxes.

Proviso: persons listing them must give address.

SEC. 7. That any person, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Violation of act a misdemeanor.

SEC. 8. That upon submission or conviction of any person in this State for unlawfully carrying concealed weapons off of his own premises, the pistol or other deadly weapon with reference to which the defendant shall have been convicted shall be condemned and ordered confiscated and destroyed by the judge presiding at any such trial.

Weapons carried unlawfully to be destroyed.

SEC. 9. That this act shall be in force from and after the first day of April, one thousand nine hundred and nineteen.

Ratified this 10th day of March, A.D. 1919.

CHAPTER 198

AN ACT TO CONTROL THE DISTRIBUTION OF FUNDS TO THE CHEROKEE NORMAL SCHOOL OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the State Board of Education is hereby empowered to turn over to the county board of education of Robeson County the sum of one thousand dollars of the fund appropriated to the Cherokee Normal School of Robeson County, five hundred dollars in one thousand nine hundred and nineteen, and five hundred dollars in one thousand nine hundred and twenty, for the maintenance of an Indian training school at Union Chapel.

State Board of Education authorized to make appropriation.

SEC. 2. This act shall be in force and effect from and after its ratification.

Ratified this 8th day of March, A.D. 1919.

supervision of such training and appoint such assistants as may be necessary to administer said act, and fix their compensation; (4) to direct the disbursement and administer the use of all funds provided by the federal government and allotted for the vocational rehabilitation of such persons.

Sec. 4. Shall formulate plan of co-operation.—It shall be the duty of the state board for vocational education to formulate a plan of co-operation in carrying out the provisions of this act and of said act of congress, with Missouri workmen's compensation commission.

Sec. 5. Authorized and empowered to receive gifts and donations—to be reported to the general assembly.—The state board for vocational education is hereby authorized and empowered to receive such gifts and donations, either from public or private sources, as may be offered unconditionally or under such conditions related to the vocational rehabilitation of persons disabled in industry or otherwise and consistent with the provisions of this act. All moneys received as gifts or donations shall be deposited in the state treasury and shall constitute a permanent fund to be called the special fund for the vocational rehabilitation of disabled persons, to be used by the said board to defray the expenses of vocational rehabilitation in special cases, including the payment of necessary expenses of persons undergoing training. A full report of all gifts and donations offered and accepted, together with the names of the donors and the respective amounts contributed by each, and all disbursements therefrom shall be submitted biennially to the general assembly.

Sec. 6. Emergency.—On account of there being many persons in the state needing vocational rehabilitation, and that there are now federal funds available for this purpose an emergency exists within the meaning of the Constitution; therefore this act shall take effect and be in force from and after its passage and approval.

Approved April 7, 1921.

[H. B. 168.]

WEAPONS, FIREARMS: Regulation of Sale and Possession.

AN ACT to provide for the public safety by requiring each pistol, revolver or other firearm of a size which may be concealed upon the person, to be stamped with the description of the same, and a record of all sales thereof to be kept by all dealers therein, and regulating the buying, selling, borrowing, loaning, giving away, trading, bartering, delivering or receiving of such weapons, and prescribing punishments for the violation thereof, and with an emergency clause.

SECTION

- 1. Pistol, revolver or firearms to be plainly marked.
- 2. Shall secure permit to acquire weapon.
- 3. Weapons must be stamped.
- 4. Manufacture not prohibited.

SECTION

- 5. Punishment for violation.
- 6. Validity of remaining sections not affected.
- 7. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Pistol, revolver or firearms to be plainly marked.

No wholesaler or dealer therein shall have in his possession for the purpose of sale, or shall sell, any pistol, revolver, or other firearm of a size which may be concealed upon the person, which does not have plainly and permanently stamped upon the metallic portion thereof, the trademark or name of the maker, the model and the serial factory number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker, and the maker, and no wholesale or retail dealer therein shall have in his possession for the purpose of sale, or shall sell, any such weapon unless he keep a full and complete record of such description of such weapon, the name and address of the person from whom purchased and to whom sold, the date of such purchase or sale, and in the case of retailers the date of the permit and the name of the circuit clerk granting the same, which record shall be open to inspection at all times by any police officer or other peace officer of this state.

Sec. 2. Shall secure permit to acquire weapon.—No person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, for the purposes of commerce, shall directly or indirectly buy, sell, borrow, loan, give away, trade, barter, deliver or receive, in this state, any pistol, revolver or other firearm of a size which may be concealed upon the person, unless the buyer, borrower or person receiving such weapon shall first obtain and deliver to, and the same be demanded and received by, the seller, loaner, or person delivering such weapon, within thirty days after the issuance thereof, a permit authorizing such person to acquire such weapon. Such permit shall be issued by the circuit clerk of the county in which the applicant for a permit resides in this state, if the sheriff be satisfied that the person applying for the same is of good moral character and of lawful age, and that the granting of the same will not endanger the public safety. The permit shall recite the date of the issuance thereof and that the same is invalid after thirty days after the said date, the name and address of the person to whom granted and of the person from whom such weapon is to be acquired, the nature of the transaction, and a full description of such weapon, and shall be countersigned by the person to whom granted in the presence of the circuit clerk. The circuit clerk shall receive therefor a fee of \$0.50. If the permit be used, the person receiving the same shall return it to the circuit clerk within thirty days after its expiration, with a notation thereon showing the date and manner of the disposition of such weapon. The circuit clerk shall keep a record of all applications for such permits and his action thereon, and shall preserve all returned permits. No person shall in any manner transfer, alter or change any such permit or make a false notation thereon or obtain the same upon any false representation to the circuit clerk granting the same, or use or attempt to use a permit granted to another.

Sec. 3. Weapons must be stamped.—No person within this state shall lease, buy or in anywise procure the possession from any person, firm or corporation within or without the state, of any pistol, revolver or other firearm of a size which may be concealed upon the person, that is not stamped as required by section 1 of this act; and no person shall buy or otherwise acquire the possession of any such article unless he shall have first procured a written permit so to do from the circuit clerk of the county in which such person resides, in the manner as provided in section 2 of this act.

Sec. 4. Manufacture not prohibited.—Nothing herein contained shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this state, to ship into other states or foreign countries, any such articles whether stamped as required by this act or not so stamped.

Sec. 5. Punishment for violation.—Any person, its or his directors, officers, agents or servants, convicted of violating any of the provisions of this act, shall be punished by imprisonment in the penitentiary for not more than five years, or by imprisonment in the county jail not less than six months, or by a fine not less than fifty dollars nor more than five thousand dollars, or by both fine and imprisonment in the county jail.

Sec. 6. Validity of remaining sections not affected.—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 general assembly hereby declared 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 of the same shall be declared unconstitutional.

Sec. 7. Emergency clause.—There being no adequate law governing the stamping, recording, sale and other disposition of weapons as described herein, creates an emergency within the meaning of the Constitution; therefore this act shall take effect and be in force from and after its approval.

Approved April 7, 1921.

ACT 430]

ACTS OF ARKANSAS.

379

ACT 430.

AN ACT to regulate the Ownership of Pistols and Revolvers.

SECTION

1. Unlawful to carry pistol, except it be recorded.
2. License, fee, goes to district school fund.
3. Applies to pistols as acquired in future. Penalty for violation.
4. Conflicting laws repealed, emergency, in force from passage.

Be It Enacted by the General Assembly of the State of Arkansas:

Be It Enacted by the People of the State of Arkansas:

From and after the passage of this Act, it shall be unlawful for any person to own or have in his custody or possession any pistol or revolver, except as herein provided:

SECTION 1. Any person having in his possession or custody any pistol or revolver, shall within 60 days from the approval of this Act, present such firearm to the county clerk of the county, where he resides, and it shall be the duty of the said county clerk to enter upon a separate record provided for that purpose, the name, age, place of residence, and color of the party, together with the make, calibre and number of said pistol or revolver.

SECTION 2. Any person so registering as provided in section 1 of this Act, shall then make application for

a license or permit, which said application shall be passed upon by a board consisting of the sheriff, county judge and county clerk of said county whose duty it shall be to consider the application and if the applicant be a person of good moral character, whose conduct, past record and occupation is such as to prove to said board that he is a person of good character, then the county clerk shall issue to the applicant a permit, upon a printed form provided for that purpose, and bearing the seal of the county, granting permission to own and possess the pistol or revolver described in the application, for a period of one year from the date thereof, for which permit the applicant shall pay a fee of one (\$1.00) dollar which shall go to the common school fund of the district where the applicant resides.

SECTION 3. Any person who shall purchase or acquire possession of any pistol or revolver shall make application and secure a permit to possess same as provided by section 2 of this Act, and any person having in his custody and control any pistol or revolver, and who has not secured the permit as herein provided shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than fifty and not more than one hundred dollars, and said fire arm shall be taken by the sheriff, and publicity destroyed.

SECTION 4. All laws and parts of laws in conflict herewith are hereby repealed, and this Act being necessary for the preservation of the public peace, health and safety, an emergency is declared, and this Act takes effect from and after its passage.

Approved March 19, 1923.

treasurer or the inheritance tax appraiser of the county of the superior court having jurisdiction as provided in section fifteen of this act.

(6) This act shall become effective and in force contemporaneously with the taking effect of amendments to sections one thousand four hundred one and one thousand four hundred two of the Civil Code, which amendments were enacted at the forty-fifth session of the legislature of the State of California and known as chapter eighteen of the statutes of 1923, and not otherwise. Act takes effect.

CHAPTER 338.

An act to add a new section to the Civil Code to be numbered three thousand fifty-one a, fixing a limit on the amount of a lien on property held under the provisions of section three thousand fifty-one of said code.

[Approved June 13, 1923.]

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

SECTION 1. A new section is hereby added to the Civil Code to be numbered three thousand fifty-one a and to read as follows:

3051a. That portion of any lien, as provided for in the next preceding section, in excess of one hundred dollars, for any work, services, care, or safekeeping rendered or performed at the request of any person other than the holder of the legal title, shall be invalid, unless prior to commencing any such work, service, care, or safekeeping, the person claiming such lien shall give actual notice in writing either by personal service or by registered letter addressed to the holder of the legal title to such property, if known. In the case of automobiles, the person named as legal owner in the registration certificate, shall be deemed for the purpose of this section, as the holder of the legal title. Limitation on amount recoverable where written notice not given.

CHAPTER 339.

An act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person; to prohibit the manufacture, sale, possession or carrying of certain other dangerous weapons within this state; to provide for registering all sales of pistols, revolvers or other firearms capable of being concealed upon the person; to prohibit the carrying of concealed firearms except by lawfully authorized persons; to provide for the confiscation and destruction of such weapons in certain cases; to prohibit the ownership, use, or possession of any of such weapons by certain classes of persons; to prescribe penalties for violations of this act and increased penalties for repeated violations hereof; to

authorize, in proper cases, the granting of licenses or permits to carry firearms concealed upon the person; to provide for licensing retail dealers in such firearms and regulating sales thereunder; and to repeal chapter one hundred forty-five of California statutes of 1917, relating to the same subject.

[Approved June 13, 1923.]

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

Manufacture,
sale, carry-
ing, etc.,
certain
dangerous
weapons
prohibited.

SECTION 1. On and after the date upon which this act takes effect, every person who within the State of California manufactures or causes to be manufactured, or who imports into the state, or who keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a blackjack, slung-shot, billy, sandclub, sandbag, or metal knuckles, or who carries concealed upon his person any explosive substance, other than fixed ammunition, or who carries concealed upon his person any dirk or dagger, shall be guilty of a felony and upon a conviction thereof shall be punishable by imprisonment in a state prison for not less than one year nor for more than five years.

Aliens and
felons must
not possess
certain
firearms.

SEC. 2. On and after the date upon which this act takes effect, no unnaturalized foreign born person and no person who has been convicted of a felony against the person or property of another or against the government of the United States or of the State of California or of any political subdivision thereof shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person. The terms "pistol," "revolver," and "firearms capable of being concealed upon the person" as used in this act shall be construed to apply to and include all firearms having a barrel less than twelve inches in length. Any person who shall violate the provisions of this section shall be guilty of a felony and upon conviction thereof shall be punishable by imprisonment in a state prison for not less than one year nor for more than five years.

Committing
felony while
carrying
dangerous
weapon.

SEC. 3. If any person shall commit or attempt to commit any felony within this state while armed with any of the weapons mentioned in section one hereof or while armed with any pistol, revolver or other firearm capable of being concealed upon the person, without having a license or permit to carry such firearm as hereinafter provided, upon conviction of such felony or of an attempt to commit such felony, he shall in addition to the punishment prescribed for the crime of which he has been convicted, be punishable by imprisonment in a state prison for not less than five nor for more than ten years. Such additional period of imprisonment shall commence upon the expiration or other termination of the sentence imposed for the crime of which he stands convicted and shall not run concurrently with such sentence. Upon a second conviction under like circumstances such additional period of impris-

onment shall be for not less than ten years nor for more than fifteen years, and upon a third conviction under like circumstances such additional period of imprisonment shall be for not less than fifteen nor for more than twenty-five years, such terms of additional imprisonment to run consecutively as before. Upon a fourth or subsequent conviction under like circumstances the person so convicted may be imprisoned for life or for a term of years not less than twenty-five years, within the discretion of the court wherein such fourth or subsequent conviction was had.

In the trial of a person charged with committing or attempting to commit a felony against the person of another while armed with any of the weapons mentioned in section one hereof, or while armed with any pistol, revolver or other firearm capable of being concealed upon the person, without having a license or permit to carry such firearm as hereinafter provided, the fact that he was so armed shall be prima facie evidence of his intent to commit such felony. Evidence.

SEC. 4. In no case shall any person punishable under the preceding sections of this act be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court. No probation or suspension of sentence

SEC. 5. Except as otherwise provided in this act, it shall be unlawful for any person within this state to carry concealed upon his person or within any vehicle which is under his control or direction any pistol, revolver or other firearm capable of being concealed upon the person without having a license to carry such firearm as hereinafter provided in section eight hereof. Any person who violates the provisions of this section 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 certain firearms without license.

This section shall not be construed to prohibit any citizen of the United States, over the age of eighteen years, who resides or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by section two hereof, from owning, possessing or keeping within his place of residence or place of business any pistol, revolver or other firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess or keep any such firearm at his place of residence or place of business shall be required of any such citizen. Firearms carried openly in belt holsters shall not be deemed to be concealed within the meaning of this section, nor shall knives which are carried openly in sheaths suspended from the waist of the wearer. Exceptions.

SEC. 6. Nothing in the preceding section shall be construed to apply to or affect sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed peace officers, nor to any person summoned by any such officers to assist in making arrests or preserving the peace while said person so summoned is actually engaged in assisting such officer; nor to the possession or transportation by any merchant of unloaded firearms as merchandise; nor to members of Police officers, soldiers, etc., excepted.

the army, navy, or marine corps of the United States, or the national guard, when on duty, or to organizations which are by law authorized to purchase or receive such weapons from the United States, or from this state; nor to duly authorized military or civil organizations while parading, nor to the members thereof when going to and from the places of meeting of their respective organizations; nor to members of any club or organization now existing, or hereafter organized, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in this act upon such target ranges, or while going to and from such ranges; or to licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from such hunting or fishing expedition.

Nuisances.

SEC. 7. The unlawful concealed carrying upon the person or within the vehicle of the carrier of any dirk, dagger, pistol, revolver, or other firearm capable of being concealed upon the person, is a nuisance. Any such weapons taken from the person or vehicle of any person unlawfully carrying the same are hereby declared to be nuisances, and 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 police force or police department thereof. The officers to whom the same may be so surrendered, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the preservation thereof is necessary or proper to the ends of justice, shall annually, between the first and tenth days of July, in each year, destroy or cause to be destroyed such weapons to such extent that the same shall become and be wholly and entirely ineffective and useless for the purpose for which it was manufactured; *provided, however*, that in the event any such weapon has been stolen and is thereafter recovered from the thief or his transferee, the same shall not be destroyed but shall be restored to the lawful owner thereof, so soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership thereof. Blackjacks, slungshots, billys, sandclubs, sandbags and metal knuckles are hereby declared to be nuisances and shall be subject to confiscation and summary destruction whenever found within the state; *provided*, that upon the certificate of a judge or of the district attorney that the ends of justice will be subserved thereby, such weapon shall be preserved until the necessity for its use ceases.

Destruction
of weapons.Licenses to
carry
firearms.

SEC. 8. It shall be lawful for the sheriff of a county, and 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 other police 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 con-

cealed a pistol, revolver or other firearm for a period of one year from the date of such license. All applications for such licenses shall be filed in writing, signed by the applicant, and shall state the name, occupation, residence and business address of the applicant, his age, height, weight, color of eyes and hair, and reason for desiring a license to carry such weapon. Any license issued upon such application shall set forth the foregoing data and shall, in addition, contain a description of the weapon authorized to be carried, giving the name of the manufacturer, the serial number and the caliber thereof. When such licenses are issued by a sheriff a record thereof shall be kept in the office of the county clerk; when issued by police authority such record shall be maintained in the office of the authority by whom issued. Such applications and licenses shall be uniform throughout the state, upon forms to be prescribed by the attorney general.

SEC. 9. 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, lessor or transferrer is a retail dealer, pawn-broker 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 firearm 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

Applications.

Record.

Dealers registers.

Cost.

Signatures.

Disposition of duplicate sheets.

Penalty.

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STATUTES OF CALIFORNIA.

[Ch. 339

Form of
register.

they are situated. The register provided for in this act shall be substantially in the following form :

Form of Register.

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

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 _____age_____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.)

SEC. 10. No person shall sell, deliver or otherwise transfer any pistol, revolver or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by section two hereof from owning or possessing such firearms, nor to any minor under the age of eighteen years. In no event shall any such firearm be delivered to the purchaser upon the day of the application for the purchase thereof, and when delivered such firearm shall be securely wrapped and shall be unloaded. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Any violation of the provisions of this section shall be a misdemeanor.

Restrictions
on transfer
of certain
firearms.

SEC. 11. The duly constituted licensing authorities of any county, city and county, city, town or other municipality within this state, may grant licenses in form prescribed by the attorney general, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the said county, city and county, city, town or other municipality pistols, revolvers, and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

Local
licenses for
sale of cer-
tain firearms.

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 easily be read.
3. No pistol or revolver shall be delivered
 - (a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor
 - (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.
4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of said premises where it can readily be seen from the outside.

Penalty for dealing in certain firearms without license.

SEC. 12. Any person who, without being licensed as above provided, engages in the business of selling or otherwise transferring, or who advertises for sale, or offers or exposes for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person is guilty of a misdemeanor.

Tampering with marks on certain firearms.

SEC. 13. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver. Possession of any such firearm upon which the same shall have been changed, altered, removed, or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed, or obliterated the same. Violations of this section shall be punished by imprisonment in the state prison for not less than one year nor more than five years.

Penalty.

Expiration of current licenses.

SEC. 14. All licenses heretofore issued within this state permitting the carrying of pistols or revolvers concealed upon the person shall expire at midnight of December 31, 1924.

Antique pistols, etc.

SEC. 15. This act shall not apply to antique pistols or revolvers incapable of use as such.

Constitutionality.

SEC. 16. 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.

Stats. 1917, p. 221, repealed.

SEC. 17. That certain act entitled, "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, is hereby repealed.

SUBSTITUTE FOR SENATE BILL No. 265.
CHAPTER 252

AN ACT CONCERNING THE POSSESSION, SALE AND
USE OF PISTOLS AND REVOLVERS.

*Be it enacted by the Senate and House of Representatives in
General Assembly convened:*

SECTION 1. The term "pistol" and the term "revolver", as used in this act, shall mean any firearm having a barrel less than twelve inches in length.

Terms "pistol" and "revolver" defined.

SEC. 2. No person shall advertise, sell, deliver, offer or expose for sale or delivery or have in his possession with intent to sell or deliver any pistol or revolver at retail without having a permit therefor issued as hereinafter provided.

Permit for selling pistol or revolver to be obtained.

SEC. 3. The chief of police or, where there shall be no chief of police, the warden of the borough or the first selectman of the town, as the case may be, may, upon the application of any person, issue a permit in such form as may be prescribed by the superintendent of state police for the sale at retail of pistols and revolvers within the jurisdiction of the authority issuing such permit. Upon the application of any person having a bona fide residence or place of business within the jurisdiction of any such authority or, upon the application of any bona fide resident of the United States having a permit or license to carry any firearm issued by the authority of any state or sub-division of the United States, such chief of police, warden or selectman may issue a permit to such person to carry a pistol or revolver within the jurisdiction of the authority issuing the same, provided such authority shall find that such applicant intends to make no use of any pistol or revolver which he may be permitted to carry thereunder other than a proper use and that such person is a suitable person to receive such permit. The superintendent of state police may, upon application, issue to any holder of any permit to carry any pistol or revolver hereinbefore provided for, a permit to carry a pistol or revolver within the state. Each permit to carry any pistol or revolver shall be issued in triplicate and one of the copies issued by the superintendent of state police shall be delivered to the person to whom issued, one shall be delivered forthwith to the authority issuing the local permit and one shall be retained by the superintendent of state police, and the local authority issuing any such permit shall forthwith deliver one of such copies to the person to whom issued and one copy to the superintendent of state police and shall retain one of such copies.

Local authority may issue permit.

Local authorities may issue permit to carry any fire arm within their jurisdiction.

Superintendent of state police may grant permits to carry pistol or revolver in confines of state.

SEC. 4. The fee for each permit originally issued under the provisions of this act shall be one dollar and for each renewal

Fees for permits.

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SALE AND USE OF PISTOLS AND REVOLVERS. [Jan.,

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thereof twenty-five cents, which fees shall be paid by the authority issuing the same to the municipality wherein issued or the state, as the case may be, and each permit issued hereunder shall be valid for one year from the date of issuance.

Sales to be made
in place of busi-
ness mentioned
in permit.

SEC. 5. No sale of any pistol or revolver shall be made except in the room, store or place described in the permit for the sale of pistols and revolvers, and such permit or a copy thereof certified by the authority issuing the same shall be exposed to view within the room, store or place where pistols or revolvers shall be sold or offered or exposed for sale, and no sale or delivery of any pistol or revolver shall be made unless the purchaser or person to whom the same is to be delivered shall be personally known to the vendor of such pistol or revolver or the person making delivery thereof or unless the person making such purchase or to whom delivery thereof is to be made shall provide evidence of his identity. The vendor of any pistol or revolver shall keep a record of every pistol or revolver sold in a book kept for that purpose, which record shall be in such form as shall be prescribed by the superintendent of state police and shall include the date of the sale, the caliber, make, model and manufacturer's number of such pistol or revolver and the name, address and occupation of the purchaser thereof, which record shall be signed by the purchaser and by the person making the sale, each in the presence of the other, and shall be preserved by the vendor of such pistol or revolver for a period of at least six years.

Vendor to keep
record of sale of
fire arms.

Permit to carry
fire arms may be
revoked.

SEC. 6. Any permit for the carrying of any pistol or revolver issued under the provisions of this act may be revoked by the authority issuing the same. The revocation of either of such permits shall be a revocation of the other and, upon the revocation of any permit, such permit shall be forthwith delivered to the authority issuing the same. Upon the revocation of any local permit, the authority issuing the same shall forthwith notify the superintendent of state police and upon the revocation of any permit issued by the superintendent of state police, said superintendent shall forthwith notify the authority issuing such local permit.

Sale of pistols or
revolvers to aliens
restricted.

SEC. 7. No person, firm or corporation shall sell at retail, deliver or otherwise transfer any pistol or revolver to any alien, nor shall any person deliver any pistol or revolver at retail except upon written application therefor and no sale or delivery of any pistol or revolver shall be made upon the date of the filing or receipt of any written application for the purchase thereof, and when any pistol or revolver shall be delivered in connection with the sale or purchase, such pistol or revolver shall be enclosed in a package, the paper or wrapping of which shall be securely fastened, and no pistol or revolver when delivered on any sale or purchase shall be loaded or con-

tain therein any gunpowder or other explosive or any bullet, ball or shell. Upon the delivery of any pistol or revolver the purchaser shall sign in triplicate a receipt for such pistol or revolver which shall contain the name, address and occupation of such purchaser, the date of sale, caliber, make, model and manufacturer's number and a general description thereof. One of such triplicate receipts shall, within twenty-four hours thereafter, be forwarded by the vendor of such pistol or revolver to the superintendent of state police and one to the authority issuing the permit for the sale of such pistol or revolver and the other shall be retained by such vendor for at least six years.

SEC. 8. No person shall make any false statement or give any false information connected with any purchase, sale or delivery of any pistol or revolver, and no person shall sell, barter, hire, lend, give or deliver to any minor under the age of eighteen years any pistol or revolver.

Giving of false information or the sale to persons under eighteen years of age prohibited.

SEC. 9. No person shall carry any pistol or revolver in or upon any vehicle or upon his person, except when such person shall be within his dwelling house or place of business, without a permit to carry the same issued as hereinbefore provided.

Carrying of pistol or revolver without permits restricted.

SEC. 10. The provisions of section nine of this act shall not apply to the carrying of any pistol or revolver by any marshal, sheriff or peace officer, or to any soldier, sailor or marine in the service of the United States or this state when on duty or going to or from duty, or to any member of any military organization when on parade or when going to or from any place of assembly, or to the transportation of pistols or revolvers as merchandise, or to any person carrying any pistol or revolver while contained in the package in which it was originally wrapped at the time of sale and while carrying the same from the place of sale to the purchaser's residence or place of business, or to any person removing his household goods or effects from one place to another, or to any person while carrying any such pistol or revolver from his place of residence or business to a place or person where or by whom such pistol or revolver is to be repaired or while returning to his place of residence or business after the same shall have been repaired.

When and by whom pistols and revolvers may be carried without securing a permit.

SEC. 11. No person shall change, alter, remove or obliterate the name of any maker or model or any maker's number or other mark of identification on any pistol or revolver. The possession of any pistol or revolver upon which any identifying mark, number or name shall have been changed, altered, removed or obliterated shall be prima facie evidence that the person owning or in possession of such pistol or revolver has changed, altered, removed or obliterated the same.

Tampering with identification mark of any pistol or revolver prohibited.

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LICENSING OF INSURANCE AGENTS.

[Jan.,

Penalty.

SEC. 12. Any person violating any provision of section nine or eleven of this act shall be fined not more than one thousand dollars or imprisoned not more than five years or both, and any person violating any other provision of this act shall be fined not more than five hundred dollars or imprisoned not more than three years or both, and any pistol or revolver found in the possession of any person in violation of any provision of this act shall be forfeited.

Repeal.

SEC. 13. Section 2678 of the general statutes, chapter 206 of the public acts of 1919, chapter 127 of the public acts of 1921 and those portions of sections 6369, 6370, 6371 and 6372 of the general statutes which relate to pistols and revolvers are repealed.

Approved June 2, 1923.

SUBSTITUTE FOR SENATE BILL No. 227.

CHAPTER 253

AN ACT PROVIDING FOR THE LICENSING OF
INSURANCE AGENTS.

*Be it enacted by the Senate and House of Representatives in
General Assembly convened:*

Insurance agent
defined.

SECTION 1. An insurance agent is defined as a person authorized in writing, by any insurer authorized to transact business in the state, to solicit, negotiate or effect contracts of insurance, surety or indemnity; or any member of a copartnership or association, or any stockholder, officer or agent of a corporation authorized to solicit, negotiate or effect such contracts, when such copartnership, association or corporation shall hold a direct agency appointment from any insurer.

Agent to have
license.

SEC. 2. No person shall engage in business as an insurance agent until he shall have obtained from the insurance commissioner a license therefor under the provisions of this act. Each applicant for such license shall file with the commissioner his written application for a license authorizing him to engage in business as an agent in the general or some specified line or lines of insurance, surety or indemnity coverage, which, under the provisions of the general statutes, may be written in the state, which application shall be accompanied by a statement, signed and sworn to by such applicant, on a blank furnished by the commissioner, setting forth such facts as he may require, and by the affidavit of an official or representative of an insurer authorized to transact business in the state or of a licensed insurance agent of the state, that the applicant is personally known to him; that the applicant has experience, or will be instructed, in the general or some specified

Form of ap-
plication.

of boundaries, or by decree of a court of competent jurisdiction of the territory”.

SECTION 2. Section 2, 3 and 4 of Act 208 of the Session Laws of 1919, are hereby amended by amending the date “July 1, 1923” wherever it appears in said sections to read “July 1, 1925”.

SECTION 3. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 156

[H. B. No. 428.]

AN ACT TO AMEND SECTION 2202B OF THE REVISED LAWS OF HAWAII, 1915, AS AMENDED, CONCERNING THE SALE OR TRANSFER AND THE ACQUISITION OF FIREARMS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2202B of the Revised Laws of Hawaii, 1915, as enacted by Section 1 of Act 124 of the Session Laws of 1919, and as amended by Section 1 of Act 244 of the Session Laws of 1921, is hereby amended to read as follows:

“Section 2202B. Any person dealing in firerams or pistol or revolver ammunition shall not make an individual or retail sale of any such article unless the person desiring to acquire such article shall have first obtained from the sheriff or deputy sheriff of the county or city and county in which he may be at the time a written permit to acquire such article. The person desiring to acquire such article shall deliver said written permit to the dealer, and if the sale or transfer is affected, the said dealer shall make a written statement, in duplicate, of such sale or transfer, setting forth the name, address and nationality of the person acquiring such article and a full and complete description of such article. The person acquiring such article shall personally sign such statement, in duplicate. One copy of such statement shall, immediately after the delivery of such article be transmitted to the sheriff or deputy sheriff of such county or city and county, and one copy of such statement shall be retained by the said dealer.

No such article shall be delivered to the person desiring to acquire the same on the day in which the transaction for the sale or transfer thereof is made.

Any person who shall violate any provision of this section and any person who shall acquire any of the articles from the aforesaid dealer without having first obtained the permit aforesaid, or without having personally signed the statement of sale or transfer aforesaid, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term of not more than one year, or by both such fine and imprisonment.

Any person furnishing information leading to the conviction of any person violating any provision of this section shall be paid an amount equal to one-half of the fine that may be imposed against the person convicted."

SECTION 2. This Act shall take effect upon its approval.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

ACT 157

[H. B. No. 430.]

AN ACT REPEALING ACT 215 OF THE SESSION LAWS OF 1919,
MAKING AN APPROPRIATION FOR THE BENEFIT OF JOHN
JARDIN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 215 of the Session Laws of 1919, making an appropriation for the benefit of John Jardin, is hereby repealed.

SECTION 2. This Act shall take effect on July 1, 1923.

Approved this 2nd day of May, A. D. 1923.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

PERJURY

CHAPTER 265.

(S. B. No. 232—Stevens.)

OATH.

An Act to Amend and Re-enact Section 9367 of the Compiled Laws of North Dakota for the year 1913, Relating to the Prescribing of an Oath.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Sec. 1. (AMENDMENT.) That Section 9367 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

Sec. 9367. OATH DEFINED.) The term oath as used in Section 9366 of the Compiled Laws of 1913, includes an affirmation and every other mode of attesting the truth of that which is stated, which is authorized by law, and the signing of any writing purporting to be made under oath, in the presence of an officer authorized to administer oaths, or the acknowledgment of the signing thereof, to or before any such officer, or the presentation thereof to such officer by the person signing or by his direction to be authenticated as an oath, shall be deemed to be the taking of an oath within the meaning of said section and the certificate of the officer purporting to take such oath shall be prima facie evidence of the taking thereof.

Approved March 1st, 1923.

PISTOLS AND REVOLVERS

CHAPTER 266.

(S. B. No. 256—McLachlin.)

PISTOLS AND REVOLVERS.

An Act To Control the Possession, sale, and use of pistols and revolvers, to provide penalties, and for other purposes.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Sec. 1. DEFINITION.) "Pistol or revolver," as used in this Act, shall be construed as meaning any firearm with barrel less than twelve inches in length.

Sec. 2. COMMITTING CRIME WHEN ARMED.) If any person shall commit or attempt to commit a crime when armed with a pistol or revolver, and having no permit to carry the same, he shall be in addition to the punishment provided for the crime, be punished by imprisonment for not less than ten years.

Sec. 3. PUNISHMENT.) The judge shall have the power to sentence any person who may be convicted for a second or third offense under section 2 of this Act, to double and triple the penalty imposed thereby, and for a fourth offense the person so convicted may be sentenced to life imprisonment.

Sec. 4. BEING ARMED PRIMA FACIE EVIDENCE OF INTENTION.) In the trial of a person for the commission of a felony or of an attempt to commit a felony against the person of another, the fact that he was armed with a pistol or revolver and having no permit to carry the same shall be prima facie evidence of his intention to commit said felony.

Sec. 5. ALIENS AND CRIMINALS MUST NOT POSSESS ARMS.) No unnaturalized foreign-born person and no person who has been convicted of a felony against the person or property of another or against the Government of the United States or of any State or subdivision thereof, shall own or have in his possession or under his control, a pistol or revolver. Violations of this section shall be punished by imprisonment for not to exceed five years.

Sec. 6. CARRYING PISTOL CONCEALED.) No person shall carry a pistol or revolver concealed in any vehicle or in any package, satchel, grip, suit case or carry in any way or upon his person, except in his dwelling house or place of business, without a license therefor as hereinafter provided. Violations of this section shall be punished by imprisonment for not less than one year, and upon conviction the pistol or revolver shall be confiscated and destroyed.

Sec. 7. EXCEPTIONS.) The provisions of the preceding section shall not apply to marshals, sheriffs, policemen, or other duly appointed peace officers, nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the Army, Navy or Marine Corps of the United States, or the National Guard, when on duty, or organizations by law authorized to purchase or receive such weapons from the United States, or this State, nor to duly authorized military or civil organizations when parading, nor to the members thereof when at or going to or from their customary places of assembly.

Sec. 8. ISSUE OF LICENSES TO CARRY.) The justice of a court of record, the chief of police of a city or town and the sheriff of a county, or persons authorized by any of them

shall upon the application of any persons having a bona fide residence or place of business within the jurisdiction of said licensing authority, or of any person having a bona fide residence or place of business within the United States and a license to carry a fire arm concealed upon his person issued by the authorities of any State or sub-division of the United States, issue a license to such person to carry a pistol or revolver 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 for any other proper purpose, and that he is a suitable person to be so licensed. The license shall be in triplicate, in form to be preserved by the Secretary of State, and shall bear the 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 by registered mail to the Secretary of State, and the triplicate shall be preserved for six years by the authority issuing said license.

Sec. 9. SELLING TO MINORS.) Any person or persons who shall sell, barter, hire, lend or give to any minor under the age of eighteen years any pistol or revolver shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be fined not less than \$100, nor more than \$1,000, or be imprisoned not less than three months, nor more than one year, or both.

Sec. 10. SALES REGULATED.) No person shall sell, deliver, or otherwise transfer a pistol or revolver to a person who he has reasonable cause to believe either is an unnaturalized foreign born person or has been convicted of a felony against the person or property of another, or against the Government of the United States or any State or subdivision thereof, nor in any event shall he deliver a pistol or revolver on the day of the application for the purchase thereof, and when delivered, said pistol or revolver shall be securely wrapped and shall be unloaded. Before a delivery be made the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, and nationality, the date of sale, the caliber, make, model, and manufacturer's number of the weapon. The seller shall, within seven days, sign and forward by registered mail one copy thereof to the Secretary of State, and one copy thereof to the chief of police of the city or town, or the sheriff of the county of which the seller is a resident, and shall retain the other copy for six years. This section shall not apply to sales at wholesale. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer a pistol or revolver to any person not personally known to him. Violations of this section shall be punished by a fine of not less than \$100 or by

imprisonment for not less than one year, or by both such fine and imprisonment.

Sec. 11. DEALERS TO BE LICENSED.) Whoever, without being licensed as hereinafter provided, sells, or otherwise transfers, advertises, or exposes for sale, or transfers or has in his possession with intent to sell, or otherwise transfer, pistols or revolvers, shall be punished by imprisonment for not less than two years.

Sec. 12. DEALERS' LICENSES: BY WHOM GRANTED, AND CONDITIONS THEREOF.) The duly constituted licensing authorities of any city, town or subdivision of this state, may grant licenses in form prescribed by the Secretary of State, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the said city or town or political subdivision, pistols and revolvers, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

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 easily be read.

3. No pistol or revolver shall be delivered—

(a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity; nor

(c) If the seller has reasonable cause to believe that the purchaser either is an unnaturalized foreign born person or has been convicted of a felony against the person or property of another, or against the Government of the United States or any State or subdivision thereof.

4. A true record, in triplicate, shall be made of every pistol or revolver sold, said record to be made in a book kept for the purpose, the form of which may be prescribed by the Secretary of State, and shall be personally signed by the purchaser and by the person affecting the sale, each in the presence of the other, and shall include the date of sale, the caliber, make, model, and manufacturer's number of the weapon, the name, address, occupation, and nationality of the purchaser. One copy of said record shall, within seven days, be forwarded by registered mail to the Secretary of State and one copy thereof to the chief of police of the city or town or the sheriff of the county of which the seller is a resident, and the other copy retained for six years.

5. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of said premises where it can readily be seen from the outside.

Sec. 13. PENALTY FOR FALSE INFORMATION.) If any person in purchasing or otherwise securing delivery of a pistol or revolver or in applying for a permit to carry the same, shall give false information or offer false evidence of his identity he shall be punished by imprisonment for not less than five nor more than ten years.

Sec. 14. ALTERATION OF IDENTIFYING MARKS PROHIBITED.) No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver. Possession of any such firearm upon which the same shall have been changed, altered, removed, or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed, or obliterated the same. Violations of this section shall be punished by imprisonment for not less than one year nor more than five years.

Sec. 15. EXISTING LICENSES REVOKED.) All Licenses heretofore issued within this State permitting the carrying of pistols or revolvers concealed upon the person shall expire at midnight of June 30th, 1923.

Sec. 16. EXCEPTIONS.) This Act shall not apply to antique pistols or revolvers incapable of use as such.

Sec. 17. CERTAIN ACTS REPEALED.) All laws or parts of laws inconsistent herewith are hereby repealed.

Approved March 7th, 1923.

PLEDGE

CHAPTER 267.

(H. B. No. 177—Cole.)

SALE OF PROPERTY PLEDGED.

An Act to Amend and Re-enact Section 6790 of the Compiled Laws of North Dakota for 1913.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Sec. 1. AMENDMENT.) Section 6790 of the Compiled Laws of the State of North Dakota for 1913 is amended and re-enacted to read as follows:

CHAPTER 118.

AN ACT TO CONTROL THE POSSESSION, SALE, AND USE OF PISTOLS
AND REVOLVERS.

SECTION

1. Definition of pistol or revolver.
2. Commission of crime by one armed with pistol and unlicensed, how punished.
3. What persons forbidden to carry pistols or revolvers; penalty for violation.
4. Carrying concealed weapon without license; penalty for violation.
5. Persons exempt from application of preceding section.
6. License to carry loaded weapon, to whom and by whom to be granted.
7. Sales, etc., of weapons to minors, how punished; exemption.
8. Sale, etc., to unnaturalized foreign-born persons, etc., or to a felon, prohibited except upon permit.

SECTION

9. Selling, etc., of weapons without license, how punished.
10. Licenses to sell, how granted; record of sales to be kept.
11. Purchasing weapon by false information or evidence, how punished.
12. Removing maker's name from weapon, or other mark of identification, how punished.
13. Existing licenses to expire July 31, 1923.
14. Antique weapons not included in act.
15. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Definition of
pistol or revolver.

SECTION 1. Pistol or revolver, as used in this act shall be construed as meaning any firearm with a barrel less than twelve inches in length.

Commission of
crime by one
armed with pistol
and unlicensed,
how punished.

SECT. 2. If any person shall commit or attempt to commit a crime when armed with a pistol or revolver, and having no permit to carry the same, he shall in addition to the punishment provided for the crime, be punished by imprisonment for not more than five years.

What persons
forbidden to carry
pistols or revolvers;
penalty for
violation.

SECT. 3. No unnaturalized foreign-born person and no person who has been convicted of a felony against the person or property of another shall own or have in his possession or under his control a pistol or revolver, except as hereinafter provided. Violations of this section shall be punished by imprisonment for not more than two years and upon conviction the pistol or revolver shall be confiscated and destroyed.

Carrying concealed
weapon
without license;
penalty for violation.

SECT. 4. No person shall carry a pistol or revolver concealed in any vehicle or upon his person, except in his dwelling house or place of business, without a license therefor as hereinafter provided. Violations of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment not exceeding one year or by both fine and imprisonment.

Persons exempt
from application
of preceding
section.

SECT. 5. The provisions of the preceding sections shall not apply to marshals, sheriffs, policemen, or other duly appointed peace and other law enforcement officers, nor to the regular and ordinary trans-

portation of pistols or revolvers as merchandise, nor to members of the army, navy, or marine corps of the United States, nor to the national guard when on duty, nor to organizations by law authorized to purchase or receive such weapons, nor to duly authorized military or civil organizations when parading, or the members thereof when at or going to or from their customary places of assembly.

SECT. 6. The selectmen of towns or the mayor or chief of police of cities may, upon application of any person issue a license to such person to carry a loaded pistol or revolver in 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 for any other proper purpose, and that he is a suitable person to be licensed. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original thereof shall be delivered to the licensee, the duplicate shall be preserved by the selectmen of towns and the chief of police of the cities wherein issued for a period of one year.

SECT. 7. Any person or persons who shall sell, barter, hire, lend or give to any minor under the age of twenty-one years any pistol or revolver shall be deemed guilty of a misdemeanor and shall upon conviction thereof be fined not more than one hundred dollars or be imprisoned not more than three months, or both. This section shall not apply to fathers, mothers, guardians, administrators, or executors who give to their children, wards, or heirs to an estate, a revolver.

SECT. 8. No person shall sell, deliver, or otherwise transfer a pistol or revolver to a person who is an unnaturalized foreign-born person or has been convicted of a felony against the person or property of another, except upon delivery of a written permit to purchase, signed by the selectmen of the town or the mayor or chief of police of the city. Before a delivery be made the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address, and nationality, the date of sale, the caliber, make, model, and manufacturer's number of the weapon. The seller shall, within seven days, sign and forward to the chief of police of the city or selectmen of the town one copy thereof and shall retain the other copy for one year. This section shall not apply to sales at wholesale. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer a pistol or revolver to any person not personally known to him. Violations of this section shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECT. 9. Whoever, without being licensed as hereinafter provided, sells, advertises, or exposes for sale, or has in his possession

License to carry loaded weapon, to whom and by whom to be granted.

Sales, etc., of weapons to minors, how punished; exemption.

Sale, etc., to unnaturalized foreign-born persons, etc., or to a felon, prohibited except upon permit.

Selling, etc., of weapons without license, how punished.

with intent to sell, pistols or revolvers, shall be punished by imprisonment for not more than two years.

Licenses to sell,
how granted;
record of sales
to be kept.

SECT. 10. The selectmen of towns and the chief of police of cities may grant licenses, the form of which shall be prescribed by the secretary of state, effective for not more than one year from date of issue, permitting the licensee to sell at retail pistols and revolvers subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

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 easily be read.

3. No pistol or revolver shall be delivered (a) to a purchaser not personally known to the seller or who does not present clear evidence of his identity; nor (b) to an unnaturalized foreign-born person or a person who has been convicted of a felony and has no permit as required by section 8 of this act.

A true record, in duplicate, shall be made of every pistol or revolver sold, said record to be made in a book kept for the purpose, the form of which shall be prescribed by the secretary of state and shall be signed by the purchaser and by the person effecting the sale, and shall include the date of sale, the caliber, make, model, and manufacturer's number of the weapon, the name, address, and nationality of the purchaser. One copy of said record shall, within seven days, be forwarded to the selectmen of the town or the chief of police of the city and the other copy retained for one year.

Purchasing
weapon by false
information or
evidence, how
punished.

SECT. 11. If any person in purchasing or otherwise securing delivery of a pistol or revolver shall give false information or offer false evidence of his identity he shall be punished by imprisonment for not more than two years.

Removing maker's
name from
weapon, or other
mark of identi-
fication, how
punished.

SECT. 12. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver. Possession of any such firearms upon which the same shall have been changed, altered, removed, or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same. Violations of this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than one year, or both.

Existing licenses
to expire July 31,
1923.

SECT. 13. All licenses heretofore issued within the state permitting the carrying of pistols or revolvers upon the person shall expire at midnight of July 31, 1923.

Antique weapons
not included in
act.

SECT. 14. This act shall not apply to antique pistols or revolvers incapable of use as such.

1923]

CHAPTER 119.

141

SECT. 15. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect upon its passage. Repealing clause; takes effect on passage.

[Approved May 4, 1923.]

CHAPTER 119.

AN ACT TO PROHIBIT THE SALE AND MANUFACTURE OF INFLAMMABLE STOVE POLISHES.

SECTION

1. Manufacture or sale of certain inflammable stove polishes forbidden.

SECTION

2. Penalty for violation.
3. Repealing clause; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. It shall be unlawful to manufacture for sale, keep for sale, or sell for domestic use, any articles or compounds designed or intended as stove polish, which flash at a temperature below one hundred and twenty degrees Fahrenheit, open cup test. The selling or having for sale of such compounds by retail stores shall be deemed as presumptive evidence of their being intended for domestic use. Manufacture or sale of certain inflammable stove polishes forbidden.

SECT. 2. Any violation of this act shall be punished by a fine not exceeding one hundred dollars (\$100) or by imprisonment not exceeding six months or both. Penalty for violation.

SECT. 3. So much of chapter 101, Laws of 1921, as is inconsistent herewith and all other acts and parts of acts inconsistent herewith are hereby repealed and this act shall take effect upon its passage. Repealing clause; takes effect on passage.

[Approved May 4, 1923.]

Arkansas. Laws, statutes, etc.

A DIGEST OF THE STATUTES OF ARKANSAS

EMBRACING ALL
Laws of a General Nature

In Force at the Close of the General and Special
Sessions of General Assembly of 1919

BY
T. D. CRAWFORD
AND
HAMILTON MOSES

Examined and Approved by
CHARLES C. REID

Published by Authority of the General Assembly
Little Rock, Ark

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by the
STATE OF ARKANSAS

were cognizable in chancery, though none were exclusively so, the defendant shall have the right to have them all tried as in cases of proceedings in equity. *Id.*, § 10.

(a) *Daniel v. Garner*, 71 Ark. 484; *Automatic Weighing Co. v. Carter*, 95 Ark. 118; *Southern Cotton Oil Co. v. East*, 134 Ark. 404.

§ 1046. **Defendant to give security when.** If the plaintiff's claim is for money due by contract, and the defendant puts in a defense of exclusively equitable cognizance, upon the plaintiff filing an affidavit that he verily believes that he will succeed in the action, and that the collection of his claim after the judgment will be endangered by the delay arising from such defense being put in, the court shall require the defendant to give security for the payment of any judgment that the plaintiff may obtain in the action, and, upon his failure to give such security, shall order the defendant to pay into court an amount sufficient to discharge the plaintiff's claim and his probable costs; upon which order execution may be issued as upon a judgment, and the amount collected upon execution shall be brought into court and await the decision of the action, and be paid to the plaintiff or defendant, according to such decision. But no security shall be required if the trial of the equitable defense takes place during the term at which it is put in, nor until all defenses to the action, other than those of equitable cognizance, are tried or disposed of in favor of the plaintiff. *Id.*, § 11.

§ 1047. **Application of Code.** The provisions of the Code concerning the prosecution of a civil action apply to both kinds of proceedings, unless the contrary appears. *Id.*, § 13.

§ 1048. **Judgment at law not affected by equitable proceeding.** A judgment obtained in an action by proceedings at law shall not be annulled or modified by any order in any action by equitable proceedings, except for a defense which has arisen or been discovered since the judgment was rendered; but such judgment does not prevent the recovery of any claim, though such claim might have been used as a defense by way of set-off or counterclaim in the action on which the judgment was recovered. *Id.* § 14.

See *Reeve v. Jackson*, 46 Ark. 272; *Nichols v. Shearon*, 49 Ark. 75.

A party suing on a claim that might have been set off in a former suit recovers no cost. See § 1200.

B. COMMENCEMENT OF ACTION.

§ 1049. **When commenced.** A civil action is commenced by filing in the office of the clerk of the proper court a complaint and causing a summons to be issued thereon. *Id.*, § 58.

See *Kansas City So. Ry. Co. v. Akin*, 210 S. W. 350.

Burleson v. McDermott, 57—229; *Railway v. Shelton*, 57—459; *Wilkins v. Worthen*, 62—401.

An action is commenced when complaint is filed and summons issued. *Barker v. Cunningham*, 104—627. Suit by constructive service commenced—when. *Boynton v. Chicago Mill. & Lbr. Co.*, 84—203.

The matter of confirming accounts of guardians is not a civil action. *Nelson v. Cowling*, 89—334.

Secs. 2134-2136.	COUNTIES AND CITY AND COUNTY.	Ch. 128.
District magistrate, Koloa	120.00	1,440.00
District magistrate, Waimea	120.00	1,440.00
District magistrate, Kawaihau	120.00	1,440.00
District magistrate, Hanalei	80.00	960.00

The expenses also of the several district magistrates shall be paid by the counties, including the city and county of Honolulu, within which such magistrates exercise jurisdiction. [L. 1909, c. 122, s. 1; am. L. 1911, c. 41, s. 1; am. L. 1911, c. 42, s. 1; R. L. 1915, s. 2198; am. L. 1915, c. 207, s. 1; am. L. 1917, c. 129, s. 1; am. L. 1917, c. 142, s. 1; am. L. 1917, c. 148, s. 1; am. L. 1917, c. 174, s. 1; am. L. 1917, c. 182, s. 2; am. L. 1919, c. 221, s. 1; am. L. 1921, c. 233, s. 1; am. L. 1923, c. 241, s. 1.]

An assignment by a public officer of his unearned or anticipated salary is void as against public policy: **First Bank of Hilo v. Maguire**, 25 H. 43, 48.

Sec. 2134. Pay second district magistrates. In all cases of temporary disqualification, illness or absence of the district magistrate of Honolulu, city and county of Honolulu; South Hilo, county of Hawaii; Wailuku, county of Maui; or Lihue, county of Kauai; which absence shall be approved by a justice of the supreme court as to the district magistrate of Honolulu and by the circuit judge of the circuit as to the other district magistrates, the second district magistrate of Honolulu shall receive compensation for his services during such disqualification, illness or absence of the district magistrate the sum of ten dollars per diem. The second district magistrate of South Hilo, Wailuku and Lihue, as the case may be, shall receive for compensation for his services during such disqualification, illness or absence of the district magistrate the sum of seven dollars per diem. The second district magistrate of any other district shall receive for compensation for his services during the disqualification, illness or absence of the district magistrate the sum of five dollars per diem. [L. 1917, c. 117, s. 1; am. L. 1919, c. 115, s. 1.]

See s. 2284, temporary district magistrate.

Sec. 2135. Services certified to by whom. Such services rendered by any such second district magistrate shall be certified to the auditor by the district magistrate of the district in which such services were rendered or by a justice of the supreme court or the circuit judge of the circuit. [L. 1917, c. 117, s. 2.]

CHAPTER 128.

FIRE-ARMS AND AMMUNITION.

Sec. 2136. Report to county clerk. Except as otherwise provided by law, any person, firm, corporation or copartnership, resident or doing business within the Territory having in his, its or their possession any fire-arm or fire-arms or any ammunition capable of causing death or inflicting great personal injury, who shall fail to file a description of the same in the

I hereby certify that the above and foregoing list contains a full, true and correct statement and description of all the fire-arms and ammunition owned by me or in my possession during the period from.....
..... to19....
.....

Signature of owner or possessor.

[L. 1907, c. 85, s. 2; R. L. 1915, s. 2200; am. L. 1919, c. 59, s. 1.]

Sec. 2138. Information recorded and furnished governor. It shall be the further duty of the sheriff to enter in a book to be provided for such purpose all information thus furnished him relative to the ownership and possession of fire-arms and ammunition, which book shall be an exact duplication of the descriptions furnished; and further to furnish to the governor not later than the 20th day of January and the 20th day of July of each and every year, an exact report and complete copy of the descriptions and information so furnished as aforesaid. [L. 1907, c. 85, s. 3; R. L. 1915, s. 2201; am. L. 1919, c. 59, s. 1.]

Sec. 2139. Further information. It shall be the duty of every person, firm, corporation and copartnership dealing in fire-arms or and ammunition, to furnish to the sheriff of the county or city and county in which such person resides or wherein such business is carried on, on the first day of January and the first day of July of each and every year, a list of all fire-arms and ammunition in his, their or its possession, and likewise at the times mentioned furnish to such sheriff a list of all arms brought into the Territory, in transit or otherwise, by him, them or it during the six months next preceding such date upon which such list and description is required to be filed; the lists thus to be furnished by such dealers in fire-arms and ammunition shall comply as nearly as possible with the requirements of sections 2136 and 2137, as may be determined by such sheriff. [L. 1907, c. 85, s. 4; R. L. 1915, s. 2202; am. L. 1919, c. 59, s. 1.]

Sec. 2140. Sale of fire-arms or ammunition; report. Whenever any person, firm, corporation or copartnership, dealing in or keeping for sale fire-arms or ammunition, shall make a sale of any fire-arms or ammunition, or shall in any manner dispose of the same to another person, it shall be the duty of such person, firm, corporation or copartnership forthwith to report the same to the sheriff of the county or city and county in which such person, firm, corporation or copartnership resides, or wherein such sale or disposition takes place; and such report shall contain the name of the owner, the name of the purchaser, the date of the sale and description of the fire-arms or ammunition sold, as the case may be, together with the factory number of the fire-arm; and also such other information as shall comply as nearly as possible with all the requirements of this chapter. [L. 1915, c. 122, s. 1; am. L. 1919, c. 59, s. 1.]

Sec. 2141. No sale without permit to purchase; report; delivery when.

No person dealing in fire-arms or pistol or revolver ammunition shall make an individual or retail sale of any such article unless the person desiring to acquire such article shall have first obtained from the sheriff or deputy sheriff of the county or city and county in which he may be at the time a written permit to acquire such article. The person desiring to acquire such article shall deliver the written permit to the dealer, and if the sale or transfer is effected, the dealer shall make a written statement, in duplicate, of such sale or transfer, setting forth the name, address and nationality of the person acquiring such article and a full and complete description of such article. The person acquiring such article shall personally sign such statement, in duplicate. One copy of such statement shall, immediately after the delivery of such article be transmitted to the sheriff or deputy sheriff of such county or city and county, and one copy of such statement shall be retained by the dealer. No such article shall be delivered to the person desiring to acquire the same on the day in which the transaction for the sale or transfer thereof is made. [L. 1919, c. 124, pt. of s. 1; am. L. 1921, c. 244, s. 1; am. L. 1923, c. 156, pt. of s. 1.]

Sec. 2142. Penalties. Any person who shall violate any provision of section 2141 and any person who shall acquire any of the articles from any dealer without having first obtained the permit aforesaid, or without having personally signed the statement of sale or transfer aforesaid, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term of not more than one year, or by both such fine and imprisonment.

Any person furnishing information leading to the conviction of any person violating any provision of section 2141 shall be paid an amount equal to one-half of the fine that may be imposed against the person convicted. [L. 1919, c. 124, pt. of s. 1; am. L. 1921, c. 244, s. 1; am. L. 1923, c. 156, pt. of s. 1.]

Sec. 2143. Permit to aliens; where. The permit mentioned in section 2141 shall not be issued to any alien until the applicant has filed with the sheriff or a deputy sheriff of the county or city and county a request in writing, signed by two responsible citizens requesting that such permit be issued, and recommending and vouching for the applicant. Aliens obtaining a permit as prescribed by the above section shall be required to secure an annual license from the treasurer of the county or city and county, and to pay to the treasurer an annual license tax of five dollars; **provided**, however, that to aliens who must necessarily use fire-arms in carrying on their business, such as rice planting, such license shall be issued free of charge upon a certificate from the sheriff of the county or city and county in which they carry on such business to the effect that the fire-arms and ammunition

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mentioned in their permit are necessary to the conduct of their business. [L. 1921, c. 17, s. 1.]

Sec. 2144. Unlawful possession by alien; penalty. Any alien person found in the possession of any fire-arm or fire-arms or any ammunition without having complied with the provisions of section 2143 shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars or imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court. [L. 1921, c. 17, s. 1.]

Sec. 2145. Records made public when. The records provided by this chapter to be kept shall not be treated as records subject to public inspection, and the facts therein set forth shall be made public by such sheriff or sheriffs only upon the request of the governor, or upon the order of a court for the purposes of procuring and introducing evidence showing or tending to show a violation of this chapter. [L. 1907, c. 85, s. 5; R. L. 1915, s. 2203; am. L. 1919, c. 59, s. 1.]

Sec. 2146. Penalties. Any person found in the possession of any fire-arm or fire-arms or any ammunition without having complied with the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined by the court of appropriate jurisdiction in a sum of not more than five hundred dollars. Any person, firm, corporation or copartnership failing to file any information herein required to be filed, shall be deemed guilty of a misdemeanor and upon conviction shall be fined by the court of appropriate jurisdiction not more than five hundred dollars. Any sheriff divulging any of the information contained in such records other than as herein permitted shall be deemed to be guilty of a misdemeanor and fined in a sum not exceeding twenty-five dollars. [L. 1907, c. 85, s. 6; R. L. 1915, s. 2204; am. L. 1919, c. 59, s. 1.]

Sec. 2147. Exceptions. Nothing in this chapter set forth shall be held to require any of the authorities of the United States of America carrying arms by virtue of their office, nor any of the authorities of the Territory of Hawaii, including the organized militia, carrying arms by virtue of their office, nor any of the authorities of any county or municipality so carrying arms, to furnish the description or information herein required. [L. 1907, c. 85, s. 7; R. L. 1915, s. 2205.]

CHAPTER 129.

WEIGHTS AND MEASURES.

Sec. 2148. Short title. The short title of this chapter shall be "The Weights and Measures Law of Hawaii." [L. 1921, c. 234, s. 1.]

laying out, opening, changing or vacating of any street, alley, or public place in any city are hereby extended and shall apply to all proceedings had under the provisions of section 1 of this act, including the ascertainment, award and payment of damages to, and the fixing, assessment and collection of assessments from, the owners of property beneficially or injuriously affected by such proceeding.

CHAPTER 207.

AN ACT to regulate and control the possession, sale, and use of pistols and revolvers in the State of Indiana, to provide penalties, and for other purposes.

[S. 55. Approved March 12, 1925.]

Pistols and Revolvers Defined.

SECTION 1. *Be it enacted by the general assembly of the State of Indiana,* That the term "pistol or revolver," as used in this act, shall be construed as meaning any firearm with a barrel less than twelve inches in length.

Crime—Committing When Armed With Pistol or Revolver.

SEC. 2. If any person shall, within the State of Indiana, commit or attempt to commit a crime, when armed with a pistol or revolver, and having no permit to carry the same, he shall, in addition to the punishment provided for the crime, be guilty of a felony and shall be punished by imprisonment for not less than one year and not more than five years.

Subsequent Offenses.

SEC. 3. The judge shall have the power to sentence any person who may be convicted for a second or third, or other subsequent offense under section 2 of this act, to double or triple the penalty imposed thereby.

Felony—Conviction For—Prohibited From Possessing Pistol.

SEC. 4. No person who has been convicted of a felony committed against the person or property of another shall own or have in his possession or under his control, within the State of Indiana, a pistol or revolver. A violation

of this section shall constitute a felony and be punishable by imprisonment for not less than one year, and not more than five years.

Pistol or Revolver—Possession Without Permit.

SEC. 5. No person shall carry, within the State of Indiana, a pistol or revolver concealed in any vehicle or upon his person, except in his dwelling house or place of business, without a permit therefor as hereinafter provided. Violations of this section shall constitute a misdemeanor and be punished by a fine of one hundred dollars (\$100.00), to which may be added imprisonment for not more than one year, and upon conviction the pistol or revolver shall be confiscated and destroyed by the sheriff on order of the court.

Persons Exempt From Act.

SEC. 6. The provisions of the preceding section shall not apply to marshals, sheriffs, deputy sheriffs, policemen or any other duly appointed peace officers, nor the pistols or revolvers of any bank, trust company, or common carriers, or to the officers or employees of any bank, trust company, or common carriers, while such officers or employees are guarding money or valuables within the line of their duties as such employees, nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the army, navy, or marine corps or the mail service of the United States, or the national guard, when on duty, or organizations by law authorized to purchase or receive such weapons from the United States, or the State of Indiana, nor to duly authorized military or civil organizations when parading, nor to the members thereof when at or going to or from their customary places of assembly.

Permits—Clerk of Circuit Court—Application—Form—Fee.

SEC. 7. The clerk of any circuit court of the State of Indiana, shall, upon application of any citizen having a bona fide residence or place of business within the State of Indiana, or of any person having a bona fide residence or place of business within the United States, and a permit

to carry a firearm concealed upon his person issued by the authorities of any other state or subdivision of the United States, issue a permit to such citizen to carry a pistol or revolver within the State of Indiana, during the period of one year or until revoked, as herein provided. Such application for permit shall be signed by two resident householders and freeholders of the county in which the applicant lives, and it shall appear from such application that the applicant is a suitable person to be granted a permit under the law. The permit shall be in duplicate, in form to be prescribed by the adjutant general of the State of Indiana, and shall bear the name, address, description and signature of the applicant and reason given for desiring a permit. The original thereof shall be delivered to the applicant, the duplicate shall be preserved for six years by the clerk of the circuit court issuing the same. For each permit so issued, the applicant shall pay the sum of one dollar (\$1.00).

Minors—Sale of Pistols or Revolvers to Prohibited.

SEC. 8. Any person or persons who shall, within the State of Indiana, sell, barter, hire, lend, or give to any minor under the age of twenty-one years, any pistol or revolver shall be deemed guilty of a misdemeanor and shall upon conviction thereof be fined not more than one hundred dollars (\$100.00), or be imprisoned for not more than three months, or both, except for uses as hereinbefore provided.

Sale of Pistols and Revolvers—Record—Penalty.

SEC. 9. No person shall within the State of Indiana sell, deliver or otherwise transfer a pistol or revolver to a person who he has reasonable cause to believe either is not a citizen or has been convicted of a felony against the person or property of another, nor in any event shall he deliver a pistol or revolver on the day of the application for the purchase thereof, and when delivered said pistol or revolver shall be securely wrapped and shall be unloaded. Before a delivery be made, the purchaser or his duly authorized agent and the seller or his duly authorized agent shall in the presence of each other sign in duplicate a statement containing the purchaser's full name, age, ad-

dress, place of birth, and nationality, the date of sale, the caliber, make, model, and manufacturer's number of the weapon. The seller shall, within seven days, forward by registered mail, to the clerk of the circuit court of the county in which the seller resides, one copy thereof and shall retain the other copy for six years. This section shall not apply to sales at wholesale. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer a pistol or revolver to any person not personally known to him. Violations of this section shall constitute a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100.00), or by imprisonment for not more than one year, or by both such fine and imprisonment.

Pistols and Revolvers—Sale Without License.

SEC. 10. Whoever, within the State of Indiana, without being licensed as hereinafter provided, sells, delivers, transfers, advertises, or exposes for sale, or has in his possession with intent to sell, pistols or revolvers, shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment for not less than one year nor more than two years.

Dealers' Licenses—Conditions on Which Sold—Record—Advertisement.

SEC. 11. The clerk of the circuit court of any county may grant licenses, to any reputable, established dealer, on forms to be prescribed by the adjutant general, permitting the licensee to sell at retail within the State of Indiana pistols and revolvers, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

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 easily be read.

3. No pistol or revolver shall be delivered:

(a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor,

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(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity; nor,

(c) If the seller has reasonable cause to believe that the purchaser is an unnaturalized foreign-born person or has been convicted of a felony against the person or property of another.

4. A true record, in duplicate, shall be made of every pistol or revolver sold, said record to be made in a book kept for the purpose, the form of which shall be prescribed by the adjutant general and shall be signed by the purchaser and by the person effecting the sale, and in the presence of each other, and shall include the date of sale, the caliber, make, model, and manufacturer's number of the weapon, the name, address, age, place of birth, nationality of the purchaser. One copy of said record shall, within seven days, be forwarded by registered mail to the clerk of the circuit court of the county in which the seller resides, and the other copy shall be retained by the seller for six years.

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

False Information.

SEC. 12. If any person in purchasing or otherwise securing delivery of a pistol or revolver or applying for a permit to carry same within the State of Indiana shall give false information or offer false evidence of his identity he shall be deemed guilty of a felony and upon conviction shall be punished by imprisonment for not less than one year nor more than five years.

Obliteration of Make, Model, Number—Penalty.

SEC. 13. No person shall within the State of Indiana, change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver. Possession of any such firearms upon which the same shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that such possessor has changed, altered, removed,

or obliterated the same. Violations of this section shall be a misdemeanor and shall be punished by imprisonment for not less than six months nor more than one year.

Felony—Possession of Revolver Prima Facie Evidence.

SEC. 14. In the trial of a person charged with committing or attempting to commit a felony against the person or property of another while armed with a pistol or revolver, without having a permit to carry such firearm as hereinbefore provided, the fact that such person was so armed shall be prima facie evidence of his intent to commit such felony.

Weapons Exempt.

SEC. 15. This act shall not apply to antique pistols or revolvers incapable of use as a deadly weapon.

Prior Licenses.

SEC. 16. Any or all licenses heretofore issued to carry or possess revolver or pistol shall be revoked and rendered null and void on and after thirty days from the taking effect of this act.

Revocation of License.

SEC. 17. Hereafter in any court of record upon trial of any person for a penal offense, and upon a showing that such person is not a fit person to carry concealed weapons, the court may enter an order revoking such person's license to carry concealed weapons and such fact shall be communicated to the public officer issuing the same.

Licensed Dealers—Statement—Penalty.

SEC. 17½. It shall be unlawful from and after the taking effect of this act, for any person, firm or corporation to receive or have in his or its possession within the State of Indiana any pistol or revolver purchased or acquired after the taking effect of this act, except a licensed dealer, who shall not have signed and forwarded to the clerk of the county in which he resides the statements provided for in section 9 of this act, before or at the time of taking possession of such pistol or revolver. Whoever shall violate the provisions of this section of this act shall be

deemed guilty of a misdemeanor and shall upon conviction thereof be fined not more than \$100, to which may be added imprisonment for not more than sixty days.

Repeal.

SEC. 18. All laws and parts of laws in conflict herewith are hereby repealed.

Unconstitutional Provisions.

SEC. 19. If any provision or section of this act shall be held void or unconstitutional, all other provisions and all other sections of this act, which are not expressly held to be void or unconstitutional, shall remain in full force and effect.

CHAPTER 208.

AN ACT fixing the terms of the circuit court, in the forty-ninth judicial circuit, composed of the counties of Daviess and Martin, and repealing all laws in conflict therewith, and declaring an emergency.

[S. 173. Approved March 12, 1925.]

Daviess and Martin Counties—Terms of Court.

SECTION 1. *Be it enacted by the general assembly of the State of Indiana,* That there shall be four terms each year of the circuit court in each of the counties of Daviess and Martin, comprising the forty-ninth judicial circuit. The terms in the county of Martin shall begin on the first Monday in January, the fourth Monday in March, the first Monday in August, and the fourth Monday in October of each year, and the terms beginning on the first Monday of January, and the fourth Monday of March, shall continue for four weeks each, and the terms beginning on the first Monday of August, and the fourth Monday of October, shall continue for three weeks each.

The terms in the county of Daviess shall begin on the first Monday of February, the fourth Monday of April, the first Monday of September, and the third Monday of November, and the terms beginning on the first Monday of February, and the first Monday of September, shall continue for six weeks, and the terms beginning on the fourth Monday of April and the third Monday of Novem-

[No. 313.]

AN ACT to regulate the possession and sale of pistols, revolvers and guns; to provide a method of licensing those carrying such weapons concealed; and to provide penalties for violations of such regulations.

The People of the State of Michigan enact:

SECTION 1. A pistol, revolver or gun as used in this act shall be construed to mean any pistol, revolver or gun not exceeding thirty inches in length that can be concealed on or about the person. Pistol, etc., defined.

SEC. 2. Any person who shall commit or attempt to commit a felony when armed with a pistol, revolver or gun, as defined in section one, shall, in addition to the punishment provided for committing the crime, be punished by imprisonment for not less than two nor more than five years within the discretion of the court. Felony, penalty for.

SEC. 3. The court shall have power to sentence any person who may be convicted of a second offense to double the additional penalty imposed under section two hereof for carrying such concealed weapon without a license. Second offense.

SEC. 4. In the trial of a person for the commission of murder, assault with intent to do great bodily harm, robbery, larceny, or of an attempt to commit any of such offenses, the fact that he was armed with a pistol, revolver or gun as herein defined and had no permit to carry the same, shall be prima facie evidence of his intention to commit the crime with which he is charged. If any peace officer shall arrest a person on suspicion and with probable cause and without a warrant, for carrying concealed weapons, as herein provided, without a license therefor, and the arrest was in other respects legal and such person was actually in possession of a concealed weapon without a license to carry the same, it shall be presumed that the officer making the arrest had reasonable cause to believe that the alleged offense was being committed. What deemed prima facie evidence.

SEC. 5. No person shall carry a pistol, revolver or gun concealed on or about his person or in any vehicle owned or operated by him, except in his dwelling house, place of business or on his premises, without a license therefor, as herein-after provided. The provisions of this section, however, shall not apply to the regular and ordinary transportation of pistols, revolvers or guns as merchandise, or to any member of the army, navy or marine corps of the United States, or to the national guard when on duty, or organizations by law authorized to purchase or receive such weapons from the United States or from this state, nor to duly authorized military organizations when on duty, nor to the members thereof when going to or returning from their customary places of assembly, nor to wholesale or retail dealers therein, nor to peace officers of the state. Pistol, etc., when unlawful to carry.

Permit to
carry, who
to issue.

SEC. 6. The prosecuting attorney, sheriff and chief of police of any city or incorporated village in which an applicant for a license to carry a concealed weapon, as herein defined, resides, shall constitute a licensing board for applicants living in cities and incorporated villages of each county. The prosecuting attorney and sheriff shall constitute a board to act upon applications for such a license by applicants not residing in a city or incorporated village in such county. The county clerk of each county shall be clerk of such board. The board as herein constituted may issue a permit to carry concealed, a revolver or gun within the state, to such person residing within the jurisdiction of the licensing board, if it appears that the applicant is a suitable person to be granted a license and there is reasonable cause therefor. The license so issued shall state the reason for granting the same and the length of time for which granted. Such license shall be void when the reason for granting it ceases to exist. A license may also be issued, as herein provided, to any person having a bona fide residence or place of business within the United States, and holding a license to carry the weapons herein mentioned concealed upon his person, issued by the authorities of the United States. The license herein mentioned shall be in a form prescribed by the secretary of state and shall be in triplicate. It shall give the name, address and description of the licensee and the reason for granting a license. Each of said copies shall be signed by the licensee. The original shall be delivered to such licensee; one copy shall be mailed by registered letter within thirty days to the secretary of state and the other copy shall be preserved by the person issuing the license.

Form of
license.

Delivery to
purchaser;
statement
required.

SEC. 7. No person shall deliver or otherwise transfer a pistol, revolver or gun, as defined in this act, to a person, unless it be securely wrapped and unloaded. Before the same is delivered to the purchaser, he shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, nationality, the date of sale, the caliber, make, model and manufacturer's number of the weapon. The seller shall, within thirty days thereafter, sign and mail by registered letter one copy thereof to the secretary of state, one copy to the chief of police of the city or village in which the same was sold or to the sheriff of the county of which the seller is a resident and shall retain the other copy. This section shall not apply to sales at wholesale. Any person convicted of wilfully violating the provisions of this section shall be punished by a fine of not less than one hundred dollars or by imprisonment for not more than one year or by both such fine and imprisonment, in the discretion of the magistrate.

Dealer's
license.

SEC. 8. No person, firm or corporation shall hereafter sell or otherwise transfer a pistol, revolver or gun without having obtained a dealer's license therefor. The duly constituted licensing authorities herein mentioned may grant licenses on a form prescribed by the secretary of state, effective for not

more than one year from the date thereof permitting the licensee to sell at retail the firearms herein mentioned, subject to the following conditions:

Conditions.

1. The business shall be conducted only in the building occupied by the licensed dealer.

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

3. A true record in triplicate shall be made of every pistol, revolver or gun, as defined in this act, sold, said record to be made in a book kept for the purpose, the form of which shall be prescribed by the secretary of state as hereinbefore provided. The form shall show the date of sale, the caliber, make, model and manufacturer's number of the weapon and the name, address, occupation and nationality of the purchaser.

SEC. 9. If any person in purchasing or otherwise securing delivery of a pistol, revolver, or gun, as defined in this act, or in applying for a permit to carry the same, shall give any false information or offer false evidence of his identity, he shall be subject to the penalty hereinafter provided.

False information.

SEC. 10. No person shall deliberately change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identity of any pistol, revolver or gun. Possession of any such firearm upon which the name or number shall have been deliberately changed, altered, removed or obliterated shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same.

Not to change, etc., name of maker, etc.

SEC. 11. On or before the first day of July, nineteen hundred twenty-five, any person within this state who owns or has in his possession, a pistol, revolver or gun, as herein described, and which have not been by that time legally registered, shall register the same in the office of the sheriff of the county or the chief of police of the city or village in which such person resides. A certificate of registration shall be issued in triplicate and on a form to be prescribed by the secretary of state, containing the name, address, description and signature of the person registering the same, together with a full description of such firearm. The original shall be delivered to the person registering the same, one copy thereof shall be mailed to the secretary of state by registered letter within thirty days from the date of said registration, and the other copy thereof shall be retained and filed in the office of said sheriff or chief of police. The provisions of this section shall not apply to wholesale or retail dealers or to persons having in their possession pistols, revolvers or guns used solely for the purposes of display as relics, souvenirs or curios and kept as a collection of such.

Registration.

Certificate, what to contain, etc.

SEC. 12. All licenses heretofore issued within the state, permitting a person to carry a pistol, revolver or gun, as defined in this act, concealed upon his person, shall expire at midnight, December thirty-first, nineteen hundred twenty-six.

When license to expire.

Revocation. SEC. 13. Any officer issuing a license under the provisions of this act may revoke the same upon receiving a certificate of any magistrate showing that such licensee has been convicted of violating any of the provisions of this act. Such license may also be revoked by the official issuing the same whenever in his judgment the holder thereof has violated any of the provisions of this act or is an unfit person to carry a concealed weapon as mentioned herein. Such official shall not revoke a license as herein mentioned, except after a hearing of which reasonable notice shall be given to the licensee either personally or by registered mail to the last known residence of the licensee. No such license shall be revoked except upon the written complaint of a peace officer or person living within the jurisdiction of the licensing official. Such complaint shall be addressed to the licensing official and shall set forth the reasons for requesting that the license be revoked.

When inapplicable. SEC. 14. This shall not apply to antique pistols, revolvers or guns.

Penalty for violation. SEC. 15. Any person convicted of a violation of this act for which a penalty is not provided shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the state prison for a period of not more than three years, or by both such fine and imprisonment, in the discretion of the court.

Saving clause. SEC. 16. This act is declared to be severable and if any section or part of a section shall be held to be unconstitutional, the validity of the balance of the act shall not be affected thereby.

Approved May 26, 1925.

[No. 314.]

AN ACT to amend section one of act number thirty-two of the public acts of eighteen hundred seventy-three, entitled "An act to extend aid to the university of Michigan and to repeal an act entitled 'An act to extend aid to the university of Michigan,' approved March fifteen, eighteen hundred sixty-seven, being sections three thousand five hundred six and three thousand five hundred seven of the compiled laws of eighteen hundred seventy-one," being section one thousand one hundred eighty-three of the compiled laws of nineteen hundred fifteen, as amended by act number two hundred fifty-two of the public acts of the state of Michigan for the year nineteen hundred twenty-three.

The People of the State of Michigan enact:

Section amended. SECTION 1. Section one of act number thirty-two of the public acts of eighteen hundred seventy-three, entitled "An act to

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CHAPTER 64.

An Act to amend an act entitled "A further supplement to an act entitled 'An act for the punishment of crimes' (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight," which supplementary act was approved March eleventh, one thousand nine hundred and twenty-four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The act of which this act is amendatory be and the same hereby is amended so that the same shall read as follows:

Act amended.

1. Any person who shall carry any revolver, pistol or other firearm, or other instrument of the kinds known as a blackjack, slungshot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife, stiletto, bomb or other high explosive, other than fixed ammunition, concealed in or about his clothes or person, or in any automobile, carriage, motor cycle, or other vehicle, shall be guilty of a misdemeanor; *provided, however*, that nothing in this act contained shall be construed in any way to apply to the sheriff, or the undersheriffs of any county, nor to the regularly employed members of any uniformed police department in any municipality of this State, nor to any prosecutor or assistant prosecutor of any county, jailer, regular fish and game wardens, constable, railway police, canal police, and steamboat police and prosecutor's detectives; nor to any member of the State Police, nor to any motor vehicle inspector; nor to duly authorized military organizations when under orders, nor to the members thereof when going to or from places of meeting of their respective organizations, carrying the weapons prescribed for such drill, exercise or parade; *and provided, further*, nothing in this act contained shall be construed to apply to any person having a written permit to carry

Carrying concealed weapon on person or in vehicle a misdemeanor.

Proviso: legal carrying.

Proviso.

Proviso.	any revolver, pistol or other firearm, when such permit has been obtained pursuant to the provisions of this act; nor to public utility corporations in the transportation of explosives; <i>provided, however</i> , that nothing herein contained shall prevent any person from keeping or carrying about his or her place of business, dwelling, house or premises, any such revolver, pistol, firearm or other weapon, or from carrying the same from any place of purchase to his or her dwelling, house or place of business, or from his or her dwelling, house or place of business to any place where repairing is done, to have the same repaired and returned, or to carry a gun, rifle or knife in the woods or fields or upon the waters of the State for the purpose of hunting or target practice.
License to carry weapons.	2. Any person desirous of obtaining a permit to carry a revolver, pistol or other firearm, pursuant to the provisions of this act, shall in the first instance, make application therefor either to the chief police official of the municipality in which the applicant resides or to the sheriff of the county wherein the applicant resides. If such application is approved by the chief police official or by the sheriff, as the case may be, the applicant shall then present such application, so approved as aforesaid, to a Common Pleas judge of the county or to the justice of the Supreme Court or to the judge holding the circuit for the county in which the applicant is resident, who, after investigation, and being satisfied of the sufficiency of the application, and of the need of such person carrying concealed upon his person, a revolver, pistol or other firearm, shall issue a permit therefor. A permit so issued pursuant to the provisions of this act is sufficient authority for the holder thereof to carry concealed upon his person a revolver, pistol or other firearm in all parts of the State of New Jersey. All permits issued pursuant to the provisions of this act shall expire on the thirty-first day of December subsequent to the date of issue, and may thereafter be renewed for a period of five years.
Application.	
Approval.	
Permit.	
Expiration and renewal.	
Record of sale kept.	3. Every person engaged in the retail business of selling, leasing or otherwise transferring a pistol, revolver or other firearm of a size capable of being concealed

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upon the person, whether such seller, lessor or transferor is a retail dealer, pawnbroker or otherwise, shall keep a register in which shall be entered the time of sale, date of sale, the name, age, color, nationality, occupation and residence of the purchaser, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, calibre or other marks of identification on such pistol, revolver or other firearm. Such register shall be open at all reasonable hours for the inspection of any police or other peace officer.

The form of such register shall be prepared by the Secretary of State, and by him transmitted to the clerk of every municipality. The clerk of such municipality shall thereupon prepare said register in accordance with said form so transmitted, and furnish the same to each person, firm or corporation within his said municipality engaged in the business of selling, leasing or otherwise transferring pistols, revolvers or other firearms. The purchaser of any pistol, revolver or other 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 name, in duplicate, as a witness to the signature of the purchaser. Any person signing a fictitious name or address, or giving any false information in connection with the making of any such purchase shall be guilty of a high misdemeanor.

The duplicate sheet of such register shall before twelve o'clock midnight of the day of sale, lease or transfer be delivered to the office of the chief of police of such municipality, or to the office of the captain of the precinct of any such city, within which the dealer resides, and a receipt shall be given to such dealer therefor; *provided, however*, that where a sale, lease or transfer is made in any municipality having no chief of police, it shall then be the duty of the dealer, from the day of sale to mail to the county clerk of the county within which the sale, lease or transfer was made a duplicate copy of such register. Any person violating any of the provisions hereof shall be guilty of a misdemeanor.

Registry.

Furnished
dealers.

Signature of
buyer and
seller.

False repre-
sentation.

Duplicate
delivered.

Proviso.

Penalty.

Form of
register.

The register provided for in this act shall be substantially in the following form:

Sold, leased or transferred 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.)

No sale after
five P. M.

4. No person engaged in the retail business of selling, leasing or otherwise transferring any pistol, revolver or other firearm of a size capable of being concealed upon the person shall exhibit for purposes of sale, lease or hire any pistol, revolver or other firearm after the hour of five P. M.; *and provided, further*, that no pistol, revolver or other firearm shall be delivered to any purchaser until twenty-four hours shall have elapsed from the time of application therefor.

Proviso.

Permits for
banking institutions.

5. The president of any National bank, building and loan association, trust company or other banking institution located in any municipality of this State may make application to the chief of police of such municipality for permits, in blank, to be used by the messengers, clerks or other employees or agents of such institutions for use while engaged in the performance of their respective duties. Upon such issue, as aforesaid, he shall transmit to the chief of police from whom such permits were obtained a record of the persons to whom the same were issued; *provided, however*, that such permits, so as aforesaid issued under this section, shall not exceed twenty in number to any one bank.

Police notified.

Proviso.

CHAPTERS 64 & 65, LAWS OF 1925.

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6. Any person who shall alter, change, disfigure or deface the serial number of any pistol or revolver shall be guilty of a misdemeanor; any person engaged in the retail business of selling, leasing or otherwise transferring pistols, revolvers, or other firearms who shall sell or lease any pistol, or revolver having the serial number thereof altered, changed, disfigured or defaced shall be guilty of a misdemeanor.

Not alter
serial num-
ber.

7. This act shall take effect immediately.
Approved March 12, 1925.

CHAPTER 65.

An Act concerning building and loan associations
(Revision of 1925).

BE IT ENACTED by the Senate and General Assembly
of the State of New Jersey:

ARTICLE I. AS TO BUILDING AND LOAN AS-
SOCIATIONS OF THIS STATE.

I. FORMATION.

1. Purposes.

Upon executing, recording and filing a certificate pursuant to this act, nine or more persons, citizens of this State, may become an incorporated association for the purpose of assisting each other and all who may become associated with them in acquiring real estate, making improvements thereon and for removing incumbrances therefrom by the payment of periodical installments, as its constitution shall provide; and for the further purpose of accumulating a fund, to be repaid to its members, subject to the right of earlier redemption, who do not obtain advances for purposes above mentioned when the funds of such association shall amount to a certain sum per share, to be specified in the certificate of incorporation.

Formation of
building and
loan associations.

Purposes.

9. County school superintendent, \$1,500. The county school superintendent shall be allowed a deputy or clerk whose salary shall be determined by the county court; all claims of deputy for salary or services must be approved by the county school superintendent *[and the same shall be audited by the county court and paid as other claims against the county are paid. The county school superintendent] shall be allowed such sum as the county court may deem necessary for traveling expenses incurred in the discharge of his duties, which claims shall be audited and paid by the county court out of the general fund of the county.

Approved by the governor February 26, 1925.

Filed in the office of the secretary of state February 26, 1925.

CHAPTER 260

AN ACT

[H. B. 452]

To control the possession, sale and use of pistols and revolvers, to provide penalties.

Be It Enacted by the People of the State of Oregon:

Section 1. On and after the date upon which this act takes effect, any person who within the state of Oregon manufactures or causes to be manufactured or who imports into the state of Oregon or who keeps for sale or offers or exposes for sale or who gives, lends or possesses a pistol or revolver otherwise than in accordance with the provisions of this act shall be guilty of a felony, and, upon conviction thereof, shall be punishable by imprisonment in the state penitentiary for not more than five years.

Section 2. On and after the date upon which this act takes effect no unnaturalized foreign-born person and no person who has been convicted of a felony against the person or property of another or against the government of the United States or of the state of Oregon or of any political subdivision thereof shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person. The terms "pistol," "revolver," and "firearms capable of being concealed upon the person," as used in this act, shall be construed to apply to and include all firearms having a barrel less than twelve inches in length. Any person who shall violate the provisions of this section shall be guilty of a felony, and, upon conviction thereof, be punishable by imprisonment in the state penitentiary for not less than one year nor for more than five years.

* The phrase inserted in brackets appears in the original and engrossed bills, but was not incorporated in the enrolled act.

Section 3. If any person shall commit or attempt to commit any felony within this state while armed with any of the weapons mentioned in section 1 hereof or while armed with any pistol, revolver or other firearm capable of being concealed upon the person, without having a license or permit to carry such firearm, as hereinafter provided, upon conviction of such felony or of an attempt to commit such felony, he shall, in addition to the punishment prescribed for the crime of which he has been convicted, be punishable by imprisonment in the state penitentiary for not less than five nor for more than ten years. Such additional period of imprisonment shall commence upon the expiration or other termination of the sentence imposed for the crime of which he stands convicted and shall not run concurrently with such sentence. Upon a second conviction under like circumstances such additional period of imprisonment shall be for not less than ten years nor for more than fifteen years, and upon a third conviction under like circumstances such additional period of imprisonment shall be for not less than fifteen nor for more than twenty-five years; such terms of additional imprisonment to run consecutively as before. Upon a fourth or subsequent conviction under like circumstances the person so convicted may be imprisoned for life or for a term of years not less than twenty-five years, within the discretion of the court wherein such fourth or subsequent conviction was had. In the trial of a person charged with committing or attempting to commit a felony against the person of another while armed with any of the weapons mentioned in section 1 hereof, or while armed with any pistol, revolver or other firearm capable of being concealed upon the person, without having a license or permit to carry such firearm, as hereinafter provided, the fact that he was so armed shall be prima facie evidence of his intent to commit such felony.

Section 4. In no case shall any person punishable under the preceding sections of this act be granted probation by the trial court, nor shall the execution of the sentence imposed upon such person be suspended by the court.

Section 5. Except as otherwise provided in this act, it shall be unlawful for any person within this state to carry concealed upon his person or within any vehicle which is under his control or direction any pistol, revolver or other firearm capable of being concealed upon the person without having a license to carry such firearm, as hereinafter provided in section 8 hereof. Any person who violates the provisions of this section 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. This section

shall not be construed to prohibit any citizen of the United States, over the age of eighteen years, who resides or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by section 2 hereof, from owning, possessing or keeping within his place of residence or place of business any pistol, revolver or other firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess or keep any such firearm at his place of residence or place of business shall be required of any such citizen. Firearms carried openly in belt holsters shall not be deemed to be concealed within the meaning of this section.

Section 6. Nothing in the preceding section shall be construed to apply to or affect sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed peace officers, nor to any person summoned by any such officers to assist in making arrests or preserving the peace while said person so summoned is actually engaged in assisting such officer; nor to the possession or transportation by any merchant of unloaded firearms as merchandise; nor to members of the army, navy or marine corps of the United States, or the national guard, when on duty, nor to organizations which are by law authorized to purchase or receive such weapons from the United States, or from this state; nor to duly authorized military or civil organizations while parading, nor to the members thereof when going to and from the places of meeting of their respective organizations; nor to members of any club or organization now existing, or hereafter organized, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in this act upon such target ranges, or while going to and from such ranges; nor to licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from such hunting or fishing expedition.

Section 7. The unlawful concealed carrying upon the person or within the vehicle of the carrier of any pistol, revolver or other firearm capable of being concealed upon the person, is a nuisance. Any such weapons taken from the person or vehicle of any person unlawfully carrying the same are hereby declared to be nuisances, and shall be surrendered to the magistrate before whom said person shall be taken, except that in any city, county, town or other municipal corporation the same shall be surrendered to the head of the police force or police department thereof. The officers to whom the same may be so surrendered, except upon the certificate of a judge or a court of record, or of the district attorney of the county,

that the preservation thereof is necessary or proper to the ends of justice, shall annually, between the first and tenth days of July, in each year, destroy or cause to be destroyed such weapons to such extent that the same shall become and be wholly and entirely ineffective and useless for the purpose for which it was [they were] manufactured; provided, however, that in the event any such weapon has been stolen and is thereafter recovered from the thief or his transferee the same shall not be destroyed but shall be restored to the lawful owner thereof, so [as] soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership thereof; provided, that upon the certificate of a judge or of the district attorney that the ends of justice will be subserved thereby such weapon shall be preserved until the necessity for its use ceases.

Section 8. It shall be lawful for the sheriff of a county, and the board of police commissioners, chief of police, city marshal, town marshal, or other head of the police department of any city, county, town, or other municipal corporation of this state, upon proof before said board, chief, marshal or other police 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 for a period of one year from the date of such license. All applications for such licenses shall be filed in writing, signed by the applicant, and shall state the name, occupation, residence and business address of the applicant, his age, height, weight, color of eyes and hair, and reason for desiring a license to carry such weapon. Any license issued upon such application shall set forth the foregoing data and shall, in addition, contain a description of the weapon authorized to be carried, giving the name of the manufacturer, the serial number and the caliber thereof. When such licenses are issued by a sheriff a record thereof shall be kept in the office of the county clerk; when issued by police authority such record shall be maintained in the office of the authority by whom issued. Such applications and licenses shall be uniform throughout the state, upon forms to be prescribed by the attorney general.

Section 9. 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, lessor or transferor 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 \$3 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 signature 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, 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 firearm 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, county, town or municipal corporation wherein they are situated. The register provided for in this act shall be substantially in the following form:

FORM OF REGISTER

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

Original

DEALERS' RECORD OF SALE OF REVOLVER OR PISTOL
State of Oregon

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 bySalesman.....
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 Oregon

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 Age 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.)

Section 10. No person shall sell, deliver or otherwise transfer any pistol, revolver or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by section 2 hereof from owning or possessing such firearms, nor to any minor under the age of eighteen years. In no event shall any such firearm be delivered to the purchaser upon the day of the application for the purchase thereof, and when delivered such firearm shall be securely wrapped and shall be unloaded. When neither party to the transaction holds a dealers' license, no person shall sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Any violation of the provisions of this section shall be a misdemeanor.

Section 11. The duly constituted licensing authorities of any city, county, town or other municipality within this state may grant licenses in form prescribed by the attorney general, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the said city, county, town or other municipality pistols, revolvers and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

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 easily be read.

3. No pistol or revolver shall be delivered:

(a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; or

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of said premises where it can readily be seen.

Section 12. Any person who, without being licensed as above provided, engages in the business of selling or otherwise transferring, or who advertises for sale or offers or exposes for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person is guilty of a misdemeanor.

Section 13. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver. Possession of any such firearm upon which the same shall have been changed, altered, removed or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same. Violation of this section shall be punished by imprisonment in the state penitentiary for not more than five years.

Section 14. All permits heretofore issued within this state permitting the carrying of pistols or revolvers concealed upon the person shall expire at midnight of June 1, 1925.

Section 15. This act shall not apply to antique pistols or revolvers incapable of use as such.

Section 16. 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.

Section 17. All acts and parts of acts in conflict herewith are hereby repealed.

Approved by the governor February 26, 1925.

Filed in the office of the secretary of state February 26, 1925.

CHAPTER 261

AN ACT

[H. B. 460]

Providing for the election of county school superintendents in certain counties, prescribing their powers and duties and providing for payment of salaries and expenses of the office.

Be It Enacted by the People of the State of Oregon:

Section 1. In all counties of this state having a population of 25,000 or more children of school age the county superintendent of schools shall have jurisdiction only of the schools of that county as shall be outside of the corporate limits of districts of the first class. He shall be elected at the biennial election in the year 1928, and every four years thereafter, by the legal voters of the county outside of districts of the first class. He shall take his office on the first Monday of January following his election; provided, that the present county school superintendent at no decrease in salary shall be ex officio county school superintendent until the expiration of his term of office. In districts of the first class, in addition to the authority now conferred upon the city superintendent of such districts, said city superintendent shall be and he hereby is vested with the authority now exercised by the county school superintendent in such districts and all reports heretofore rendered by said district to the *[county school superintendent shall be made to the] state superintendent of public instruction.

Section 2. In all counties coming under the provisions of this act the salaries of the county school superintendent, assistant superintendents, and all expenses for clerical help, traveling expenses or for any other expenses of the office of said county school superintendent shall be paid from a fund known as the county school superintendent's fund, hereinafter provided, by warrants drawn on this fund in the same manner that warrants may be drawn for the salaries for other county officials

Section 3. In all counties coming under the provisions of this act on the first Monday of November of each year the

* The phrase inclosed in brackets appears in the engrossed bill, but was omitted in the enrolled act.



HAWAII

1927

14TH LEGISLATURE

REGULAR SESSION

3 OF 5
ACTS 167-229
P. 166-261

STATE
SESSION
LAWS



ADDENDUM 90

ACT 206

[H. B. No. 322]

AN ACT REGULATING THE SALE, TRANSFER AND POSSESSION OF CERTAIN FIREARMS AND AMMUNITIONS, AND AMENDING SECTIONS 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2146 AND 2147 OF THE REVISED LAWS OF HAWAII 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

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

"Crime of Violence", as used in this Act means any of the following crimes, namely, murder, manslaughter, rape, mayhem, assault to do great bodily harm, robbery, larceny, burglary and house-breaking.

SECTION 2. Committing crime when armed. If any person, when armed with a pistol or revolver, shall commit or attempt to commit an act constituting a crime of violence, he may in addition to the punishment otherwise provided for the crime, be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars (\$1,000.00) or by both; provided, that the act aforesaid be one which is capable of being committed or facilitated by means of a pistol or revolver.

SECTION 3. Being armed prima facie evidence of intent. In the trial of a person for committing or attempting to commit a crime of violence, the fact that he was armed with a pistol or revolver and had no license to carry the same, shall be prima facie evidence of his intention to commit said crime of violence; provided, that the criminal act committed or attempted be one which is capable of being committed or facilitated by means of a pistol or revolver.

SECTION 4. Persons forbidden to possess small arms. No person who has been convicted in this territory, or elsewhere, of having committed or attempted a crime of violence, shall own or have in his possession or under his control, a pistol or revolver.

SECTION 5. Carrying or keeping small arms by unlicensed persons. Except as otherwise provided in Sections 7 and 11 hereof in respect of certain licensees, no person shall carry, keep, possess or have under his control a pistol or revolver; provided, how-

triplicate shall be preserved for six years by the authority issuing said license.

SECTION 8. Selling to minors. No person shall sell, barter, hire, lend, or give any pistol or revolver to any person under the age of eighteen years.

SECTION 9. Transfers regulated. No person shall transfer by way of sale, gift, loan or otherwise, a pistol or revolver unless the prospective transferee, when he applies for the transfer, presents a permit duly granted under Section 2141 of the Revised Laws of Hawaii 1925; nor shall he make such transfer unless the transferee be a person in respect of whom there is no reasonable cause, known to the transferor, for believing that such transferee has committed or attempted, or has been convicted of committing or attempting, a crime of violence. No seller shall in any event deliver a pistol or revolver on the day when the application to purchase and the statement hereinafter mentioned shall be made. When delivered, said pistol or revolver shall be securely wrapped and shall be unloaded. Before a delivery be made the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, race, nationality, color, and place of birth, the date of sale, the caliber, make, model, and manufacturer's number of the weapon, and stating that he has never been convicted of a crime of violence. The seller shall promptly sign and forward by registered mail one copy thereof to the treasurer of the territory, and one copy thereof to the sheriff of the county or city and county of which the seller is a resident, and shall retain the other copy for six years. A statement shall be deemed promptly forwarded if it is forwarded within seven days, unless a shorter time is provided therefor in regulations established by the Governor.

SECTION 10. Dealers to be licensed. No retail dealer or selling agent shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol or revolver without being licensed as hereinafter provided.

SECTION 11. Dealers' Licenses; by whom granted, and conditions thereof. The duly constituted licensing authorities of any political subdivision of this territory may grant licenses in form prescribed by the treasurer of the territory, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the said city or town or political subdivision, pistols and revolvers, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

vent the state treasurer from deducting at any time, from any moneys which may be due from the commonwealth to the delinquent city or town, the whole or any part of said tax, with the interest accrued thereon, which shall remain unpaid.

Deduction of tax from money due from commonwealth.

Approved April 27, 1927.

AN ACT RELATIVE TO THE CHOICE OF A THIRD MEMBER OF THE STATE BOARD OF RETIREMENT. *Chap.325*

Whereas, The deferred operation of this act would in part defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Chapter ten of the General Laws is hereby amended by striking out section eighteen and inserting in place thereof the following: — *Section 18.* There shall be a state board of retirement serving in the department, consisting of three members, one of whom shall be the state treasurer, ex officio, who shall be chairman, a second member elected by the state retirement association established under section two of chapter thirty-two from among their number in such manner as the commissioner of insurance may determine, and a third member chosen by the other two. If the third member is not so chosen within thirty days after the election of the second, the governor shall appoint the third member for a term of three years. Upon the expiration of the term of office of an elected, chosen or appointed member or in case of a vacancy in either of said offices, his successor shall be elected, chosen or appointed as aforesaid for three years.

G. L. 10, § 18, amended.

State board of retirement, members, election.

Expirations and vacancies.

Approved April 27, 1927.

AN ACT RELATIVE TO MACHINE GUNS AND OTHER FIREARMS. *Chap.326*

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and forty of the General Laws, as amended in section one hundred and twenty-one by section one of chapter four hundred and eighty-five of the acts of nineteen hundred and twenty-two, is hereby further amended by striking out said section one hundred and twenty-one and inserting in place thereof the following: — *Section 121.* In sections one hundred and twenty-two to one hundred and twenty-nine, inclusive, "firearms" includes a pistol, revolver or other weapon of any description, loaded or unloaded, from which a shot or bullet can be discharged and of which the length of barrel, not including any revolving, detachable or magazine breech, does not exceed twelve inches, and a machine gun, irrespective of the length of the barrel. Any gun of small arm calibre designed for rapid fire and operated by a mechanism, or any gun which operates automatically after the first shot has been fired, either by gas action or recoil action,

G. L. 140, § 121, etc., amended.

Definition of "firearms."

Definition of "machine gun."

Words "purchase" and "sale" to include exchange, word "purchaser" to include exchanger, and verbs "sell" and "purchase" to include verb exchange.
Sections not applicable to certain firearms.
G. L. 140, § 123, etc., amended.

Conditions of licensees to sell, rent or lease certain firearms.

shall be deemed to be a machine gun for the purposes of said sections, and of sections one hundred and thirty-one and one hundred and thirty-one B. As used in this section and in sections one hundred and twenty-two to one hundred and thirty-one A, the words "purchase" and "sale" shall include exchange, the word "purchaser" shall include exchanger, and the verbs "sell" and "purchase", in their different forms and tenses, shall include the verb exchange in its appropriate form and tense. Said sections one hundred and twenty-two to one hundred and twenty-nine, inclusive, shall not apply to antique firearms incapable of use as firearms nor to sales of firearms at wholesale.

SECTION 2. Said chapter one hundred and forty, as amended in section one hundred and twenty-three by section four of said chapter four hundred and eighty-five, by section one of chapter two hundred and eighty-four of the acts of nineteen hundred and twenty-five and by section one of chapter three hundred and ninety-five of the acts of nineteen hundred and twenty-six, is hereby further amended by striking out said section one hundred and twenty-three and inserting in place thereof the following: — *Section 123.* The license shall be expressed to be and shall be subject to the following conditions: First, That the provisions in regard to the nature of the license and the building in which the business may be carried on under it shall be strictly adhered to. Second, That every licensee shall before delivery of a firearm make or cause to be made a true entry in a sales record book to be furnished by the licensing authorities and to be kept for that purpose, specifying the description of the firearm, the make, number, whether single barrel, magazine, revolver, pin, rim or central fire, whether sold, rented or leased, the date and hour of such delivery, and shall, before delivery as aforesaid, require the purchaser, renter or lessee personally to write in said sales record book his full name, sex, residence and occupation. The said book shall be open at all times to the inspection of the licensing authorities and of the police. Third, That the license or a copy thereof, certified by the recording officer of the licensing authorities or by the clerk of the town by which it is issued, shall be displayed on the premises in a position where it can easily be read. Fourth, That no firearms shall be displayed in any outer window of said premises or in any other place where they can readily be seen from the outside. Fifth, That the licensee shall, once a week, send a copy of the record of sales, rentals and leases made by him for the preceding seven days to the licensing authorities and to the commissioner of public safety. Sixth, That every firearm shall be delivered securely wrapped and fastened and shall be unloaded when delivered. Seventh, That no delivery of a pistol or revolver shall be made on the day of application for the purchase, rental or lease thereof, except to a person having a license to carry the

same issued under section one hundred and thirty-one. Eighth, That no pistol or revolver shall be sold, rented or leased to a person who has not a permit, then in force, to purchase, rent or lease the same issued under section one hundred and thirty-one A, and that no machine gun shall be sold, rented or leased to a person who has not a license to possess the same issued under section one hundred and thirty-one. Ninth, That upon a sale, rental or lease of a pistol or revolver, the licensee under section one hundred and twenty-two shall take up such permit and shall endorse upon it the time and place of said sale, rental or lease, and shall forthwith transmit the same to the commissioner of public safety, and that upon the sale, rental or lease of a machine gun shall endorse upon the license to possess the same the time and place of said sale, rental or lease, and shall forthwith transmit a notice thereof to said commissioner. Tenth, That this license shall be subject to forfeiture as provided in section one hundred and twenty-five for breach of any of its conditions, and that, if the licensee hereunder is convicted of a violation of any such condition, this license shall thereupon become void.

Conditions of licenses to sell, rent or lease certain firearms.

SECTION 3. Section one hundred and thirty-one of said chapter one hundred and forty, as amended by section nine of said chapter four hundred and eighty-five and by section four of said chapter two hundred and eighty-four, is hereby further amended by inserting after the word "commonwealth" in the twelfth line the words:— or to possess therein a machine gun, — so as to read as follows:— *Section 131.* The justice of a court or a trial justice, the board of police or mayor of a city, the selectmen of a town, or the commissioner of public safety, or persons authorized by them, may, upon the application of any person residing or having a place of business within the jurisdiction of the person or body issuing the license, except an unnaturalized person, a person who has been convicted of a felony or of the unlawful use or sale of drugs or a minor other than one fifteen years of age or over in the employ of a bank, public utility corporation or business of a similar nature whose application is endorsed by his employer, issue a license to such applicant to carry a pistol or revolver in the commonwealth or to possess therein a machine gun, if it appears that he has good reason to fear an injury to his person or property or for any other proper purpose, and that he is a suitable person to be so licensed. Such license shall be issued for a term not to exceed one year, but may be for a less period, and all such licenses shall be revocable at the will of the person or body issuing the same, who shall forthwith send written notice of such revocation to the commissioner of public safety. Said licenses shall be issued on forms furnished by said commissioner and a copy of every license so issued shall within one week after the granting thereof be sent to the said commissioner. Whoever issues

G. L. 140, § 131, etc., amended.

License to carry pistols or revolvers, or possess machine gun, issuance to certain persons, etc.

Duration of license.

Revocation.

Form, etc.

Penalty.

a license in violation of this section shall be punished by imprisonment for not less than six months nor more than two years in a jail or house of correction.

G. L. 140,
§ 131B, etc.,
amended.

SECTION 4. Section one hundred and thirty-one B of said chapter one hundred and forty, inserted by section three of said chapter three hundred and ninety-five, is hereby amended by striking out the word "or" where it occurs a second time in the second line and inserting in place thereof a comma and also by inserting after the word "revolver" in the same line the words: — or machine gun, — so as to read as follows: — *Section 131B.* Whoever loans money secured by mortgage, deposit or pledge of a pistol, revolver or machine gun shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or by both.

Penalty for
loans of money
on pistol,
revolver or
machine gun.

G. L. 269,
§ 10, etc.,
amended.

SECTION 5. Section ten of chapter two hundred and sixty-nine of the General Laws, as amended by section one of chapter two hundred and forty-eight of the acts of nineteen hundred and twenty-three and by section five of said chapter two hundred and eighty-four, is hereby further amended by inserting after the word "unloaded" in the third line the words: — , or possesses a machine gun as defined in section one hundred and twenty-one of chapter one hundred and forty, — so as to read as follows: —

Penalty for
carrying
dangerous
weapons or
possessing
machine gun
without per-
mission, etc.

Section 10. Whoever, except as provided by law, carries on his person, or carries on his person or under his control in a vehicle, a pistol or revolver, loaded or unloaded, or possesses a machine gun as defined in section one hundred and twenty-one of chapter one hundred and forty, without permission under section one hundred and thirty-one of chapter one hundred and forty, or whoever so carries any stiletto, dagger, dirk knife, slung shot, metallic knuckles or sawed off shotgun, or whoever, when arrested upon a warrant for an alleged crime or when arrested while committing a crime or a breach or disturbance of the public peace, is armed with, or has on his person, or has on his person or under his control in a vehicle, a billy or dangerous weapon other than those herein mentioned, shall be punished by imprisonment for not less than six months nor more than two and one half years in a jail or house of correction or for not less than two and one half years nor more than five years in the state prison, and upon conviction the pistol or other article shall be confiscated by the commonwealth. The pistol or article so confiscated shall, by the authority of the written order of the court or trial justice, be forwarded by common carrier to the commissioner of public safety, who, upon receipt of the same, shall notify said court or justice thereof. Said commissioner may sell or destroy the same, and, in case of a sale, after paying the cost of forwarding the article, shall pay over the net proceeds to the commonwealth.

Confiscation.

Forwarding to
commissioner
of public
safety, etc.

Approved April 27, 1927.

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.

To whom
granted.

Executed
in duplicate.

Misde-
meanor;
penalty.

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

Penalty for
violation.

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.

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.

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.

	<p>in the state prison not to exceed two years or by both such fine and imprisonment in the discretion of the court.</p>
Exceptions to act.	<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.

Savings clause.

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.

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 there-to 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

Section amended.

ADDENDUM 103

VII. MISCELLANEOUS.

- Repealer.

25. All acts and parts of acts inconsistent with the provisions hereof are repealed in so far as applicable to the matters which are the subject of this act; *provided*, that nothing herein contained shall affect the practice and procedure prescribed under the State Motor Vehicle and Traffic acts.
- Proviso.

26. In case for any reason any section, part of section or provision of this act shall be questioned in any court, or determined to be unconstitutional or invalid, the same shall not in anywise affect any other section, part of section or provision of this act; *provided*, that in cities bordering on the Atlantic ocean having a population in excess of fifty thousand the salary shall not exceed six thousand dollars.
- As to constitutionality of act.

27. This act shall take effect immediately.
- Proviso.

Approved March 30, 1927.

CHAPTER 321.

A Further Supplement to an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

- Pawnbrokers not to deal in weapons.

1. No pawnbroker shall hereafter sell or have in his possession for sale or to loan or give away, any machine gun, automatic rifle, revolver, pistol, or other firearm, or other instrument of any kind known as a blackjack, slungshot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife, stiletto, bomb or other high explosive. Any pawnbroker violating the provisions of this act shall be guilty of a high misdemeanor and punished accordingly.
- Penalty.

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2. Any person who shall commit or attempt to commit any assault, robbery, larceny, burglary, or breaking and entering, when armed with, or having in his possession, any revolver, pistol, or other firearm, or other instrument of any kind known as a blackjack, slungshot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife, stiletto, bomb or other high explosive, shall, in addition to the punishment provided for the crime, be punished on a first conviction by imprisonment for not more than five years; upon a second conviction for a period of not more than ten years; upon a third conviction by imprisonment for a period of not more than fifteen years; upon a fourth or subsequent conviction, by imprisonment for life, or for an additional period of not more than twenty years, in the discretion of the court; *provided, however*, the indictment or allegation shall aver that the person was armed with or had in his possession any such instrument and conviction is had thereon.

Additional Sentence for Armed Criminals.

Proviso.

3. In the trial of a person for committing or attempting to commit any crime enumerated in section two hereof, the fact that he was armed with or had in his possession any of the firearms or instruments enumerated in section one hereof without a license to carry the same, shall be prima facie evidence of his intention to commit said crime of violence.

Arms as evidence of intent.

The presence of a firearm in a vehicle is presumptive evidence of possession by all persons occupying or using the vehicle at the time.

Firearms in vehicle.

4. No person who shall have been convicted in this State or elsewhere of any of the crimes enumerated in section two hereof shall purchase, own, or have in his possession or under his control any of the firearms or instruments enumerated in section one hereof. Violation of this section shall be punished by imprisonment for not more than five years.

Convicted person not to have weapons.

Penalty.

5. Every person who manufactures, or who sells at wholesale, any of the firearms or instruments enumerated in section one hereof, shall be registered with the Secretary of State and shall furnish to the Secretary of State such particulars as may be prescribed by law for such registration; *provided*, that if the Secretary

Manufacturers of weapons registered.

Proviso.

of State is satisfied that any applicant for such registration cannot be permitted to carry on business as a manufacturer or wholesale dealer in the firearms or instruments enumerated in section one herof without danger to the public safety, he may refuse to register that person.

Certificate furnished. The Secretary of State shall furnish to every person who is registered under this section, a certificate of registration.

Removal of name from registration list. If any person desires to have his name removed from registration, or if the Secretary of State is satisfied that any person whose name is registered is no longer carrying on business as such manufacturer or wholesale dealer, or has ceased to have a place of business within the State, or cannot longer be permitted to carry on business as such manufacturer or wholesale dealer without danger to the public safety, he shall, after giving reasonable notice to such manufacturer or wholesale dealer and hearing thereon, cause the name of such person to be removed from registration. Any person aggrieved by the refusal of such State official to register him as such manufacturer or wholesale dealer, or by the removal of his name from registration, shall have a right of appeal to the Supreme Court of the State.

Appeal may be taken. Every manufacturer and wholesale dealer shall keep a detailed record of each firearm or instrument sold by him. Such record shall include date of sale, name of purchaser, description of arm, and serial number thereof. The information contained in such record shall be available to police and other public officials in the performance of their official duties.

Record of sales. 6. No retail dealer shall sell or expose for sale, or have in his possession with intent to sell, any of the firearms or instruments enumerated in section one herof without being licensed as hereafter provided.

Retail dealers licensed.

Licenses granted by Common Pleas judge. The Common Pleas judge of any court of this State, may, in his discretion, grant licenses in form prescribed by the Secretary of State, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the said city or town or political subdivision, pistols or revolvers, subject to the follow-

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ing conditions, for breach of any of which the license shall be subject to forfeiture:

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

Place;

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

License displayed;

3. No pistol or revolver, or imitation thereof, or placard advertising the sale thereof, shall be placed in any window or in any part of said premises where it can be readily seen from the outside.

No advertising;

4. No pistol or revolver shall be delivered (a) unless the purchaser shall have obtained a permit to purchase under the provisions of section nine; (b) until seven days shall have elapsed after the application for the permit; (c) unless the purchaser either is personally known to the seller or shall present evidence of his identity; (d) unless the pistol or revolver shall be unloaded and securely wrapped; *provided, however*, a permit to cover a pistol or revolver shall, for the purposes of this section and of section nine of this act, be equivalent to a permit to purchase a pistol or revolver.

Delivery to purchaser;

Proviso

5. A true record of every pistol or revolver sold shall be made in a book kept for the purpose, the form of which shall be prescribed by the Secretary of State and shall be personally signed by the person effecting the sale, and shall contain the date of the sale, the calibre, make, model, and manufacturer's number of the weapon, and the name, address and permit number of the purchaser.

Record kept by retailer;

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

Licensing;

Violation of any of the provisions of this section (viz. section six) shall be a misdemeanor.

Penalty.

7. Any person who shall knowingly sell any of the firearms or instruments enumerated in section one hereof to a minor under the age of eighteen years, or to a person not of sound mind, or to a drug addict, or to a person who has been convicted of committing or attempting to commit any of the crimes enumerated in section two hereof when armed with any of the firearms or instruments enumerated in section one hereof, shall be guilty of misdemeanor.

Sale to minors, etc., illegal.

Penalty for
loaning on
firearms.

8. Any person who loans money secured by mortgage, deposit or pledge of a pistol or revolver shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.

Purchaser
must have
permit.

9. No person shall sell a pistol or revolver to another person unless the purchaser has first secured a permit to purchase or carry a pistol or revolver. No person of good character and who is of good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in other sections of this act, shall be denied a permit to purchase a pistol or revolver. The judge of any court within this State (except, however, justices of the peace), the sheriff of a county or the chief of police of a city, town or municipality shall upon application issue to any person qualified under the provisions of this section a permit to purchase a pistol or revolver, and the Secretary of State shall have concurrent jurisdiction to issue such permit in any case, notwithstanding it has been refused by any other licensing official, if in his opinion the applicant is qualified.

By whom
granted.

Application
for permit.

Applications for such permits shall be in form as prescribed by the Secretary of State and shall set forth the name, residence, place of business, age, occupation, sex, color, and physical description of the applicant, and shall state whether the applicant is a citizen, and whether he has ever been convicted of any of the crimes enumerated in section two hereof as defined in this act. Such application shall be signed by the applicant and shall contain as reference the names and addresses of two reputable citizens personally acquainted with him.

Blank forms.

Application blanks shall be obtainable from the Secretary of State and from any other officers authorized to grant such permit, and may be obtained from licensed retail dealers. The application, together with a fee of fifty cents, shall be delivered or forwarded to the licensing authority who shall investigate the same, and unless good cause for the denial thereof shall appear, shall grant said permit within seven days from the date of the receipt of the application. The permit shall be in form prescribed by the Secretary of State and shall be

Fee.

Permit in
triplicate.

issued to the applicant in triplicate. The applicant shall deliver to the seller the permit in triplicate and the seller shall indorse on the back of each copy the make, model, calibre and serial number of the pistol or revolver, sold under the permit. One copy shall then be returned to the purchaser with the pistol or revolver, one copy shall be kept by the seller as a permanent record, and the third copy shall be forwarded by the seller within three days to the Secretary of State. If the permit is not granted, the fee shall be returned to the applicant.

Disposition of copies.

All fees for permits shall be paid into the general fund of the State if the permit be issued by the Secretary of State; to the municipality if the permit be issued by a municipal officer; in all other instances to the general fund of the county wherein the officer acts or the licensee resides or does business.

Disposition of fees.

A person shall not be restricted as to the number of pistols or revolvers he may purchase, if he applies for and obtains permits to purchase the same, but only one pistol or revolver shall be purchased or delivered on each permit.

One pistol to each permit.

10. The granting of permits to carry a revolver, pistol or other instrument, enumerated in section one hereof shall be under and according to the provisions of an act entitled "An act to amend an act entitled 'A further supplement to an act entitled "An act for the punishment of crimes" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight,' which supplementary act was approved March eleventh, nineteen hundred and twenty-four," and the supplements thereto and amendments thereof.

Act relative to granting permits.

11. No person shall, without a license therefor issued as provided in the statute referred to in the preceding section, carry a pistol or revolver 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; *provided, however,* that nothing in this act contained shall be construed in any way to apply to the United States marshal or his deputies, the sheriff, or the undersheriffs of any county, nor to the regularly employed members of any police department, nor to any special policemen appointed by the governing body of any

Carrying pistol without license.

Proviso—exceptions to act.

Proviso.

Proviso

Definition of
pistol.

Penalty for
false informa-
tion.

municipality of this State, nor to any prosecutor or assistant prosecutor of any county, regular fish and game wardens, constable, railway police, canal police, steamboat police, and prosecutor's detectives; nor to any member of the State Police, nor to any motor vehicle inspector; nor to any officer of the Society for the Prevention of Cruelty to Animals; nor to any prison or jail wardens or their deputies; nor to guards while in the employ of any banking or building and loan institution of this State; nor to any court attendant engaged in attending the Circuit Court, Court of Oyer and Terminer, Court of Common Pleas, or General Court of Quarter Sessions, justices of the peace; nor to the members of the Army, Navy or Marine Corps of the United States or of the National Guard when on duty; nor to duly authorized military organizations when under orders, nor to the members thereof when going to or from places of meeting of their respective organizations, carrying the weapons prescribed for such drill, exercise or parade; *and provided, further*, nothing in this act contained shall be construed to apply to any person having a written permit to carry any revolver, pistol or other firearm, when such permit has been obtained pursuant to the provisions of this act; nor to public utility corporations in the transportation of explosives; *provided, however*, that nothing herein contained shall prevent any person from keeping or carrying about his or her place of business, dwelling house or premises, any such revolver, pistol, firearm or other weapon, or from carrying the same from any place of purchase to his or her dwelling house or place of business, or from his or her dwelling house or place of business to any place where repairing is done, to have the same repaired and returned or to carry a gun, rifle or knife in the woods or fields or upon the waters of the State for the purpose of hunting or target practice. Whenever the words "pistol" or "revolver" are used in this act such words shall include a shotgun, rifle or other firearm with over-all length less than twenty-six inches.

12. Any person who shall give or cause to be given false information in applying for a permit to purchase or a license to carry a pistol or revolver, or in purchasing

CHAPTER 321, LAWS OF 1927.

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or otherwise acquiring delivery of a pistol or revolver, shall be deemed to be guilty of a misdemeanor and shall be subject to the same penalty as is provided for the crime of misdemeanor in this State.

13. 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. Any violation of this section shall be a misdemeanor.

Mufflers
forbidden.

14. Any person, except a duly appointed law enforcement officer, 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 explosive liquid, gas or like substance, shall be guilty of a high misdemeanor.

As to bombs.

15. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number, or other mark of identification of any pistol or revolver. Any violation of this section shall be a misdemeanor.

Not alter
maker's name
and number.

16. No property right shall exist in any firearms 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 taken from any person, they shall be surrendered to the sheriff of the county in which taken or to the head of the police department in cities or to the office of the prosecutor of the county. *Provided, however,* that if any such firearms shall be found to be the property of an innocent owner, it shall be returned to such owner if and when no longer needed for evidential purposes.

As to property
right in fire-
arms.

Proviso.

17. In the case of the conviction under this act of a person who is not a citizen of the United States, it shall be the duty of the clerk of the court in which such conviction is secured to certify the fact of such conviction to the proper officer of the United States Government having supervision of the deportation of aliens.

Conviction of
aliens.

- Antiques, or-
naments ex-
cepted.
- Expiration of
previous
licenses.
- Repealer.
18. 'This act shall not apply to antique pistols unsuit-
able for use as firearms and possessed as curiosities or
ornaments.
19. All licenses heretofore issued within this State
permitting the sale or purchase of pistols or revolvers
shall expire ninety days after the passage of this act.
20. All acts or parts of acts inconsistent herewith
are hereby repealed.
- Approved March 30, 1927.

CHAPTER 322.

An Amendment amending an act entitled "An act re-
specting coroners" (Revision), approved March
twenty-seventh, one thousand eight hundred and
seventy-four.

BE IT ENACTED *by the Senate and General Assembly
of the State of New Jersey:*

- Section 26
amended.
1. The twenty-sixth section of the act to which this
is amendatory be and the same is hereby amended to
read as follows:
26. That the following fees shall be allowed:
- Fees allowed
coroners.
- To coroner, or person acting in his stead, for view-
ing the body five dollars;
- Mileage per mile, going and returning, ten cents, or
actual carfare;
- Sitting with jury at inquest each day, three dollars.
- Taking deposition of witnesses at inquest, ten cents
per folio, counting not more than two folios of manu-
script to each page;
- For every witness attending such inquest, when resi-
dent in the county, fifty cents for each day, and when
from a foreign county, one dollar a day, in which shall
be included his or her going to and returning from the
same, allowing one day for every thirty miles from
and to his or her place or residence;
- Jurors' fees.
- Jurors' fees, twenty-five cents for each case; but in
cases of special importance the board of chosen free-

as having been inspected and passed or otherwise approved as being wholesome and fit for food.

(b) To affix or attach any stamp, brand, emblem, tag, or other marking to any meat or meat-food product, or to any container or wrapping or covering of any meat or meat-food product, indicating or suggesting that the meat or meat-food product was slaughtered, manufactured, or prepared under inspection, unless the stamp, brand, emblem, tag, or other marking shall have been previously approved and the use thereof authorized by the United States Department of Agriculture or the Pennsylvania Department of Agriculture or an incorporated or chartered or established municipality of the Commonwealth of Pennsylvania.

Affixing or attaching stamp which has not been officially approved.

APPROVED—The 10th day of June, A. D. 1931.

GIFFORD PINCHOT

No. 158

AN ACT

Regulating and licensing the sale, transfer, and possession of certain firearms; prescribing penalties, procedure, and rules of evidence; conferring powers and imposing duties on courts of quarter sessions, sheriffs, and heads of police departments; and to make uniform the law with reference thereto.

Section 1. Be it enacted, &c., That "firearm," as used in this act, means any pistol or revolver with a barrel less than twelve inches, any shotgun with a barrel less than twenty-four inches, or any rifle with a barrel less than fifteen inches.

The Uniform Firearms Act.

"Firearm," defined.

"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, rape, mayhem, aggravated assault and battery, assault with intent to kill, robbery, burglary, breaking and entering with intent to commit a felony, and kidnapping.

"Crime of violence," defined.

"Person," as used in this act, includes firm, partnership, association, or corporation; and the masculine shall include the feminine and neuter.

"Person," defined.

Section 2. If any person shall commit or attempt to commit a crime of violence when armed with a firearm contrary to the provisions of this act, he may, in addition to the punishment provided for the crime, be punished also as provided by this act.

Crimes committed with firearms.

Additional punishment.

Section 3. In the trial of a person for committing or attempting to commit a crime of violence, the fact that he was armed with a firearm used or attempted to be used, and had no license to carry the same, shall

Evidence of intent.

be evidence of his intention to commit said crime of violence.

Former convict
not to own a
firearm, etc.

Section 4. No person who has been convicted in this Commonwealth or elsewhere of a crime of violence shall own a firearm, or have one in his possession or under his control.

Firearms not to
be carried with-
out a license.

Section 5. No person shall carry a firearm in any vehicle or concealed on or about his person, except in his place of abode or fixed place of business, without a license therefor as hereinafter provided.

Exceptions.

Section 6. The provisions of the preceding section shall not apply to constables, sheriffs, prison or jail wardens, or their deputies, policemen of the Commonwealth or its political subdivisions, or other 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 or from this Commonwealth; or any organization incorporated under the laws of this Commonwealth engaged in target shooting with rifle, pistol or revolver, provided such members are at or are going to or from their places of assembly or target practice, or to officers or employes of the United States duly authorized to carry a concealed firearm, or to agents, messengers and other employes of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property in the discharge of such duties, from carrying any such firearm while actually engaged in such duties; 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 firearm in the usual or ordinary course of such business; or to any person while carrying a firearm 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 from one place of abode or business to another.

Police heads in
cities and sheriffs
in counties may
issue licenses.

Section 7. The chief or head of any police force or police department of a city, and, elsewhere in this Commonwealth, the sheriff of a county, may, upon the application of any person, issue a license to such person to carry a firearm in a vehicle or concealed on or about his person within this Commonwealth 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 firearm, and that he is a suitable person to be so

licensed. The license shall be in triplicate, in form to be prescribed by the Secretary of the Commonwealth, and shall bear the 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 by registered mail to the Secretary of the Commonwealth, and the triplicate shall be preserved for six years by the authority issuing said license. The fee for issuing such license shall be fifty cents (\$0.50), which fee shall be paid into the county treasury, except that if the applicant exhibits a resident hunter's license issued to him for the current license year, the fee shall not be charged.	License to be issued in triplicate. Form.
Any such license to carry firearms may be revoked by the person issuing the same, at any time, upon written notice to the holder thereof.	Fee.
Section 8. No person shall deliver a firearm to any person under the age of eighteen, or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.	Revocation.
Section 9. No seller shall deliver a firearm to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said firearm shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a firearm, the purchaser shall sign in triplicate 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, length of barrel, make, model, and manufacturer's number of the firearm to be purchased, and a statement that he has never been convicted in this Commonwealth, or elsewhere, of a crime of violence. The seller shall, within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief or head of the police force or police department of the city or the sheriff of the county of which the seller is a resident; the duplicate, duly signed by the seller, shall, within seven days, be sent by him, with his address, to the Secretary of the Commonwealth, the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.	Persons to whom delivery shall not be made.
Section 10. No retail dealer shall sell, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any firearm without being licensed as hereinafter provided.	Time and manner of delivery.
Section 11. The chief or head of any police force or police department of a city, and, elsewhere in this Commonwealth, the sheriff of the county, shall grant to	Statement to be signed by purchaser.
	Duty of seller.
	Sales at whole-sale.
	Retail dealer required to be licensed.
	Issuance of licenses.

Form to be pre- scribed by Secre- tary of Common- wealth.	reputable applicants licenses, in form prescribed by the Secretary of the Commonwealth, effective for not more than one year from date of issue, permitting the licensee to sell firearms direct to the consumer within this Commonwealth, subject to the following conditions in addition to those specified in section nine hereof, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this act:
Conditions.	
Business place.	1. The business shall be carried on only in the building designated in the license;
Display of license.	2. The license, or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read;
Known identity of purchaser.	3. No firearm shall be sold (a) in violation of any provision of this act, nor (b) shall a firearm be sold, under any circumstances, unless the purchaser is personally known to the seller or shall present clear evidence of his identity;
Record.	4. A true record in triplicate shall be made of every firearm sold in a book kept for the purpose, the form of which may be prescribed by the Secretary of the Commonwealth, 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 caliber, make, model, and manufacturer's number of the firearm, the name, address, occupation, color, and place of birth of the purchaser, and a statement signed by the purchaser that he has never been convicted in this Commonwealth, or elsewhere, of a crime of violence. One copy shall, within six hours, be sent by registered mail to the chief or head of the police force or police department of the city or the sheriff of the county of which the dealer is a resident; the duplicate, the dealer shall, within seven days, send to the Secretary of the Commonwealth; the triplicate, the dealer shall retain for six years.
Display of fire- arms prohibited.	5. No firearm or imitation thereof, or placard advertising the sale thereof, shall be displayed in any part of any premises where it can readily be seen from the outside.
License fee.	The fee for issuing said license shall be ten dollars (\$10.00), which fee shall be paid into the county treasury.
Revocation.	6. Any license granted under this section may be revoked by the person issuing the same, upon written notice to the holder thereof.
Petition to com- mon pleas for reversal.	Section 12. Any applicant aggrieved by the refusal of his application for a license to carry a firearm or for a dealers license, or any person or retail dealer whose license has been revoked, may file, within thirty days thereafter, in the court of quarter sessions of his county,

a petition against the official who refused his application, as defendant, alleging therein, in brief detail, the refusal complained of and praying for a reversal thereof. Upon service of a copy of the petition upon the defendant, returnable within ten days from its date, the defendant shall, on or before the return day, file an answer in which he may allege by way of defense the reason for his refusal, and such other reasons as may in the meantime have been discovered. Thereupon, upon application of either party, the cause shall be heard without delay. The court may either sustain or reverse the action of the defendant. If the defendant's action is reversed, he shall forthwith issue the license upon payment of the fee. A judgment sustaining a refusal to grant a license shall not bar, after one year, a new application; nor shall a judgment in favor of the petitioner prevent the defendant from thereafter revoking or refusing to renew such license for any proper cause which may thereafter occur. The court shall have full power to dispose of all costs.

Procedure.

Section 13. No person shall make any loan secured by mortgage, deposit, or pledge of a firearm; nor shall any person lend or give a firearm to another or otherwise deliver a firearm contrary to the provisions of this act.

Loans on, or lending or giving firearms prohibited.

Section 14. No person shall, in purchasing or otherwise securing delivery of a firearm or in applying for a license to carry the same, give false information or offer false evidence of his identity.

False evidence of identity.

Section 15. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm, 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.

Altering or obliterating marks of identification.

Section 16. All licenses heretofore issued within this Commonwealth permitting the carrying of firearms concealed upon the person shall expire at midnight of the thirty-first day of August, one thousand nine hundred and thirty-one.

Expiration of present licenses.

Section 17. This act shall not apply to antique firearms unsuitable for use and possessed as curiosities or ornaments.

Antique firearms.

Section 18. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than three thousand dollars (\$3,000.00), or imprisonment for not more than three years, or both.

Violation.

Misdemeanor.

Penalty.

Section 19. If any part of this act is for any reason

Invalidity of part of act.

declared void, such invalidity shall not affect the validity of the remaining portions of this act.

Title of act Section 20. This act may be cited as the "Uniform Firearms Act."

Uniformity. Section 21. 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.

Repeal. Section 22. All acts or parts of acts inconsistent herewith are hereby repealed: Provided, however, That this act shall not repeal or in any manner affect any provisions of an act, approved the twenty-fifth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, seven hundred seventy-seven), entitled "An act prohibiting the sale, giving away, transfer, purchasing, owning, possession and use of machine guns; providing penalties; and providing for certain exemptions, and the granting of permits by sheriffs to own and possess machine guns as relics."

Act of April 25, 1929 (P. L. 777), not repealed.

APPROVED—The 11th day of June, A. D. 1931.
GIFFORD PINCHOT

No. 159

AN ACT

To amend section three of the act, approved the ninth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand seven hundred and two), entitled "An act regulating the closing of public highways and providing for the locating, marking, and maintenance of detours necessitated by such closing; requiring boroughs, cities, and towns to notify the Department of Highways of the creation and discontinuance of certain detours; providing penalties for removing, destroying, defacing signs erected for warning or detour purposes, and for driving on, over or across highways which are closed by the proper persons or authorities, except in certain cases; further providing that the authorities responsible for the maintenance of highways which have been damaged, or their agents or contractors, shall have the right to recover the amount of such damages from the person or persons responsible, in addition to the penalties herein provided; and repealing certain acts."

Highways. Section 1. Be it enacted, &c., That section three of the act, approved the ninth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand seven hundred two), entitled "An act regulating the closing of public highways and providing for the locating, marking, and maintenance of detours necessitated by such closing; requiring boroughs, cities and towns to notify the Department of Highways of the creation and discontinuance of certain detours; pro-

Section 3, act of May 9, 1929 (P. L. 1702), amended.

OCCUPATION TAX ON SALE OF PISTOLS.

H. B. No. 514.]

CHAPTER 267.

An Act imposing an occupation tax on certain persons engaging in the business of selling and otherwise disposing of pistols, as herein defined; providing for the obtaining of licenser by such persons; authoring counties and municipalities to impose a tax; providing for the keeping of records; prescribing conditions incident to the sale of pistols under named conditions and providing the Act shall not affect the law relating to the carrying of pistols; prescribing offenses and fixing punishments; repealing Article 7068; making exceptions, and declaring an emergency.

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

SECTION 1. That hereafter there shall be collected from every person, firm or corporation engaging in the business of bartering, leasing, selling, exchanging, or otherwise dealing in pistols for profit, whether by wholesale or retail, an annual occupation tax of ten dollars (\$10), to be paid on or before January 1st of each year, and to be paid before continuing said business, within thirty (30) days from the effective date hereof. Before so engaging in said business, each such dealer shall obtain a license therefor, to be issued by the county tax collector of each county in which the applicant has a place of business, and for each separate place of business. The Comptroller of Public Accounts shall furnish said forms to the tax collectors.

SEC. 2. The commissioners court of the several counties, as well as municipalities, shall also have the power to levy and collect such a tax, equal to one-half of the amount herein levied.

SEC. 3. Each such dealer shall keep a permanent record of all such pistols bartered, leased, or otherwise disposed of, as above. Such record shall show the number of the pistol, name of the manufacturer, date of transaction, salesman, purchaser, and their addresses, which said record shall at all times be accessible to the Comptroller, prosecuting attorney, grand jury, and Attorney General, and a copy of this record shall be mailed to and filed for record with the State Adjutant General's Department. This filing to be made each three (3) months.

"Pistols," as used herein, shall include every kind of pistol, revolver, automatic, semi-automatic, magazine pistol, and every other such short firearm intended or designed to be aimed or fired from one hand.

SEC. 4. If any person shall knowingly sell, rent, or lease any pistol to a minor, or any other person under the heat of passion, he shall be guilty of a misdemeanor, or, if any person violates any of the provisions hereof, he shall be guilty of a misdemeanor, and upon conviction, punished by a fine of not less than ten dollars (\$10) nor more than two hundred dollars (\$200), provided that no person may purchase a pistol unless said purchaser has secured from a justice of the peace, county judge, or district judge, in the county of his or her residence a certifi-

cate of good character. Said certificate to be kept with the permanent record of the dealer. No person may purchase a pistol who has served a sentence for a felony.

Nothing in this bill shall affect the law against carrying pistols.

SEC. 5. That Article 7068 of the Revised Civil Statutes of 1925 be and the same is in all things repealed.

SEC. 6. Provided, however, that no such person shall be required to have a license or pay the tax where such person is engaged exclusively in selling pistols to the militia of the United States or other agencies of the Federal government authorized by law to purchase the same.

SEC. 7. The fact that there is no adequate tax on dealers in pistols, and that pistols are being sold by dealers to persons in the heat of passion, which should be prohibited, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

Approved May 28, 1931.

Effective May 28, 1931.

[NOTE: H. B. No. 514 passed the House by a vote of 105 yeas, 0 nays; passed the Senate by a vote of 30 yeas, 0 nays.]

PROHIBITING MOLESTATION OF DEAD BODIES.

H. B. No. 993.]

CHAPTER 268.

An Act to amend Article 529 of the Penal Code, and declaring an emergency.

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

SECTION 1. That Article 529 of the Penal Code of Texas, revision of 1925, be, and the same is, hereby amended so as to hereafter read as follows:

"Art. 529. (511) (367) (345). Interference with Dead Bodies.—If any person not authorized by law or by a relative for the purpose of reinterment, shall disinter, disturb, remove, dissect, in whole or in part, or carry away, any human body or the remains thereof, or remove any jewels, apparel or anything therefrom, or shall conceal said body, knowing it to be so illegally disinterred, he shall be confined in the penitentiary for not more than twenty-five (25) years, or be confined in jail for not more than twelve (12) months, or fined not more than five hundred dollars (\$500), or be punished by both such fine and imprisonment in jail."

Punishment for.
Proviso.
Jurisdiction.

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.

[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."
"Sawed-off shot-
gun."
"Machine gun."
"Person."
"Sell" and "pur-
chase," etc.
"Crime of violence."

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

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

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

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

"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" 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.

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.

CONSTRUCTION OF SCHOOL BUILDING IN SOUTH DAKOTA

The bill (S. 2340) to provide funds for cooperation with the School Board of Shannon County, S. Dak., in the construction of a consolidated high-school building to be available to both white and Indian children was announced as next in order.

Mr. REED. Mr. President, I would like to have an explanation as to why so large a sum as \$150,000 is asked to be appropriated for this purpose.

The PRESIDENT pro tempore. Neither the author of the bill nor the Senator who reported it is present.

Mr. REED. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4412) to provide for the safer and more effective use of the assets of Federal reserve banks and of national banking associations to regulate interbank control, to prevent the undue diversion of funds into speculative operation, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

SENATOR FROM NORTH CAROLINA

The resolution (S. Res. 60) to hear and determine the contest of George M. Pritchard v. Josiah W. Bailey for a seat in the Senate from the State of North Carolina, was announced as next in order.

Mr. GEORGE. I ask that that may go over.

The PRESIDENT pro tempore. The resolution will go over.

REGULATION OF USE OF DANGEROUS WEAPONS

The Senate proceeded to consider 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, which had been reported from the Committee on the District of Columbia with amendments.

Mr. McKELLAR. Whoever is the author of the bill or whoever reported it I hope will give some explanation.

Mr. CAPPER. Mr. President, this is a House bill, but had very careful consideration by the Senate Committee on the District of Columbia. The bill also has the very strong approval of the police department of the District of Columbia, of the District Commissioners, and of the civic organizations.

Under the terms of the bill the purchaser of a pistol would be required to sign in duplicate and give the dealer a statement containing his name, his address, his occupation, and other pertinent information. The sale would not be consummated until 48 hours after the application was made.

The right of an individual to possess a pistol in his home or on land belonging to him would not be disturbed by the bill. As it is now all types of deadly weapons are sold in the District of Columbia with virtually no restriction. The District authorities and everyone here who has anything to do with the Government and the administration of the law strongly favor this measure.

Mr. McKELLAR. I have no objection.

The PRESIDENT pro tempore. The clerk will state the first amendment.

The first amendment of the committee was, on page 1, section 1, line 5, after the word "length," to strike out "or any weapon commonly designated as a sawed-off shotgun regardless of length" and insert a new paragraph, as follows:

"Sawed-off shotgun," as used in this act, means any shotgun with a barrel less than 20 inches in length.

The amendment was agreed to.

The next amendment of the committee was, on page 6, line 16, after the word "gun," to insert "sawed-off shotgun"; on page 7, line 1, after the words "machine gun," to insert "sawed-off shotgun"; in line 6, after the words "machine gun," to insert "sawed-off shotgun"; in line 13, after the word "guns," to insert "sawed-off shotguns"; on page 8, line 4, after the word "gun," insert "sawed-off

shotgun"; in line 12, after the word "all," strike out the words "pistols and" and insert the word "pistols"; and after the words "machine guns," in line 12, insert the words "and sawed-off shotguns"; in line 18, after the words "machine guns," insert "sawed-off shotgun"; on page 9, in line 16, after the words "machine gun," insert "sawed-off shotgun"; in line 23, after the word "any," strike out "pistol or" and insert "pistol," and after the words "machine gun" insert "or sawed-off shotgun"; in line 24, after the word "any," strike out "pistol or" and insert "pistol"; on page 10, line 1, after the word "gun," insert "or sawed-off shotgun"; in line 20, after the words "machine guns," insert the words "sawed-off shotguns"; and in line 21, after the word "by," strike out "any foreign government," so as to make the bill read:

Be it enacted, etc.—

DEFINITIONS

SECTION 1. "Pistol," as used in this act, means any firearms with a barrel less than 12 inches in length.

"Sawed-off shotgun," as used in this act, means any shotgun with a barrel less than 20 inches in length.

"Machine gun," as used in this act, means any firearm which shoots automatically or semiautomatically more than 12 shots without reloading.

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

"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," 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, kidnapping, 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

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 10 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 15 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 30 years.

PERSONS FORBIDDEN TO POSSESS CERTAIN FIREARMS

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.

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.

ISSUE OF LICENSE 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.

SELLING TO MINORS AND 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 18 years.

TRANSFERS REGULATED

SEC. 8. No seller shall within the District of Columbia deliver a pistol to the purchaser thereof until 48 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

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

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.

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 18 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.

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.

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.

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.

EXCEPTIONS

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

POSSESSION OF CERTAIN DANGEROUS WEAPONS

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, 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

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

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

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.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CHANGE OF NAME OF COMMITTEE ON PENSIONS

The resolution (S. Res. 26) changing the name of the Committee on Pensions to the Committee on Veterans' Affairs, and defining its jurisdiction, was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The resolution will go over.

Mr. BROOKHART. Mr. President, I move that the Senate proceed to the consideration of the resolution.

The PRESIDENT pro tempore. The Senator from Iowa moves that the Senate proceed to the consideration of Senate Resolution 26.

Mr. BROOKHART. Mr. President—

The PRESIDENT pro tempore. The motion is not debatable.

Mr. BROOKHART. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is the demand seconded? Apparently it is not sufficiently seconded.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

UNIFORM LAWS

CHAPTER 208

(H. B. 212)

ADOPTING THE UNIFORM FIREARMS ACT

AN ACT Entitled, An Act Regulating the Sale, Transfer and Possession of Certain Firearms, Prescribing Penalties and Rules of Evidence, and to Make Uniform the Law with Reference Thereto.

Be It Enacted by the Legislature of the State of South Dakota:

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

"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, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, kidnapping and larceny.

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

Section 2. COMMITTING CRIME WHEN ARMED. If any person shall commit or attempt to commit a crime of violence when armed with a pistol, he may in addition to the punishment provided for the crime, be punished also as provided by this Act.

Section 3. BEING ARMED PRIMA FACIE EVIDENCE OF INTENT. In the trial of a person for committing or attempting to commit a crime of violence, the fact that he was armed with a pistol and had no license to carry the same shall be PRIMA FACIE evidence of his intention to commit said crime of violence.

Section 4. CERTAIN PERSONS FORBIDDEN TO POSSESS ARMS. No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

Section 5. CARRYING PISTOL. No person shall carry a pistol in any vehicle or concealed on or about his person, except in his place of abode or fixed place of business, without a license therefor as hereinafter provided.

Section 6. EXCEPTION. The provisions of the preceding Section shall not apply to marshals, sheriffs, prison or jail wardens or their deputies, policemen or other law-enforcement officers or employees of railway or express companies while on duty, 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 or from this state, 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 carry-

ing 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 from one place of abode or business to another.

Section 7. ISSUE OF LICENSES TO CARRY. The judge of a court of record, the chief of police of a municipality, the sheriff of a county, may upon the application of any person issue a license to such person to carry a pistol in a vehicle or concealed on or about his person 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 Secretary of State, and shall bear the 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 by registered mail to the Secretary of State, and the triplicate shall be preserved for six years by the authority issuing said license. The fee for issuing such license shall be \$.50, which fee shall be collected by the official issuing such license, and shall be remitted by him to the State Treasurer.

Section 8. DELIVERY TO MINORS AND OTHERS FORBIDDEN. No person shall deliver a pistol to any person under the age of eighteen or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Section 9. SALES REGULATED. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, 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 triplicate 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 this State or elsewhere of a crime of violence. The seller shall within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the Secretary of State; the triplicate he shall retain for six years. This Section shall not apply to sales at wholesale.

Section 10. DEALERS TO BE LICENSED. No retail dealer shall sell, or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

Section 11. DEALERS' LICENSES, BY WHOM GRANTED AND CONDITIONS THEREOF. The duly constituted licensing authorities of any city, town, or political subdivision of this state may grant licenses in forms prescribed by the Secretary of State effective for not more than one year from date of issue, permitting the licensee to sell pistols at retail within this State subject to the following conditions in addition to those specified in Section 9 hereof, for breach of any of which

the license shall be forfeited 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 easily be read.

3. No pistol shall be sold (a) in violation of any provision of this Act, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

4. A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the Secretary of State 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 caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, color, and place of birth of the purchaser, and a statement signed by the purchaser that he has never been convicted in this State or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the Secretary of State; the triplicate the dealer shall retain for six years.

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

The fee for issuing said license shall be \$2.00, which fee shall be collected by the official issuing such license, and shall be remitted by him to the State Treasurer.

Section 12. CERTAIN TRANSFERS FORBIDDEN. No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol; nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this Act.

Section 13. FALSE INFORMATION FORBIDDEN. No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

Section 14. ALTERATION OF IDENTIFYING MARKS PROHIBITED. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol 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.

Section 15. EXCEPTIONS. This Act shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Section 16. PENALTIES. Any violation of any provision of this Act constitutes an offense punishable by a fine not exceeding One Hundred Dollars (\$100.00), or imprisonment for not more than one year, or both.

Section 17. CONSTITUTIONALITY. 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.

Section 18. SHORT TITLE. This Act may be cited as the "Uniform Firearms Act".

Section 19. UNIFORM INTERPRETATION. 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 20. CERTAIN ACTS REPEALED. All Acts or parts of Acts in conflict with or inconsistent with the provisions of this Act are hereby repealed.

Approved March 14, 1935.

CHAPTER 209

(H. B. 213)

ADOPTING THE UNIFORM NARCOTIC DRUG ACT

AN ACT Entitled, An Act Defining and Relating to Narcotic Drugs and to Make Uniform the Law with Reference Thereto.

Be It Enacted by the Legislature of the State of South Dakota:

Section 1. Definitions. The following words and phrases, as used in this Act, shall have the following meanings, unless the context otherwise requires:

(1) "Person" includes any corporation, association, co-partnership, or one or more individuals.

(2) "Physician" means a person authorized by law to practice medicine in this State and any other person authorized by law to treat sick and injured human beings in this State and to use narcotic drugs in connection with such treatment.

(3) "Dentist" means a person authorized by law to practice dentistry in this State.

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this State.

(5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

(6) "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced nor prepared, on official written orders, but not on prescriptions.

(7) "Apothecary" means a licensed pharmacist as defined by the laws of this State and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this Act shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privilege, that is not granted to him by the pharmacy laws of this State.

(8) "Hospital" means an institution for the care and treatment of the sick and injured, approved by the State Board of Health; as proper to be entrusted with the custody of narcotic drugs and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

(9) "Laboratory" means a laboratory approved by the State Board of Health; as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

CHAPTER 172.

[S. B. 147.]

SHORT FIREARMS.

AN ACT relating to short firearms and other weapons; defining terms; regulating the sale, possession and use thereof; providing for certain licenses and fixing fees; defining certain crimes and prescribing penalties.

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

SECTION 1. "Short Firearm" as used in this act means any firearm with a barrel less than twelve (12) inches in length. Definitions.

"Crime of Violence" as used in this act means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

SEC. 2. *Committing Crime When Armed.* If any person shall commit or attempt to commit a crime of violence when armed with a pistol, he may in addition to the punishment provided for the crime, be punished also as provided by this act. Committing crime when armed.

SEC. 3. *Being Armed Prima Facie Evidence of Intent.* In the trial of a person for committing or attempting to commit a crime of violence, the fact that he was armed with a pistol and had no license to carry the same shall be prima facie evidence of his intention to commit said crime of violence. Prima facie evidence of intent.

SEC. 4. *Certain Persons Forbidden to Possess Arms.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. Persons forbidden to possess arms.

SEC. 5. *Carrying Pistol.* No person shall carry a pistol in any vehicle or conceal on or about his person, except in his place of abode or fixed place Carrying pistol.

of business, without a license therefor as hereinafter provided.

Exception
to preceding
section.

SEC. 6. *Exception.* The provisions of the preceding section shall not apply to marshals, sheriffs, prison or jail wardens or their deputies, policemen or other 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 regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from this state, or to regularly enrolled members of clubs organized for the purpose of target shooting and affiliated with a national shooting organization: *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 from one place of abode or business to another.

Issue of
licenses.

SEC. 7. *Issue of Licenses to Carry.* The judge of a court of record, the chief of police of a municipality, the sheriff of a county, shall upon the application of any person issue a license to such person to carry a pistol in a vehicle or concealed on or about his person 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 state director of licenses, and shall bear the 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 by registered mail to the director of licenses and the triplicate shall be preserved for six years, by the authority issuing said license. The fee for such license shall be one dollar (\$1.00) which shall be paid into the state treasury.

SEC. 8. *Delivery to Minors and Others Forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Delivery to
minors and
forbidden
persons.

SEC. 9. *Sales Regulated.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, 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 triplicate 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 this state or elsewhere of a crime of violence. The seller shall within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of licenses; the triplicate he shall

Sales
regulated.

retain for six years. This section shall not apply to sales at wholesale.

Dealers to be licensed.

SEC. 10. *Dealers to be Licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

Dealer's licenses, by whom granted and conditions thereof.

SEC. 11. *Dealer's Licenses, by Whom Granted and Conditions Thereof.* The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue permitting the licensee to sell pistols within this state subject to the following conditions in addition to those specified in section 9 hereof, for breach of any of which the license shall be forfeited 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 easily be read.

3. No pistol shall be sold (a) in violation of any provisions of this act, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

4. A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the director of licenses 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 caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, color and place of birth of the purchaser and a statement signed by the purchaser that he

has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the director of licenses; the triplicate the dealer shall retain for six years.

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

The fee for issuing said license shall be five dollars (\$5.00) which fee shall be paid into the state treasury.

Fee.

SEC. 12. *Certain Transfers Forbidden.* No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this act.

Certain transfers forbidden.

SEC. 13. *False Information Forbidden.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

False information forbidden.

SEC. 14. *Alteration of Identifying Marks Prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on

Alteration of identifying marks prohibited.

any pistol. Possession of any pistol 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.

Exceptions.

SEC. 15. *Exceptions.* This act shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Penalties.

SEC. 16. *Penalties.* Any violation of any provision of this act constitutes an offense punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than one year in the county jail or both, or by imprisonment in the penitentiary for not less than one year nor more than ten years.

Partial
invalidity.

SEC. 17. *Constitutionality.* 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.

Short title.

SEC. 18. *Short Title.* This act may be cited as the "Uniform Firearms Act."

Uniform
interpre-
tation.

SEC. 19. *Uniform Interpretation.* 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.

Effective
date.

SEC. 20. *Effective Date.* This act shall take effect on the first day of July, 1935.

Conflicting
statutes
repealed.

SEC. 21. *Certain Acts Repealed.* All laws or parts of laws inconsistent herewith are hereby repealed.

Passed the Senate February 26, 1935.

Passed the House March 14, 1935.

Approved by the Governor March 23, 1935.

STATE HEALTH DEPARTMENT. (1) The salary of the State Health Officer, \$3,600.00 for every year; (2) For other personal services \$193,500.00 for every year; (3) For other expenses including County Health Work \$202,900.00 for every year. 2. PASTEUR TREATMENTS: For Pasteur Treatments \$30,000.00 for every year. 3. STATE SERUM PLANT: Salaries and other expenses \$3,000.00—\$3,000.00. 4. STATE SERVICE COMMISSION: For compensation of Commissioner \$2,400.00; Other salaries \$8,000.00; Supplies and materials \$250.00; Postage, telephone and telegraph \$400.00; Printing and binding \$60.00; Travel Expense \$250.00; Insurance and bonding \$10.00; Rent, lights, heat and water \$630.00—\$12,000.00.

Section 2. This Act shall be effective from October 1, 1935.

Approved April 3, 1936.

No. 82)

(S. 63—Simpson

AN ACT

To regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the Courts of this State in prosecutions for violations of this Act; to prescribe penalties for the violations of any provision herein and to make uniform the law with reference thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS: "Pistol" as used in this Act, means any firearm with barrel less than twelve inches in length. "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, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping, and larceny. "Person" as used in this Act, includes firm, partnership, association or corporation.

Section 2. COMMITTING CRIME WHEN ARMED: If any person shall commit or attempt to commit a crime of violence when armed with a pistol, he may in addition to the punishment provided for the crime, be punished also as provided by this Act.

Section 3. BEING ARMED PRIMA FACIE EVIDENCE OF INTENT: In the trial of a person for committing or attempting to commit a crime of violence, the fact that he was armed with a pistol and had no license to carry the same shall be prima facie evidence of his intention to commit said crime of violence.

Section 4. CERTAIN PERSONS FORBIDDEN TO POSSESS ARMS: No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

Section 5. CARRYING PISTOL: No person shall carry a pistol in any vehicle or concealed on or about his person, except in his place of abode or fixed place of business, without a license therefor as hereinafter provided.

Section 6. EXCEPTION: The provisions of the preceding section shall not apply to marshals, sheriffs, prison or jail wardens or their deputies, policemen or other 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 or from this State, 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 from one place of abode or business to another.

Section 7. ISSUE OF LICENSES TO CARRY: The Probate Judge, the Chief of Police of a municipality, the Sheriff of a County, may upon the application of any person issue a license to such person to carry a pistol in a vehicle or concealed on or about his person 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 Secretary of State, and shall bear the 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 by registered mail to the Secretary of State and the triplicate shall be preserved for six years, by the authority issuing said license. The fee for issuing such license shall be 50c (fifty cents) which fee shall be paid into the State Treasury.

Section 8. DELIVERY TO MINORS AND OTHERS FORBIDDEN. No person shall deliver a pistol to any person under the age of eighteen or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, and habitual drunkard, or of unsound mind.

Section 9. SALES REGULATED: No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof,

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 triplicate 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 this State or elsewhere of a crime of violence. The seller shall within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the Secretary of State; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

Section 10. DEALERS TO BE LICENSED: No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

Section 11. DEALER'S LICENSES, BY WHOM GRANTED AND CONDITIONS THEREOF: The duly constituted licensing authorities of any city, town, or political subdivision of this State may grant licenses in forms prescribed by the Secretary of State, effective for not more than one year from date of issue, permitting the licensee to sell pistols at retail within this State subject to the following conditions in addition to those specified in Section 9 hereof, for breach of any of which the license shall be forfeited 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 easily be read. 3. No pistol shall be sold (a) in violation of any provision of this Act, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity. 4. A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the Secretary of State 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 caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, color and place of birth of purchaser and a statement signed by the purchaser that he has never been convicted in this State or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the Secretary of State; the tripli-

cate the dealer shall retain for six years. 5. No pistol or imitation thereof or placard advertising the sale thereof shall be displayed in any part of any premises where it can readily be seen from the outside. The fee for issuing said license shall be 50c (fifty cents) which fee shall be paid into the State Treasury.

Section 12. CERTAIN TRANSFERS FORBIDDEN: No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol contrary to this Act, nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this Act.

Section 13. FALSE INFORMATION FORBIDDEN: No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

Section 14. ALTERATION OF IDENTIFYING MARKS PROHIBITED: No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification of any pistol. Possession of any pistol 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.

Section 15. EXISTING LICENSES REVOKED: All licenses heretofore issued within this State permitting the carrying of pistols concealed upon the person shall expire at midnight of the 1st day of October, 1936.

Section 16. EXCEPTIONS: This Act shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Section 17. PENALTIES: Any violation of any provision of this Act constitutes an offense punishable by a fine of not more than \$500.00 (five hundred dollars) or imprisonment for not more than one year, or both.

Section 18. CONSTITUTIONALITY: 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.

Section 19. SHORT TITLE: This Act may be cited as the "Uniform Firearms Act."

Section 20. It is hereby declared to be the Legislative intention in the passage of this Act to further aid in the suppression of crime and the Act is to be liberally construed to effectuate this purpose.

Section 21. EFFECTIVE DATE: This Act shall take effect on the 1st day of October, 1936.

Section 22. CERTAIN ACTS REPEALED: This Act is intended as an entire revision of the subject matter contained herein and all laws or parts of laws inconsistent herewith are hereby repealed.

Approved April 6, 1936.

CHAPTER 38.

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[Act of 1879.]

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[Act of 1879.]

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[Act of 1879.]

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[Act of 1877.]

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[Act of 1883.]

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[Act of 1883.]

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520. Writs of error in other cases.

521. *Supersedeas* in other cases.

522. ——— Order for—Writ.

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524. Recognizance taken by sheriff or warden—How returnable.

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527. Time of service.

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CONVICTION OF CRIMINALS IN OTHER STATES.

[Act of 1877.]

529. Expenses of arrest and conviction of kidnapper to be paid.

530. Appropriation.

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[Act of 1879.]

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AN ACT to revise the law in relation to criminal jurisprudence.
Approved March 27, 1874. In force July 1, 1874. R. S. 1874, p. 348.

DIVISION I.

ABDUCTION.

This Act does not contravene constitutional requirements, that Act shall embrace but one subject, which shall be expressed in title. *Fuller v. P.*, 92—182.

Paragraph 1. Of female.] SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Whoever entices or takes away any unmarried female of a chaste life and conversation from the parents' house, or wherever she may be found, for the purpose of prostitution or concubinage, and whoever aids and assists in such abduction for such purpose, shall be imprisoned in the penitentiary not less than one nor more than ten years.

See ¶ 214, *infra* (*Kidnapping*).

Inducement to chaste girl to leave her parents' house for concubinage or prostitution, though her absence from home is but temporary and occasional, and she continues to reside with them, is violation of statute. *Slocum v. P.*, 90—274.

Otherwise if girl is induced to meet seducer for illicit intercourse while living with parents. There is no purpose of reducing to prostitution or concubinage. *Id.*

¶ 2. Of child.] § 2. Whoever unlawfully takes or decoys away any child under the age of twelve years, with intent to detain or conceal such child from

DIVISION I.

771 CRIMINAL CODE. CH. 38, ¶ 89-93.

whoever shall offer to sell, give, loan, hire or barter, to any person within this State, any slung-shot or metallic knuckles, or other deadly weapon of like character, or any person in whose possession such weapons shall be found, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten dollars (\$10) nor more than two hundred dollars (\$200).

¶ 89. **Deadly weapons — Not to be sold minors.**] § 2. Whoever, not being the father, guardian or employer of the minor herein named, by himself or agent, shall sell, give, loan, hire or barter, or shall offer to sell, give, loan, hire or barter to any minor within this State, any pistol, revolver, deringer, bowie knife, dirk or other deadly weapon of like character, capable of being secreted upon the person, shall be guilty of a misdemeanor, and shall be fined in any sum not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200).

¶ 90. **Register of sales — Penalty.**] § 3. All persons dealing in deadly weapons, hereinbefore mentioned, at retail within this State shall keep a register of all such weapons sold or given away by them. Such register shall contain the date of the sale or gift, the name and age of the person to whom the weapon is sold or given, the price of the said weapon, and the purpose for which it is purchased or obtained. The said register shall be in the following form:

NO. OF WEAPON.	TO WHOM SOLD OR GIVEN.	AGE OF PURCHASER.	KIND AND DESCRIPTION OF WEAPON.	FOR WHAT PUR- POSE PURCHASED OR OBTAINED.	PRICE OF WEAPON.
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Said register shall be kept open for the inspection of the public, and all persons who may wish to examine the same may do so at all reasonable times during business hours. A failure to keep such register, or to allow an examination of the same, or to record therein any sale or gift of a deadly weapon, or the keeping of a false register, shall be a misdemeanor, and shall subject the offender to a fine of not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200).

¶ 91. **Concealed weapon — Flourishing weapon.**] § 4. Whoever shall carry a concealed weapon upon or about his person of the character in this Act specified, or razor as a weapon, or whoever, in a threatening or boisterous manner, shall display or flourish any deadly weapon, shall be guilty of a misdemeanor, and shall be fined in any sum not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200).

¶ 92. **Penalties — How recovered — Second offense.**] § 5. All fines and penalties specified in this Act may be recovered by information, complaint or indictment, or other appropriate remedy, in any court of competent jurisdiction; and, when recovered, shall be paid into the county treasury of the county where the conviction is had, and become a part of the current revenue of the county; or the said fines and penalties may be recovered by *qui tam* action, one-half to be paid to the informer, and the other half to be paid into the county treasury, as aforesaid. For a second violation of any of the provisions of this Act the offender shall be fined in double the amount herein specified, or may be committed to the county jail for any term not exceeding twenty days, in the discretion of the court.

¶ 93. **Peace officers exempt.**] § 6. Section four (4) of this Act shall not apply to sheriffs, coroners, constables, policemen or other peace officers, while engaged in the discharge of their official duties, or to any person sum-

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**THIRD REPORT OF THE COMMITTEE ON A UNIFORM
ACT TO REGULATE THE SALE AND POSSESSION
OF FIREARMS**

*To the National Conference of Commissioners on Uniform State
Laws:*

The special committee upon a Uniform Act to Regulate the Sale and Possession of Firearms was appointed at the Minneapolis meeting of the National Conference in 1923. A first report was made in Philadelphia in 1924 and at that time the committee was continued for further consideration of the subject and "to prepare and report a tentative draft of a proposed uniform act at the next meeting of this Conference." (Handbook 1924 p. 173.) A second report with a first tentative draft of the proposed act was submitted to the Conference at its meeting in Detroit in 1925 (Handbook 1925 pp. 854-898). The proposed law was read section by section in full and was fully discussed by the Conference as a committee of the whole. Thereupon the act was referred back to the committee for further consideration (*Ibid.* p. 324). The committee accordingly begs leave to present herewith its third report and second tentative draft of a proposed uniform law on the subject.

CONTINUED DEVELOPMENT OF FIREARMS LEGISLATION

In the previous reports the committee has called attention to the timeliness of firearms legislation and has pointed out how the matter was brought to the attention of the legislatures of various states by the United States Revolver Association in the form of its proposed Uniform Revolver Act simultaneously with the bringing of the matter to the attention of this Conference in 1923. Former reports have stated that the reasons why the committee at the outset decided to recommend to this Conference the proposed law of the United States Revolver Association as the model for its consideration were not only because of the intrinsic merits of the Revolver Association Act for clearness and simplicity, but for the fact that the proposed act had already received favor in its adoption by a number of states: first by the North Dakota Legislature on March 7, 1923, then by the New Hampshire Legislature on May 4, 1923, and then by the California Legislature on June 13, 1923. These three legislatures follow the Revolver Association Act verbatim with a few variations pointed out in the report of last

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year. Then followed the adoption in Indiana, March 12, 1925, of the Revolver Act in toto, as also pointed out in the previous report.

On February 26, 1925, while the previous report of this committee was being completed, the legislature of Oregon passed a firearms act modeled very closely on the text of the Revolver Association Act. It is significant in this connection that the new Oregon Act supersedes the provisions of the Oregon Laws of 1913, Chapter 256, Section I, which in effect required a license to purchase firearms very much along the same lines as the Sullivan Law of New York, reproduced in the last report in full (Handbook 1925 p. 895).

The next act was that of the Legislature of West Virginia of April 25, 1925. (House Bill No. 406, amending Sec. 17 of Chapter 148 of West Virginia Code.) That act forbids the carrying "about the person" of any revolver or pistol as well as other deadly weapons named in detail, without a state license to be obtained by procedure set forth in the act, the license to be conditioned upon the furnishing of a bond. This act, it will be noted, seems to require the license to carry the weapon on the person whether the weapon is concealed or not. A license to purchase is not required.

There next followed the Michigan Act of May 26, 1925, the sections of which are in a great many instances modeled upon the National Revolver Act, but which contains a radical feature in the requirement of a state-wide registration of all firearms possessed within the state. The latter provision went into effect while the Conference was in session in Detroit last summer. The requirement of the Michigan Law of state-wide registration is believed by the Committee to be the only instance of such a requirement other than that of the Arkansas Act of March 16, 1923. This act was, however, repealed by the Arkansas Legislature in 1925. (Acts of 1925, Act No. 351, p. 1047.) One of the commissioners from Arkansas has stated to the committee that the act "proved a complete failure; that scarcely anybody registered his pistols and it was realized that it worked an injustice to the few who did so."

There was printed in the first report of this committee the full text of the so-called Capper Bill, being the National Association Act, with some modifications, introduced into the United States

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Senate by Senator Capper, September 20, 1922 (Handbook 1924, p. 728). This bill expired with the Congress during which it was introduced. Senator Capper reintroduced a bill of substantially the same kind on December 21, 1925 (S. 1907, 69th Congress, 1st Session). This is proposed local legislation for the District of Columbia. It differs from the previous Capper bill in several particulars, viz., (1) the inclusion of other deadly weapons, (2) the omission of the prohibition against aliens and criminals possessing arms, although it retains the prohibition against selling arms to such and (3) in the requirement of a bond of \$5,000 from a dealer in firearms. This new Capper Bill has been considered by the Committee of the Senate on the District of Columbia, but no final action has been taken thereon.

There are other bills pending before Congress but which are inactive. The bill introduced by Mr. Byrns (H. R. 4002, 69th Congress, 1st Session) seeks to regulate the sale and possession of firearms in the District of Columbia and in interstate commerce by prohibiting the sale and delivery of firearms other than those of the form, size, or description used in the United States Army or Navy. This was the purpose of the so-called Shields Bill of April 25, 1925, printed in the former report of this committee (Handbook 1925 p. 888) which failed of passage. The bill of December 9, 1925, (H. R. 4502, 69th Congress, 1st Session) introduced by Mr. Miller seeks to declare pistols and revolvers, capable of being concealed on the person, non-mailable.

The entire subject of a uniform firearms law has moreover been brought forward in the decision of the National Crime Commission in its sessions in Washington at the end of April to study the question of a uniform law and recommend one to the states.

SECOND TENTATIVE DRAFT

The committee, like other committees of the Conference, was unable for lack of funds to hold a midwinter meeting. But the chairman of the committee had an extended conference early in the year with Mr. Karl F. Frederick, of New York, one of the draftsmen of the model act, who was present at the sessions in Detroit and took part in the discussions there. Mr. Frederick considered with the chairman all the points covered in those

discussions. Moreover some members of the committee took advantage of their presence together in Washington in attendance on the American Law Institute to consider the subject further. Further exchanges of opinion between members of the committee have been had by correspondence.

The second tentative draft printed herein adopts in a number of instances the vote of the Conference and the suggestions of members. These, however, have involved no radical change in the second tentative draft over the first. They are indicated specifically in connection with the individual sections of the draft which follow.

GENERAL PRINCIPLES OF DRAFT

The general principles of the draft are those set forth in the previous report (Handbook 1925 p. 856). The proposed law does not aim to require a license to purchase arms, a method of regulation existing, so far as the Committee is informed, only in New York, although the principle has received some support recently by agencies concerned with the suppression of crime and was urged on the Conference by some members last summer. (Handbook 1925 pp. 322-324.) But the committee was not instructed to change the principle in this regard. It is believed by the committee that the license to purchase would not prevent criminals from obtaining arms but would make it difficult for law-abiding citizens to obtain arms for their protection.

The committee states again, as it did last year, that the provisions of the proposed law present no constitutional obstacles, constitute no radical changes in existing laws of the states, and if adopted generally will secure uniformity in the laws of the states and remove the present evils of a lack of uniformity.

RECOMMENDATIONS OF THE COMMITTEE

The committee submits this report and second tentative draft and recommends its adoption.

CHARLES V. IMLAY, <i>Chairman</i>	J. M. TUNNELL
HENRY U. SIMS	O. L. PHILLIPS
JOSEPH F. O'CONNELL	D. A. McDUGAL
J. W. VANDERVORT	GEORGE B. MARTIN

Ex-officio: GEORGE B. YOUNG, *President*

COMMENTS ON INDIVIDUAL SECTIONS

SECTION 1. A "pistol" or "revolver" is defined as a firearm with barrel less than twelve inches in length, in accordance with definitions already prevailing in state statutes. Other kinds of dangerous weapons are not included. "Crime of violence" which is used in numerous places in the Act, is defined to cover such crimes as are ordinarily committed with the aid of firearms.

SECTION 2. An additional penalty is provided for persons committing crimes of violence when armed. This provision is found, not only in recent enactments following the Revolver Association Act, but in other statutes of other states, some of long standing.

SECTION 3. The fact that a criminal is armed with a pistol or revolver without license is deemed *prima facie* evidence of his intention to commit the crime of violence with which he is charged. This provision is also found not only in those states which have followed the Revolver Association Act, but in a number of other states.

SECTION 4. One convicted of a crime of violence is absolutely forbidden to own or possess a pistol or revolver. This provision also has numerous precedents in existing state legislation and is thought to be useful in keeping firearms out of the hands of criminals.

SECTION 5. This section forbids the carrying of concealed weapons and is similar to provisions prevailing in practically every jurisdiction in this country. It adopts the modern theory of making the prohibition extend not only to weapons concealed on the person, but also in vehicles. It is intended thus to remove the easy method by which a criminal on being pursued may transfer a weapon from his pocket to a concealed place in a vehicle.

SECTION 6. This section enumerates all the classes of persons who, it seems, should be excepted from the provisions of Section 5, the list being adopted after a comparison of persons named in existing state statutes. The exception of a concealed weapon in a dwelling house or place of business is contained in the preceding section: this section extends the exceptions to cases where the weapon may be in process of being carried for mere purposes of legitimate transfer or for repair.

SECTION 7. This section defines the method for application and issuance of licenses to carry concealed weapons and for the preservation of the record of the same. It is in line with existing provisions. No bond provision has been added because it is believed that, if a proper showing is made on the part of the applicant as to character and necessity, the bond provision should not be introduced to make the obtaining of the license difficult and burdensome.

SECTION 8. The provisions of this section forbidding the delivery of a weapon to a minor are similar to those generally now prevailing. The age of eighteen years named in the section has been deemed more desirable than the younger age named in a number of statutes and the higher age named in some. It is believed that in ordinary instances youths will be of sufficient maturity at eighteen, and that the naming of a higher age might make it impossible to deliver weapons to mature youths who might need them.

SECTION 9. This section first forbids a transfer of any kind of firearm to one who the transferrer may have reasonable cause to believe has been convicted of a crime of violence. The provision forbidding a seller to transfer on the day of purchase is intended to avoid the sale of a firearm to a person in a fit of passion. The section further requires identification of purchaser and weapon and the preservation of this identification.

SECTION 10. This section requires a license of dealers and is in line with existing statutes.

SECTION 11. This section constitutes the conditions under which licenses will be granted to dealers and for the breach of which such licenses will be forfeited. These conditions are in line with all modern legislation on the subject and constitute the chief safeguard against firearms coming into the possession of undesirables.

SECTION 12. This section prohibits the giving of false information in purchasing a firearm or in applying for a license to carry the same. The principles of the section have been adopted not only by those states adopting the Revolver Act, but by a number of other states.

SECTION 13. This section, also designed to preserve the identification of weapons in connection with transfers, forbids the changing of identifying marks and provides that the possession of pistols



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PROCEEDINGS OF
24:1 UNIFORM
STATE
LAWS

ADDENDUM 158

THE UNIFORM FIRE ARMS ACT

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

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

3 "Crime of Violence," as used in this act, means any of the
4 following crimes or an attempt to commit any of the same,
5 namely, murder, manslaughter, rape, mayhem, assault to do
6 great bodily harm, robbery, burglary [housebreaking, breaking
7 and entering, kidnapping and larceny].¹

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

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

1 SECTION 3. *Being Armed Prima Facie Evidence of Intent.*
2 In the trial of a person for committing or attempting to
3 commit a crime of violence, the fact that he was armed with
4 a pistol and had no license to carry the same shall be *prima*
5 *facie* evidence of his intention to commit said crime of violence.

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

1 SECTION 5. *Carrying Pistol.* No person shall carry a pistol
2 in any vehicle or concealed on or about his person, except in
3 his place of abode or fixed place of business, without a license
4 therefor as hereinafter provided.

¹Crimes here enumerated to be modified to suit local definitions.

Section 6. Exception. The provisions of the preceding section shall not apply to marshals, sheriffs, prison or jail wardens or their deputies, policemen or other 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 or from this state, 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 from one place of abode or business to another.

SECTION 7. Issue of Licenses to Carry. The judge of a court of record, the chief of police of a municipality, the sheriff of a county, may upon the application of any person issue a license to such person to carry a pistol in a vehicle or concealed on or about his person 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 Secretary of State, and shall bear the 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 by registered mail to the [Secretary of State] and the triplicate shall be preserved for six years, by the authority issuing said license. The fee for issuing such license shall be \$..... which fee shall be paid into the [..... Treasury].

1 **SECTION 8. *Delivery to Minors and Others Forbidden.*** No
2 person shall deliver a pistol to any person under the age of
3 eighteen or to one who he has reasonable cause to believe has
4 been convicted of a crime of violence, or is a drug addict, an
5 habitual drunkard, or of unsound mind.

1 **SECTION 9. *Sales Regulated.*** No seller shall deliver a pistol
2 to the purchaser thereof until forty-eight hours shall have
3 elapsed from the time of the application for the purchase
4 thereof, and, when delivered, said pistol shall be securely
5 wrapped and shall be unloaded. At the time of applying for
6 the purchase of a pistol the purchaser shall sign in triplicate
7 and deliver to the seller a statement containing his full name,
8 address, occupation, color, place of birth, the date and hour
9 of application, the caliber, make, model, and manufacturer's
10 number of the pistol to be purchased and a statement that he
11 has never been convicted in this state or elsewhere of a crime
12 of violence. The seller shall within six hours after such appli-
13 cation, sign and attach his address and forward by registered
14 mail one copy of such statement to the chief of police of the
15 municipality or the sheriff of the county of which the seller
16 is a resident; the duplicate duly signed by the seller shall
17 within seven days be sent by him with his 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.

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

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

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

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

15 3. No pistol shall be sold (a) in violation of any provision
16 of this act, nor (b) shall a pistol be sold under any circum-
17 stances unless the purchaser is personally known to the seller
18 or shall present clear evidence of his identity.

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

34 5. No pistol or imitation thereof or placard advertising the
35 sale thereof shall be displayed in any part of any premises
36 where it can readily be seen from the outside.

37 The fee for issuing said license shall be \$. which
38 fee shall be paid into the [. Treasury].

1 SECTION 12. *Certain Transfers Forbidden.* No person
2 shall make any loan secured by a mortgage, deposit, or pledge
3 of a pistol; nor shall any person lend or give a pistol to
4 another or otherwise deliver a pistol contrary to the provisions
5 of this act.

1 SECTION 13. *False Information Forbidden.* No person shall,
2 in purchasing or otherwise securing delivery of a pistol or in
3 applying for a license to carry the same, give false information
4 or offer false evidence of his identity.

1 **SECTION 14. *Alteration of Identifying Marks Prohibited.***
2 No person shall change, alter, remove, or obliterate the name
3 of the maker, model, manufacturer's number, or other mark
4 of identification on any pistol. Possession of any pistol upon
5 which any such mark shall have been changed, altered, re-
6 moved, or obliterated, shall be *prima facie* evidence that the
7 possessor has changed, altered, removed or obliterated the same.

1 **SECTION 15. *Existing Licenses Revoked.*** All licenses here-
2 tofore issued within this state permitting the carrying of pistols
3 concealed upon the person shall expire at midnight of the
4 day of, 19...

1 **SECTION 16. *Exceptions.*** This act shall not apply to antique
2 pistols unsuitable for use as firearms and possessed as curiosi-
3 ties or ornaments.

1 **SECTION 17. *Penalties.*** Any violation of any provision of
2 this act constitutes an offense punishable by [a fine of not more
3 than [\$.....] or imprisonment for not more than
4 [.....] or both, or by imprisonment in the peniten-
5 tiary for not less than [.....], nor more than
6 [.....]].

1 **SECTION 18. *Constitutionality.*** [If any part of this act is
2 for any reason declared void, such invalidity shall not affect
3 the validity of the remaining portions of this act.]

1 **SECTION 19. *Short Title.*** This act may be cited as the
2 "Uniform Firearms Act."

1 **SECTION 20. *Uniform Interpretation.*** This act shall be so
2 interpreted and construed as to effectuate its general purpose
3 to make uniform the law of those states which enact it.

1 **SECTION 21. *Effective Date.*** This act shall take effect on the
2 day of, 19.....

1 **SECTION 22. *Certain Acts Repealed.*** All laws or parts of
2 laws inconsistent herewith are hereby repealed.

EXPLANATORY STATEMENT REGARDING UNIFORM FIREARMS ACT

The National Conference of Commissioners on Uniform State Laws is composed of Commissioners appointed by legislative or executive authority from the states, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, and the Insular Possessions of the United States. The organization meeting was held at Saratoga, New York, in August, 1892; and annual meetings have been regularly held since that time, immediately preceding the meetings of the American Bar Association. The purpose of the organization, as its name imports, is to promote uniformity of legislation on subjects of common interest throughout the United States. Proposed acts are carefully drawn by special committees of trained lawyers, assisted by experts in many instances, and are printed, distributed and discussed in the Conference at more than one annual session. When finally approved by the Conference, the uniform acts are submitted to the American Bar Association and recommended for general adoption throughout the jurisdiction of the United States. Each uniform act is thus the fruit of one or more tentative drafts submitted to the criticism of the Commissioners in annual conference and of the American Bar Association, and represents the experience and judgment of a select body of lawyers chosen from every part of the United States.

RELATION OF ACT TO PAST AND RECENT FIREARMS' LEGISLATION

The Conference at its fortieth annual meeting held at Chicago, August 11-16, 1930, approved the Uniform Firearms Act and voted that it be recommended to the states for adoption. On August 21st the American Bar Association, meeting at the same place, approved the act. This was in effect a second approval of the subject-matter by both bodies, inasmuch as the Conference and Bar Association had at a previous meeting held at Denver, Colorado, in July, 1926,

approved an act in substantially the same form. The matter was, however, after the Denver meeting taken under reconsideration by both bodies and for that reason temporarily withdrawn from state legislatures. After four additional years of reconsideration the principles of the former draft have been reaffirmed in the new draft and that new draft with only a few changes from the former draft is now recommended to the states for adoption.

When the subject-matter of the act was first brought to the attention of the National Conference at Minneapolis in August, 1923, much had already been accomplished in the direction of uniform firearms legislation by the United States Revolver Association, a disinterested non-commercial organization of marksmen. Its legislative committee had drafted a uniform law which had already been adopted with some few changes by North Dakota, and New Hampshire. California had also adopted it with some qualifications and additions. The law was thereafter adopted in Indiana in 1925, and much of its subject-matter was enacted in the Oregon, West Virginia and Michigan acts of the same year. The extent to which the Revolver Association Act had thus already gained ground as well as the intrinsic merits of that act induced the committee of the Conference to select it as the model of the draft of the Uniform Act approved by the Conference in 1926. During these four years in which the subject-matter has been under reconsideration and prior to the final approval by the Conference and the Bar Association in 1930, the substance and form of the act has gained additional recognition. Much of its text has been incorporated in recent acts in Massachusetts, Michigan, New Jersey and Rhode Island, and to a very great extent in a 1927 act of Hawaii. The act with some minor changes was adopted by the United States House of Representatives in 1929, too late, however, to reach the Senate. With some changes it again passed the House early in 1930, and at the end of that year is still pending in the Senate.

It is believed that the favor thus already shown to the principles of the act is due to recognition by the various state legislatures of the necessity of uniform legislation on the subject of small firearms, and the soundness of the principles of regulation embodied in the act. These principles are believed to be consonant with legislative precedent and practical experience, and superior to minority

cases reflected in some past legislation and in a few recent enactments. For example, the uniform act adopts the principle of a strict regulation of the sale and purchase of pistols at the same time that it rejects the comparatively rare provision of a license to purchase, on the theory that the securing of a pistol by a householder as a legitimate means of defense should not be made difficult. The principle of license to purchase was for a long time limited to New York where it was first adopted in 1888. It has in recent years received recognition in Massachusetts, Michigan, New Jersey and Hawaii, and has been approached in West Virginia and perhaps one or two other places. But beyond that the theory of license to purchase has not been recognized. The Uniform Act also rejects such extreme theories of regulation as that embodied in the Arkansas Law of 1923, requiring a state-wide registration of pistols, which principle though repealed subsequently in Arkansas has more recently found some recognition in the Michigan Act of 1927, and is approached by the Virginia Act of 1926.

It will be noted that the act deals with pistols and revolvers only. The Conference after careful consideration decided to confine the act to small arms of this nature as a subject by itself, leaving the matter of other dangerous weapons of not legitimate use to be regulated in separate acts.

GENERAL PRINCIPLES OF ACT

The general principles embodied in the act may be summarized as follows:

1. Without making it difficult for a law-abiding citizen to secure arms for the protection of his home, as by the inconvenient requirements of a license to purchase, the act seeks by strict regulation of dealers, identification of purchasers, and strict licensing of those who carry concealed firearms, to keep such weapons out of the hand of criminals and other prohibited classes.

2. A heavier penalty is provided for a crime of violence by one who is armed, whether legally or not, and the possession of a pistol by a criminal is made *prima facie* evidence of intent.

3. The universal principle is adopted as in all state statutes forbidding the carrying of concealed weapons with a complete enumera-

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tion of classes of excepted persons and without sufficient exceptions to suit special circumstances. It prohibits carrying pistols in a vehicle whether concealed or not.

4. The act forbids the possession under any circumstances of pistols by persons who have committed crimes of violence as defined by the act.

5. The general principle of forbidding the transfer of pistols to minors is included.

6. A detailed method of identification is provided in the case of sales by private persons and transfers by dealers, requiring licenses of dealers.

7. A complete system is set up for granting licenses to carry concealed weapons in cases where the character of the applicants and emergencies justify the same.

8. The provisions of the act are made effective by prohibitions against the giving of false information by purchasers and applicants for licenses, and the alteration of identification marks on weapons.

9. Pawning pistols or trading in them by way of mortgage is forbidden.

10. A general penalty provision is contained in the act with terms of imprisonment and amounts of fines left blank so as to suit the needs of the particular state enacting the law.

In general it is submitted that the proposed Uniform Act embodies sound forms of regulation which have stood the test of experience in this country and that it embodies such new ideas as have been presented from time to time by individuals and organizations working in the same subject-matter. Thus at the same time that it preserves the traditional methods of firearms' regulation it takes advantage of enlightened experience of recent years. It comes as near, it is believed, as it is possible to come in meeting the two divergent views of a too drastic regulation on the one hand and a too liberal lack of regulation on the other.

COMMENTS ON INDIVIDUAL SECTIONS

Section 1. A "pistol" is defined as a firearm with barrel less than twelve inches in length, in accordance with definitions already prevailing in state statutes. It thus includes a revolver or any small

...capable of being concealed on the person. Other kinds of dangerous weapons are not included. "Crime of violence," which is used in numerous places in the act, is defined to cover such crimes as are ordinarily committed with the aid of firearms.

Section 2. An additional penalty is provided for persons committing crimes of violence when armed. This provision is found, not only in recent enactments following the Revolver Association Act, but in other states, some of long standing.

Section 3. The fact that a criminal is armed with a pistol without license is deemed *prima facie* evidence of his intention to commit the crime of violence with which he is charged. This provision is also found not only in those states which have followed the Revolver Association Act, but in a number of other states.

Section 4. One convicted of a crime of violence is absolutely forbidden to own or possess a pistol or revolver. This provision also has numerous precedents in existing state legislation and is useful in keeping firearms out of the hands of criminals.

Section 5. This section forbids the carrying of concealed weapons and is similar to provisions prevailing in practically every jurisdiction in this country. It adopts the modern theory of making the prohibition extend not only to weapons concealed on the person but also weapons carried in vehicles whether concealed or not. It is intended thus to remove the easy method by which a criminal on being pursued may transfer a weapon from his pocket to a concealed place in a vehicle.

Section 6. This section enumerates all the classes of persons who, it seems, should be excepted from the provisions of Section 5, the list being adopted after a comparison of persons named in existing state statutes. The exception of a concealed weapon in a dwelling house or place of business is contained in the preceding section: this section extends the exceptions to cases where the weapon may be in process of being carried for mere purposes of legitimate transfer or for repair.

Section 7. This section defines the method for application and issuance of licenses to carry concealed weapons and for the preservation of the record of the same. It is in line with existing provisions. No bond provision has been added because it is believed that, if a proper showing is made on the part of the applicant as

to character and necessity, the bond provision should not be introduced to make the obtaining of the license difficult and burdensome.

Section 8. The provisions of this section forbidding the delivery of a weapon to a minor, a criminal or incompetent, are similar to those now generally prevailing. The age of eighteen years named in the section has been deemed more desirable than the younger age named in a number of statutes and the higher age named in some. It is believed that in ordinary instances youths will be of sufficient maturity at eighteen, and that the naming of a higher age might make it impossible to deliver weapons to mature youths who might need them.

Section 9. The provision of this section forbidding a seller to transfer on the day of purchase is intended to avoid the sale of a firearm to a person in a fit of passion. The section further requires identification of purchaser and weapon and the preservation of this identification.

Section 10. This section requires a license of dealers and is in line with existing statutes.

Section 11. This section constitutes the conditions under which licenses will be granted to dealers and for the breach of which such licenses will be forfeited. These conditions are in line with all modern legislation on the subject and constitute the chief safeguard against firearms coming into the possession of undesirables.

Section 12. This section in prohibiting a loan of a pistol secured by any of the methods mentioned is intended primarily to prohibit dealing in pistols by pawnbrokers.

Section 13. This section prohibits the giving of false information in purchasing a firearm or in applying for a license to carry the same. The principles of the section have been adopted not only by those states adopting the Revolver Association Act, but by a number of other states.

Section 14. This section, also designed to preserve the identification of weapons in connection with transfers, forbids the changing of identifying marks and provides that the possession of pistols from which such identifying marks have been obliterated shall be *prima facie* evidence that the possessor has changed the same. It has been adopted by all states which have enacted the Revolver Association Act.

Section 15. This section revokes all existing licenses on a date to be inserted by the enacting state.

Section 16. This section is designed to remove from the operation of the act firearms that are kept merely as curiosities. It has been adopted already in those states which have passed the Revolver Association Act.

Section 17. This is the general section which provides penalties for violations of the various provisions of the act. The amounts of fines and the lengths of imprisonment are left blank so that these may be fixed according to the needs and usages of the particular state. This section is so framed as to be applicable to different state definitions of misdemeanors and felonies. A general penalty section has been thought more scientific than the naming of penalties in connection with specific sections.

Section 18. This section is intended to avoid the invalidity of the entire act by a judicial holding that a particular part is unconstitutional. It has been included by the Conference as one of its model sections contained in most uniform acts.

Section 19. This section, in accordance with the practice of the Conference, provides for a short designation of the act to avoid the longer definition at the beginning. In the selection of the words, "Uniform Firearms Act," the definite article "the" has been omitted in order to reduce the short title to its smallest terms.

Section 20. This section is the usual section in uniform acts embodying the legislative intent that the act shall be so interpreted as to make uniform the laws of the states.

Section 21. This section is the usual section found in uniform acts providing for an effective date.

Section 22. This section is the usual section in uniform acts and contained in the Revolver Association Act, repealing existing laws inconsistent with the Uniform Act.

CURRENT NOTES

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Northwestern University School of Law
Chicago, Illinois

Addresses by Judge Bruce — During the month of September, 1932, Judge Andrew A. Bruce, President of the American Institute of Criminal Law and Criminology, spoke before the North Dakota State Bar Association on "New Era and the Law"; The Chicago Chapter of the D. A. R. on the "Spirit of the Constitution"; The Minnesota State Conference and Institute of Social Work on the subjects, "The Juvenile Delinquent" and "The Philosophy of Probation" (two addresses); and on October 3rd before the Annual Meeting of the American Prison Association on the subject of the "Ex-Convict and His Struggle for Rehabilitation."

Reforms Proposed—Writing in the Brooklyn Eagle, Mr. Thomas S. Rice, associate editor of The Panel and formerly a member of the New York Crime Commission, proposes a number of reforms in the administration of the criminal law.

"Remove the right of the arrested person to refuse to explain the suspicious circumstances, to remain mute at his trial, and then to have the judge and prosecutor barred from mentioning that he has refused to offer an explanation at any stage. That is responsible for practically all of the charges of third degree against the police and

is the biggest stumbling block to justice in our system. The European system compelling the suspect to explain the circumstances or be convicted should be adopted.

"Habeas corpus and bail have made a laughing stock of the law for professional criminals with financial and gang backing. Curtail both, as is done in Canada and England.

"The laws against perjury could and should be made workable.

"Notice of an alibi defense, with details of place and witnesses, should be required in every state, as required in Ohio and Michigan. New York's legislature has twice defeated a bill to that end in two years.

"Either side should have the right to impeach a witness who has radically changed his testimony.

"Convictions of receivers of stolen goods should be made easier, the state laws should be made broader, and the bill in congress providing a heavy penalty for interstate transportation of stolen goods should be passed. A similar federal law relating to stolen motor cars works well.

"Indefensible postponements of criminal cases by complaisant judges, with the object of wearing out the other side, should be grounds for charges against lawyers asking and judges granting the postponements.

"Wipe out exemptions from jury duty, as they have been wiped out in the province of Quebec, Canada, with highly satisfactory results.

"Increase federal penalties for the use of the mails to defraud until they are commensurate with the evil done to thousands of persons annually, and bring public pressure to bear upon federal judges to impose adequate sentences in such cases and in cases of fraudulent bankruptcy.

"Stop the browbeating of witnesses by half-baked and half-educated lawyers.

"See that an honest complainant and his witnesses get at least 20 per cent of the breaks in a criminal court and are allowed to talk at least three minutes without interruptions and noting of objections. I saw a witness in Judge Charles A. Taylor's court in Montreal two years ago tell his story for more than an hour in a murder trial without an interruption or exception. If in Quebec, why not in the United States?

"Take judges and prosecutors out of local politics."

Licensing Firearms Experts —

The Commercial Standards Monthly has printed the statement of Wilmer Souder of the Department of Commerce that there is need for an examining and licensing board to pass upon the qualifications of those who desire to advise or testify as experts in firearms identification. He says:

"An organization of approved experts could advise intelligently the bench and bar upon the value and limitations of expert testimony and the general method of collecting and presenting evidence. Courts now accept various statements as

supporting claims for expert qualifications and admit much evidence which can not be supported.

"The fact that one holds a medal for marksmanship or has had Army or police service is often accepted as proof of ability in identification. This popular qualification is enhanced, in the minds of the jury, if the witness has written articles or has lectured on some phase of ballistics or if his picture has appeared in the local papers. Experience in selling or using sporting goods is not overlooked as a quality which might suggest expert abilities. The public knows so little about this science of identification that it fails to realize that experience in one or all of the above fields does not guarantee ability of any value whatever in this work.

"Such persons wishing to be accepted as experts without having actually to qualify are usually very anxious for publicity in the press and are quite free in their interviews. Favorable attributes which contribute to expert ability are:

"1. Experience in metrology either in a school or laboratory shop, where accurate measurements of small dimensions are made by the use of micrometer microscope and photographic camera.

"2. Familiarity with the details of manufacture of arms and ammunition, the defects in new arms and the defects which develop with use. These are absolutely necessary.

"3. Demonstrated ability to identify exhibits, bearing secret identifying marks, approximating, in difficulty, those on which he is testifying. These tests if not previously taken might well be arranged before the expert takes the stand, but never after. The preparation of such tests to be effective must not be delegated to amateurs. Unfor-

unately courts will not permit the introduction of such proof of ability unless all parties conducting the tests are present in person to testify.

"4. Ability to prepare evidence in photographic form so that permanent records may be available for use in appeal cases and for study by those wishing to verify the 'expertness of the expert.'

"Firearm identification will undoubtedly be retarded in its services to the administration of justice so long as so-called experts, inadequately trained to collect and to interpret physical data correctly and in harmony with the refinements peculiar to this science, are permitted to testify. Courts should be more correctly advised regarding the training and equipment necessary for such work, regarding the type of testimony and permanent records which should be required, and finally regarding limitations which must be observed in this as in all other sciences. There should be adopted:

"1. Minimum standards of equipment to be used.

"2. Standards for records of evidence to accompany and substantiate the expert's opinion; these to include photographs, metrological data, and interpretations in permanent form.

"3. Standards for qualification of experts which will include actual tests made against secretly designated materials and reported in compliance with item 2.

"4. Methods for constant following up of experts testifying in court to guarantee the highest efficiency.

"The compliance with such standards should be a guarantee of ability which could not be ignored by any court or jury. Conversely, those unwilling to comply with such regu-

lations should be permitted to explain why they are unwilling to do so. It is felt, however, that any one who has given the time and effort to properly qualify in this field will welcome an opportunity to cooperate in a plan such as has been outlined."

Sportsmen Fight Sullivan Law—
The members of the National Rifle Association of America, from more than ten states, held their sixty-second annual meeting September 18, in New York City. The organization, which is the governing body of rifle shooting, represents 2,800 affiliated rifle clubs.

The main order of business was the adoption of a resolution to continue the fight for the repeal of the Sullivan law in New York State and the substitution of the uniform firearms act, now in force in several states and recently adopted by Congress for the District of Columbia.

The main aim in the fight against the Sullivan law is to give the honest man a chance to have a pistol in his home without having to be finger-printed and photographed. The organization believes the present situation makes the honest man appear associated with crime whenever he seeks to purchase a pistol.

The association plans to have the matter brought before the New York Legislature at the next meeting in an effort to substitute the uniform firearms act. Under that law, the applicant for pistol files an application with a firearms dealer and forty-eight hours later receives the pistol for home use, providing the police investigation that has been made in the meantime shows him to have a clean record as an upright citizen.

Parole Study—Mr. Frederick A. Moran, Executive Director, Division of Parole, State of New York, recently discussed "The Indeterminate Sentence and Parole—Scientific Study and Treatment" in the U. S. Daily. He said:

"Since July, 1930, the parole methods followed in New York State have been revolutionized. Through the enactment of legislation, a full time Board of Parole was created and provisions were made for a staff of 68 parole officers. From the creation of the Division of Parole, intensive investigations have been made of the criminal and the social histories of men appearing before the Board of Parole and definite efforts have been made to give constructive help and supervision to prisoners released on parole.

"Parole today is not a negative form of discipline, consisting of a certain number of stereotyped reports of miscellaneous advices, but individualized treatment carried on by trained social workers.

"If one needs to be convinced of the fact that individuals can not be treated as isolated units, but that consideration must be given not only to the man but to his family and to his friends as well as to his job, his health and his recreation, a study of the individual records kept by the Board of Parole would convince any unbiased person how little society has to expect in either protection or deterrence, unless the social and economic conditions that played a part in making the individual antisocial are changed.

"The Board of Parole, basing its opinions not on emotions but on factual data, wants the present sentencing laws changed so that the maximum sentence for the offense

committed will be imposed on convicted offenders and the Board of Parole will be given the authority to consider the case of each prisoner after he has served one year of his sentence.

"If such changes were made to the law, it does not follow that offenders would be released on parole after they have served one year. In fact, in states where similar laws exist, the period of incarceration is longer than under the old laws which were similar to those in operation in New York State today.

"It does mean, however, that emphasis would be shifted from the necessity of releasing men from prison at fixed times, and it would let us hope to make possible the selection of prisoners for parole upon a different basis than time sentences. It might destroy the myth that, when a criminal is convicted and sentenced to prison, locking him up in a steel cage solves the problem either for society or the individual.

"It might focus attention upon the complex social problems that exist not only in the case of the prisoner himself but in his family. Something might even be done to solve these family problems, so that when the doors of the prison are opened the released prisoner will not return to economic and social conditions frequently far worse than those from which he was removed."

Judicial Criminal Statistics—

A very important report to the Judicial Section of the American Bar Association and the National Conference of Judicial Councils was prepared by Leon C. Marshall of the Institute of Law, The Johns Hopkins University, in collaboration with Willis L. Hotchkiss of Penn

College and Charles E. Gehlke of Western Reserve University. Among others serving on the Advisory Group were E. R. Cass, Secretary of the American Prison Association, Emil Frankel, New Jersey Department of Institutions and Agencies, J. Edgar Hoover, United States Bureau of Investigation, A. H. MacCormick, United States Bureau of Prisons, and Thorsten Sellin, Bureau of Social Hygiene. Mr. Marshall says:

"The movement for judicial criminal statistics in this country has apparently reached the stage where a rapid development would take place, if the various public organizations concerned could have available for use a practical plan that had the approval of expert opinion."

Mr. Marshall and his colleagues have been working upon their report for many months and it deserves wide notice. Copies may be obtained from The Institute of Law, Baltimore, Md. The study by Mr. Marshall for the State of Ohio was mentioned in "Current Notes" in the July-August number of this Journal (p. 295).

N. Y. Court for Adolescents—George Gordon Battle, writing in the New York Times, draws attention to the new children's court of New York City. He says:

"Chief City Magistrate James E. McDonald deserves the gratitude of the community for his efforts to establish a court for adolescents. At present the age limit in the Children's Court is 16 years. That should be increased at least to 18 and probably to 19 years.

"There has been in recent years an amazing and fearful increase in the number of young boys and girls between 16 and 18 who have com-

mitted serious offenses. Nevertheless, they are not criminals but for the most part reckless and heedless children. If they are brought up on these charges in a criminal court and are discharged, there is no agency to look after them.

"In the Children's Court the child is kept under observation in proper cases even though discharged. If such policy were followed for the children between 16 and 18 many of them could be saved who otherwise become criminals for life. It is hoped that the Legislature next year will increase the jurisdiction of the Children's Court so that it will have power over children up to the age of 18 or 19 years.

"In the meantime, without expense to the city, Chief Magistrate McDonald is making an experiment along these lines in setting up this voluntary court for adolescents, which is being conducted by judges and clerks outside of the regular hours as a voluntary matter and without compensation. It is also a subject of congratulation that Magistrate Jonah J. Goldstein will preside over the first of these tentative tribunals. Magistrate Goldstein has shown not only an excellent knowledge of law but, what is far more important, a deep sense of humanity and justice, which marks him as eminently fitted for this most responsible position."

Increase of Suicide—The Spectator, the business paper of insurance, gives the figures for 1931 suicides. They indicate a steady increase and the consulting statistician, Dr. Frederick L. Hoffman, declares that such an increase is to be expected in view of the financial and industrial depression.

"Making allowances for a lower

rate in the rural sections, it is a safe assumption that for the nation at large the actual loss of life by suicide in 1931 was not less than 20,000, in addition to which we lost say 12,000 lives by murder and possibly 35,000 more by motor car accidents. In other words, these three causes of death, most of which are preventable, account for not less than 70,000 lives during the course of a year at an average age of possibly thirty-five years."

Depression and Prison Population—Writing for the Monthly Bulletin of the Pennsylvania Department of Welfare, Dr. B. L. Scott, Director of the Bureau of Restoration, states:

"In times of unemployment, prison populations increase. The great majority are sentenced to the penitentiaries for crimes against property when work is hard to find. Even more important is the mental attitude of the inmates which makes prison administration more difficult in periods of depression. These are the conclusions reached after a study by the Bureau of Restoration in the Department of Welfare as to the commitments, population, and types of crime during the past six years in Pennsylvania.

"On December 31, 1927, the total population of the four state penitentiaries and reformatories in this state was 4,509. On March 31, 1932, the population of the same four institutions had grown to 6,312, an increase of 1,803 in four and a quarter years. By far the greater part of this increase has occurred since December 31, 1929.

"Even more startling is the increase in the population of the sixty-nine county penal institutions. On December 31, 1929, the total

population in these institutions was 8,054. On December 31, 1931, after two years of unemployment, the population was 8,860, while by February 29, 1932, it had grown to 9,569, an increase of 709 in two months.

"In 1930 there were 838 persons sentenced to the Eastern State Penitentiary in Philadelphia, and in 1931 the number was 919. Of these groups 527 in 1930 and 592 in 1931 were committed for crimes against property. At the time of sentence 416 were totally unemployed in 1930 and 488 in 1931.

"The figures from the Western State Penitentiary in Pittsburgh are in much the same proportion. Of the 616 sentenced to this institution in 1930, 416 were charged with crimes against property and 285 claimed to be unemployed. Of the 628 commitments in 1931, 433 were charged with crimes against property and 364 said they were unemployed."

Crime Laboratory Offers Instruction—The Scientific Crime Detection Laboratory of Northwestern University will offer a course of instruction of two weeks duration beginning February 6, 1933. An additional week will follow for those desiring further study at the Laboratory. The course is designed to furnish the basis for further individual studies by police officers.

The major subjects will include: Firearms Identification (frequently termed "ballistics"); Examination of Questioned Documents; The Detection of Deception by means of the "Lie-Detector"; Specialized Instruction in the Photography of Evidence. Other subjects treated more briefly will include chemistry, toxicology and serology, criminal

law, criminological applications of ultra-violet rays, how to collect and preserve evidence, finger-printing, verbal descriptions (*portrait parlé*), microscopy and photomicrography, legal medicine, fallibility of eye witnesses, sketching a crime scene, etc.

Crime News—Those interested in the article by Morris Gilmore Caldwell, entitled "Sensational News in the Modern Metropolitan Newspapers" which appeared in the July-August number of this Journal will be pleased to know that the subject of "Crime News" is discussed in two articles in the July, 1932, number of the United States Law Review. "Trial by Newspaper" was written by Stuard H. Perry. He says:

"Obviously there is need of co-operation between the courts and lawyers and the newspapers, and it is noteworthy that the demand for it comes more distinctly from the bar than from the press. Judging by the expressions of many prominent legal spokesmen and legal journals, what the bar chiefly wants the press to do is to help improve the administration of law all along the line, and to make specific criticisms of the shortcomings of courts, judges, laws and lawyers. I heartily agree with these spokesmen. They have pointed out the exact field where the press can best serve the courts and the bar, and at the same time best serve the public."

The other writer was Charles T. Le Viness II whose essay is called "Crime News." He made this statement as his conclusion:

"And those who are prone to lambaste a newspaper for its treatment of crime news should know

that the judge is the boss of his courtroom and all that goes on therein, including newspaper reporting. But the judges show little interest. Some are frankly indifferent and others seem unaware of their rights and powers. Judge after judge sits idly by while the courtroom scene beneath him is transformed into a three-ring circus for the nation. And, indeed, many of them seem to enjoy it all hugely! The fault, dear judge, is not in thy five-stars but in thyself."

Probation Salaries—The National Probation Association has prepared a 30-page study of the salaries paid to probation officers. The study may be obtained from the Association's editorial office, 450 Seventh Avenue, New York City. The report is given in summary form in the official publication of the Association:

"The average salary of probation officers in the United States on December 31, 1931, was at the rate of \$2,234 per year. This figure was reached by an analysis of the tabulation of probation officers' salaries in the United States. When we say probation officers, we mean the officers in the ranks and not their chiefs or deputy chiefs whose salaries were eliminated for the purpose of obtaining the average. Men's salaries and women's salaries were averaged together to reach this figure. The average male probation officer's salary in the United States was somewhat larger — \$2,487. The average woman probation officer received \$2,003 per year.

"There is a marked difference in the salaries of probation officers in large cities and small. For instance, men probation officers, serv-

ing in population areas under 100,000, receive an average of \$1,725 per year. Women in similar areas receive somewhat less, \$1,522 per year. In population areas from 100,000 to 500,000 men officers get \$2,047 per year, women officers, \$1,700 per year. In population areas of over 500,000 and under 1,000,000 the average male officer receives \$2,447 and the average woman officer, \$2,292. In population areas of over 1,000,000 the salaries of men officers average \$2,841 and women officers receive an average of \$2,089 per year.

"Chief probation officers naturally receive somewhat larger salaries. The average male chief probation officer in areas of under 100,000 population receive \$2,116 per year, the average female chief, \$1,984. In population areas of 100,000 to 500,000 the average male chief receives \$2,958 and the woman chief, \$2,491. In population areas of 500,000 to 1,000,000 the average male chief receives \$4,807 per year and the average woman chief, \$2,500. In populations of over 1,000,000 the male chief receives on an average of \$5,289 per year, the woman chief, \$4,067."

The article states that in 33 cities studied the average population served by a probation officer is 49,000. In this publication investigations have shown that there will be about 130 children with behavior problems, 100 mentally retarded, 44 children who are actually delinquent and 111 children who are dependent. This would make a case load for every probation officer of about 385 children. It is needless to state that a large number of these children, unless properly supervised, would be addicted to criminal careers. If we allow an average of \$2,234 a year for the

salary of the probation officer, we would have a total cost of \$6.00 a year for each child. If too, we consider the enormous cost of criminal trials, the cost of our police and the cost of maintaining our penitentiaries, to say nothing of the injury to the public which the criminal creates we can readily see the economy of the probation system and how valuable a piece of social insurance it constitutes.

New Finger Print Method —

A new finger print method which eliminates the photographer has been made public by Dr. Lunge, Assistant Director of the technical laboratories of the Lyons Friends Police Department. The invention consists of a mixture which has a base of collodion amylacetate, acetone and ether. The object is first dusted with "animal black." Over this the mixture is then poured and the result obtained in a few seconds, a thin transparent film. This can be easily lifted from the object and on it is a perfect reproduction of the finger print. The film can be carried about like a piece of paper and there is no necessity for photographs or other reproductions. Since the film is transparent the finger prints can be studied from both sides. The slogan of the advocates of the new method is that "a bottle replaces three photographers."

Hooton Study—At a recent meeting of the American Philosophical Society which was held in Philadelphia, Professor Earnest A. Hooton of Harvard University, after his study of 18,000 inmates of penal institutions and insane asylums and 2,000 members of the

non-criminal class, gave his sanction to the early Lombrosian theories of marked physical characteristics. He said that first degree murderers diverge significantly from the total criminal population in that they are older, heavier, taller, bigger-chested, with greater head circumferences, narrower foreheads, long and relatively narrower noses, broader jaws, broader ears, relatively narrower shoulders, relatively shorter trunks, relatively longer heads, less head hair, more body hair, straighter hair, more pronounced forehead slope, more convex noses, fewer and poorer teeth, both flatter and more projecting ears, less facial asymmetry, etc.

Parole in California—Charles L. Neumiller, Chairman of the Board of Prison Terms and Paroles, State of California, reports that California is having marked success with its parole system. Even the parole of second-termers has not proved a failure from the standpoint of the rehabilitation of the prisoner. He says: "There is less probability of a paroled prisoner returning to a life of crime than a prisoner who is discharged from the prison gate with a state gratuity of \$10, a prison suit of clothes, and no job or check by the state parole officer."

Eighty-five per cent of the paroled convicts in California make good. Of the 15 per cent who fail, only 6 per cent are for new crimes, the remaining 9 per cent being violators of parole rules. In the five-year period, 1927 to 1931, 975 convicts were paroled and only 125 or 12.82 per cent failed to make good. Of those who violated their parole, 23 were first termers and 102 were recidivists.

Parole Administration—Writing in the United States Daily, Winthrop D. Lane, Director of Parole, State of New Jersey, discusses parole administration. He declares that it is clear that parole is badly practiced in many jurisdictions.

"When a parole board sits for only four hours a month at an institution and gives two minutes each to the consideration of persons eligible for parole, it is not doing effective parole work.

A session of this kind in a middle western state prison was recently attended by the writer. When an inmate entered the room, he faced 24 persons. Some of these were wives and daughters of members of the board, there for a thrill, and others were newspaper reporters.

Members of the board, sitting in serious inquiry on the offender's affairs, made jokes at his expense. One prisoner was told by a board member that he was 'just about the most contemptible cur that walks the earth' and another heard the words shouted at him, 'What you need is a horsewhipping.'

Time and again offenders were stopped as they sought to make some personal communication to the members of the board with the remark: 'You cannot say that in the presence of these women.' The next day local newspapers published such titillating tid-bits from the session as they wished.

Many prisoners must have received strange impressions of the interest taken in their welfare by members of the parole board.

One of the fundamental questions concerning parole is what information ought to be used in deciding whether an offender is to be paroled or at what time he is to be paroled. In many jurisdictions the only facts

really entering into this question are the offender's conduct in the institution, as viewed by the disciplinary officer, and his previous criminal record. Important as these may be, they do not constitute the full set of facts interesting to a person concerned with the reclamation of the offender and the protection of society.

What is the offender's attitude toward his responsibilities and obligations? Has he improved since he entered the institution?

Does a job await him on the outside? If not, can one be obtained?

What are his family relationships? Will he return to his own family, or will he be placed to board and live with another family?

What is the nature of the neighborhood to which he will return? Who is there, among relatives and friends, who will take an interest in him on the outside?

What type of supervision awaits him when he is released? What are his economic prospects?

Have the factors contributing to his delinquent or criminal conduct been modified—and if not can they be? What, in short, are the plans for this offender when released?

Such questions as these ought to be asked in respect to every offender up for parole. The answers, obtained by pre-parole investigations, ought to be in the hands of every paroling authority before it decides whether the present is a proper time for the offender's release."

Mr. Lane's study, "Parole Procedure in New Jersey," appeared in this Journal September, 1931, pp. 375-405.

Warden Lawes—According to a recent broadcast by Warden Lewis E. Lawes of Sing Sing Prison less

than 1 per cent of the prison population of Sing Sing had ever been actively engaged in religious work, less than 1/3 of 1 per cent had any fraternal affiliations, less than 1/2 of 1 per cent had ever belonged to a boys' club and only 6/10 of 1 per cent ever belonged to any political group. He derived from this the conclusion that the average criminal lacks social responsibility and is altogether too individualistic.

Warden Lawes' recent book on "Twenty Thousand Years in Sing Sing" is to be filmed by Warner Brothers.

The results of a recent study of 15,000 ex-convicts by Warden Lawes show that *only two children* of the 15,000 studied now have prison records.

A. A. B.

Price Article—In an article by G. Ward Price in The Panel, the organ of the Association of Grand Jurors of New York County, we are told that in England crimes of violence against individuals went up from 1,284 in 1921 to 1,986 in 1930; burglary and house-breaking from 15,402 to 25,190; larcenies from 61,370 to 96,189; and cases of fraud from 9,622 to 16,856. The article also states that 2/3 of all of the convicted criminals in 1930 were below the age of 30 and nearly 1/2 of them under 21. A significant statement in the article is one to the effect that the new educational advantages have not tended towards a reduction of crime.

Virginia Welfare Work—The official publication of the State Department of Public Welfare of Virginia contains a summary of the welfare work of the State under the unique

title "Public Welfare A Problem Not A 'Moral Gesture.'"

The State furnished hospitalization for a daily average of 7,600 mental cases, with 2,000 additional on parole; treatment and special education for 2,400 physically handicapped and several thousand inmate-days care for general and special hospitalization.

The four industrial schools for boys and girls had an average daily population of 675 with nearly 500 on parole, while the children's bureau had under its supervision 2,500.

At the close of the year (June 30, 1931) the penitentiary system had a population of 3,034 while the county and city jails were accommodating 3,070.

Counties and cities furnished "indoor" and "outdoor" relief to thousands of chronic cases and temporary or emergency help was given many more.

10,000 children (delinquent, neglected or dependent) appeared before the juvenile and domestic relations charges.

Private agencies were active in dealing with various types of problems, including child welfare, homes for the aged, emergency relief, hospitalization, etc.

In dollars and cents this means that the State spent last year for charitable or correctional work more than \$6,000,000.00 to which the counties and cities added \$2,500,000.00 and private agencies \$4,000,000.00 more.

It is interesting to note that the population of Virginia is 2,421,851 ranking 20th among the States.

A. B. A. Meeting—The American Bar Association met in Washington, D. C., from October 11 to 15, inclusive. The Section of Criminal

Law and Criminology convened on October 11, the council meeting in the morning and the afternoon was devoted to committee reports. The following reports which may be secured from the Executive Secretary, 1140 North Dearborn Street, Chicago, Ill., were made: Cooperation with American Law Institute, Howard B. Warren, Shreveport, La.; Psychiatric Jurisprudence, Rollin M. Perkins, Iowa City, Iowa; Medico-Legal Problems, Albert J. Harno, Urbana, Ill.; Mercenary Crime, George A. Bowman, Milwaukee, Wis.; Cooperation with American Prison Association, James J. Robinson, Bloomington, Ind.; Examination of Code of Criminal Procedure prepared by American Law Institute, J. Weston Allen, Boston, Mass.; Training and Selection of personnel in Administration of Criminal Justice, John Barker Waite, Ann Arbor, Mich. The evening program was as follows: Address by Charles L. Chute, New York City, Secretary of the National Probation Association, "Juvenile Probation"; Address by Charles E. Hughes, Jr., New York City, President of the National Probation Association, "Adult Probation"; Discussion; Report of Nominating Committee; Election of Officers.

Progress in New York Prison Administration—Mr. E. R. Cass, an associate editor of this Journal, has listed a number of interesting phases of the expansion and development of the New York Prison System. Much credit is due to Commissioner Richard C. Patterson who completed five years of unusual public service on August 15 of this year. Mr. Cass' communication is as follows: "It is not necessary for anyone

to talk of Commissioner Patterson's official achievements. His record speaks for itself. The following list of outstanding accomplishments of his administration will give a better idea than volumes of writing of just how successful his conduct of the Department of Correction has been. Here is what has been done:

1. *New Prisons:*

- a. The construction of a new women's House of Detention at Sixth Avenue and Tenth Street to take place of the seventy-five year old Jefferson Market Prison on that site—the first new prison constructed in New York City in more than forty years.
- b. The construction (now nearly completed) of a new penitentiary on Riker's Island to house 2,140 prisoners and to take the place of the hundred year old penitentiary and workhouse on Welfare Island.
- c. The occupation of the Women's Farm Colony at Greycourt, which had been allowed to stand idle for two or three years.
- d. The addition of two new housing wings to the Women's Farm Colony at Greycourt.
- e. The addition of a new housing building, with a kitchen, dining-room and mess hall at the Boys' Reformatory at New Hampton.

NOTE: The cost of these new prison buildings, all of them begun under the Patterson administration, approximates fourteen million dollars, more

money than has been expended in New York City for prison construction during the past one hundred years, notwithstanding the outmoded condition of many of these institutions during the past fifty years.

2. *Safety Survey:*

A thorough safety survey of all the institutions under the jurisdiction of the Department. Many leaks and weak spots were corrected.

3. *Escapes:*

The reduction of the ratio of escapes in the Department to the lowest of any prison in the United States, if not indeed in the entire world. The rate for the Department is approximately one escape per 15,000 prisoners, which is much less than any other prison in the country, as shown by a questionnaire.

4. *Emergency Alarms:*

The installation of an emergency alarm system in every institution, which is connected with the police switchboard, so that in the event of riots help can be summoned within a few moments.

5. *No Riots:*

The complete absence in the City's institutions of any major disturbance of any kind during the years when the country saw prison uprisings of major proportions in many of the penal institutions throughout the land. There was

one fight between the whites and negroes which was quelled without police assistance by efficient work on the part of the guards.

6. *Prison Keeper's School:*

- a. The inauguration of a school for prison guards, the first of its kind in the United States, with an intensive eight weeks' course covering every phase of prison administration. So successful was it that within a few months similar schools based on the same lines were started by the United States Government and by the States of New York, Massachusetts and New Jersey.
- b. The inauguration of a firing school in which guards were taught how to handle and care for firearms.
- c. The holding of public graduation exercises of the Prison Keepers' School and of public exercises for awarding prizes for the most proficient marksman in the firing school. This has served to raise the morale of the keepers to an extraordinary degree as it makes them feel, for the first time, that they are an important part of the City's government machinery.

7. *Enlightened Publicity:*

The inauguration of the policy of enlightened publicity in order to acquaint the public with the work the Department is doing. In this way the Department has obtained the friendship and cooperation, practically

without exception, of all the leading civic and socially-minded groups in the City.

8. *Narcotic Survey:*

The appointment of seven prominent physicians, to make a study of narcotic addiction in order to see if the handling of the problem could be simplified in the City's penal institutions. This committee worked a year in a ward especially set aside at Bellevue Hospital, and submitted the most comprehensive report concerning narcotic addiction in prisons which has ever been made in this country.

9. *Inmates Commissary:*

The reorganization of the Inmates Commissary, the control of which was placed under a Board of Trustees, monthly audits of the book being made and all expenditures carefully supervised.

10. *Federal Prisoners:*

An arrangement with the Federal government, under which Federal prisoners, who for years had been very much of a nuisance in the City's Prisons, were taken out and kept elsewhere, thus releasing much valuable space for the City's own prisoners.

11. *Tombs Annex:*

The reconditioning and opening of the old annex prison at the Tombs so that the younger prisoners could be kept entirely separated from the others.

12. *Prison Industries:*

The complete reorganization of the prison industries of the Department, by which a profitless venture was changed into one under which the city is being paid a surplus of approximately \$50,000 a year.

13. *Food Committee:*

The complete overhauling of the feeding system and the appointment of a committee to hold monthly meetings to go into every phase of the food problem. As a result the Department does not get five complaints a year from prisoners concerning the food, a phenomenal record, as anyone acquainted with prisons can testify. This accounts to a large extent for its freedom from riots and other disturbances, as bad or improperly cooked food causes, at least in part, 60 per cent of the large prison disturbances.

14. *Magazine for Keepers:*

The starting of a prison guards magazine, also the first of its kind in the United States, which was designed for the double purpose of increasing the morale of the guards and of acquainting the outside public with the problems of the Department.

15. *Salaries Raised:*

An increase in the minimum salary for prison keepers from \$1,560 to \$1,769 per year. The increase itself, while small, has had the effect of in-

ducing a high type of man to take the examination for this position. At the same time it has been the first tangible indication that prison keepers have had for many years that their work was considered sufficiently hazardous and important to justify a living wage. It has heartened them immensely and done much for their morale.

16. *Monthly Meetings:*

The holding of monthly meetings of our physicians, chaplains and wardens. Some of the physicians and chaplains who had been in the Department for many years did not even know each other.

17. *Libraries:*

The complete overhauling of the libraries in all the institutions and the making of arrangements with the Public Library by which approximately eight thousand books are sent to us each year.

18. *Social Service Bureau:*

The inauguration of a social service bureau, also the first of its kind in the United States to function within prisons. It maintains a contact between the prisoners and the outside world and has been extraordinarily successful in uniting prisoners with their estranged families, securing positions and assistance for meritorious cases and actually reforming criminals. It also has been copied by the Federal gov-

ernment, which has started a similar school.

19. *Educational Survey:*

The making of a complete educational survey of all the prisons through a committee obtained from the Board of Education. This committee will make specific recommendations and based on their report the Department will endeavor to inaugurate a complete educational system, starting with the Boys' Reformatory at New Hampton, in both academic and vocational branches. Prior to this no attention at all had been paid to an educational program for the City's prisons.

20. *Crime Clinic:*

The starting of a crime clinic to make a study of the mental, physical and emotional characteristics of a large group of prisoners at the Penitentiary. This is being done so that arrangements can be made to weed out of the Penitentiary and send to suitable institutions those who do not belong in a prison.

21. *Lecture Programme:*

The holding of lectures by prominent speakers at the Workhouse which will be extended to other prisons this year. These lectures are by speakers of national and even international note, and are designed to give the prisoners something to think about during the week other than crime and sex, two great topics in every

prison where men's minds are not otherwise employed.

22. *Bail Bonds:*

The making of arrangements with first class bonding companies and the posting of notices in the prisons concerning them so that prisoners know where they can obtain bail and can avoid falling into the clutches of so-called "bail sharks" who in former days haunted the prisons.

23. *Prizes:*

The offering of a prize of fifty dollars every year for the uniformed employee making the best suggestion for the good of the service. This has stimulated the interest of the keepers and has redounded to the good of the Department.

24. *Prison Hospital:*

The equipment, with very slight expense to the City, of the Workhouse on Welfare Island, the central hospital of the Department, giving it 450 beds, the largest prison hospital in the world.

25. *Medical Work:*

The medical work of the Department has been co-ordinated and the efficiency of the personnel increased by the elimination of physicians who did not fit into the work required of them.

26. *Wardens Penal Trips:*

The sending of the wardens each year to visit different institutions throughout the country in order to familiarize them with what

is being done in the field of penology. This is the first time this has been done in the history of the Department. The wardens and deputy wardens make written reports on the result of their visits.

27. *American Prison Association:*

The sending of wardens and deputy wardens to the annual meeting of the American Prison Association, the official organization of prison men of the United States. This is also the first time this has been done in the history of the City, and the things which the officials have learned at these meetings have been of immense value to the Department.

28. *Uniform Inspection:*

The inauguration of uniform inspection of our keepers at monthly intervals, so that now they present at all times a clean and smart appearance.

29. *Prison Vans:*

The designing of a new type of prison van with opaque glass windows on the sides, and better lighting and ventilation, thus ultimately doing away with the unsightly prison van in general use everywhere and at the same time making for greater safety, more comfort for the prisoners and better supervision.

30. *Waterproof Mattresses:*

The installation of waterproof mattresses in the institutions. Formerly only blankets were used as bed-

ding and due to the absence of mattresses the wear and tear on these was extraordinarily great.

31. *Annual Report:*

The writing of an annual report which discusses intelligently and comprehensively the various human problems of the Department instead of the usual hodge-podge of figures and statistics.

As this record shows, Commissioners Patterson has not been content only to improve the physical equipment of the city's institutions and to raise the standard of morale of its officials. He has also realized from the beginning that the foremost problem in any penal system is the human problem and that no prison system can be considered enlightened which does not make an honest, intelligent and wholehearted effort to study prisoners individually, to treat them as their mental, physical and emotional makeup requires and to turn them out better men and women than when they came in."

Police Reorganization in Chicago—Reorganization of the Chicago Police Department has at last been achieved by the action of the City Council in approving and of Commissioner Allman in putting into effect the recommendations made by Bruce Smith. Mr. Smith's program is the result of a three year study which he has conducted for the Citizens' Police Committee with the co-operation of the police department.

Three important changes are involved:

(1) The number of police sub-executives reporting directly to the

commissioner has been reduced to a number small enough to enable him to exercise an effective control;

(2) Many units of the department, which formerly operated independently of each although performing similar functions, have been consolidated to eliminate duplication of effort or brought under common control to provide for correlation of closely related functions;

(3) The record system of the department has been studied and thoroughly revised.

Under the administrative set-up in force before these changes were effected, each of the forty police districts and several other units of the department such as the traffic bureau, the detective bureau, and the miscellaneous division reported directly to the commissioner of police with no intervening divisional supervision whatever. The burden of detail thus thrown upon the commissioner by the supervision of so many separate units was far more than any executive, no matter how competent, could reasonably be expected to handle. The situation is so altered that under the new scheme only eight division or bureau heads report to the commissioner: The director of personnel, the chief of detectives, the captain in charge of the traffic bureau, the lieutenant in charge of the crime prevention bureau, the captain in charge of the morals division, the department secretary, the director of the bureau of criminal information and statistics, and the chief supervisory captain in charge of the uniformed force. Because of the burden thrown upon the commissioner under the former system he could not give adequate supervision to the districts and each police captain became the independent police commissioner of his district.

Now each district captain reports to one of six supervisory captains who in turn report to the chief supervisory captain in charge of the uniformed force. This chief supervisory captain is alone responsible to the commissioner for conditions in the districts.

The miscellaneous division, in the former organization, was placed under the control of the first deputy commissioner of police, and constituted one of the most interesting agglomerations of administrative units to be seen anywhere. It consisted of nineteen utterly unrelated sections and divisions ranging in function from the dog pound and the department stables to the radio section, the medical division, and the motion picture censor board. Although at that time there was a traffic bureau, the motorcycle section, engaged entirely in traffic work, was placed in this miscellaneous division and the captain of the traffic bureau had no control whatever over it. Similarly the radio section and the signal division paid no attention to each other although performing closely related duties. Under the reorganization, the traffic bureau now includes the motorcycle division, the vehicle division, the accident prevention division, and the central traffic division which consists of all mounted and fixed post traffic officers and the department stables. In the same way, all the signal systems in the department have been consolidated as one unit under the bureau of criminal identification and statistics. The motion picture censors, the police matrons, and the juvenile officers have been consolidated into a crime prevention bureau. By means of these combinations and transfers of units, related functions have been brought together, numerous duplications of

functions have been eliminated, and many persons consequently released for other duties. The office of department secretary has been expanded somewhat beyond the usual functions of such an office and in addition to the usual duty to keep the financial records of his department he is also given control of the dog pound, the division of building maintenance, and the division of motor vehicle maintenance. The personnel records are also left in his office which raises the question of what is the exact function of the personnel bureau which has been created.

The record system of the Chicago Police Department has been in a most chaotic condition, and an important item of this survey has been the revision of this record system. The property control records of the department have been entirely inadequate and the hopeless lack of proper personnel records has made it almost impossible to keep track of the men in the department. Many of the forms used in actual police work have been used only from force of habit and not because they contribute to the efficiency of the department.

Wholesale reorganization of this sort is not by any means a guarantee of effective police work, but at least it allows the commission to work with a wieldy organization instead of a hopelessly cumbersome one.

E. H. D.

Indiana Conference — The first state-wide conference of sheriffs, chiefs of police and other peace officers ever to be held in Indiana met August 5 and 6, at Bloomington. It was arranged and conducted by the following organizations:

State Bar Association, Indianapolis Police Department, Indiana State Police Department, Indiana State Bureau of Criminal Identification and Investigation, and the Associations of sheriffs, police and other peace officers. Among the topics discussed were arrest, police radio, state police patrol, railway police, police training schools, identification of firearms, finger prints, search and seizure, chemistry in police work, first aid, detection of deception, etc.

Although plans are not yet announced, a similar course of instruction is being developed in Iowa. The University of Iowa Law School, E. A. Gilmore, Dean, in cooperation with the State Attorney General and the Bureau of Criminal Investigation, is studying courses of instruction used in other states in preparation for the Iowa course.

Connecticut Report — The Report of the Connecticut Commission, which was recently appointed to study the jails of the State, has just filed a report in which it finds a great overcrowding and lack of adequate segregation of the sick from the well in the various penal institutions of the State. It recommends "a greater use of the judicial and the administrative policies of the release bail or on their own recognizance of persons bound over for trial and of probation with or without fine for such as are convicted of jail offenses. The Commission is composed of Dr. Jerome Davis of Yale University, Mrs. William M. Maltbie of Granby, Connecticut, Dean Charles E. Clark of the Yale Law School, John G. Ross, Vice-President of the Scovill Company and George S. Hawley,

President of the Bridgeport Gas & Light Company.

Crime Commission and Probation—The Chicago Crime Commission, Henry Barrett Chamberlin, Operating Director, recently drew atten-

tion to the extraordinarily large number of cases in which persons convicted of grave offenses were granted probation by Cook County Judges. The Crime Commission tabulation for one year ending July 31, 1932, is as follows:

	<i>Robbery</i>	<i>Burglary</i>	<i>Larceny</i>	<i>Embezzlement</i>	<i>Total</i>
August	7	1	5	1	21
September	11	8	29	3	68
October	5	22	42	—	105
November	22	16	30	4	121
December	19	12	19	7	86
January	7	8	13	5	59
February	12	8	8	1	44
March	16	23	13	4	98
April	15	17	13	1	66
May	20	7	13	3	57
June	22	13	25	8	105
July	20	21	24	3	106
Totals	176	146	234	40	936

Records of the Chicago Crime Commission show that, although Illinois law forbids probation for defendants convicted of many of the more serious crimes, this provision is circumvented when judges change the non-probation charges to charges which permit probation.

The State's Attorney, John A. Swanson, and the Judges of the Criminal Court are studying the administration of the probation system.

Exchange of Fingerprints—Broadening of the work of the Bureau of Investigation of the Department of Justice in aiding law enforcement by fingerprint exchange is to be made so that an international exchange can be effected, according to information made available August 13 by the Bureau.

Many foreign countries already

have agreed to participate in this activity. Law enforcement agencies, located throughout the United States and Canada which have transmitted fingerprint records regularly, have been asked to indicate to the Bureau the instances wherein they desire that the foreign exchange or treatment be arranged, and to furnish to the Bureau duplicate copies of prints which are to be relayed to foreign countries, according to the Bureau.

It is felt by the United States Bureau of Investigation that the development of the international exchange of fingerprints should prove to be a further step in the cause of effective law enforcement, should insure the regular receipt by the Bureau of the criminal records of Americans arrested in the countries named, and should provide also for the completion of the records of citizens or natives of the designated

countries who may be taken into custody in the United States.

Research Projects at Northwestern
—The James Nelson Raymond Fellowship in Criminal Law, established at Northwestern University School of Law, was awarded to Mr. Fred Inbau, formerly Editor-in-Chief of the Tulane Law Review. Mr. Inbau is a graduate of the Tulane University School of Law and formerly served as instructor in biology at that Institution. Part of his work will be in connection with the Scientific Crime Detection Laboratory of Northwestern University, and he will publish several studies on the legal phases of scientific crime detection.

Mr. Harvey Wienke, a graduate of Northwestern University School of Law, is engaged in a study of the administration of the criminal law by Cook County criminal courts, which study has been fostered by the American Institute of Criminal Law and Criminology.

Mr. Earl H. De Long and Professors A. A. Bruce and Newman F. Baker are preparing a study of the administration of the office of the Prosecuting Attorney in the United States. Parts of this study will appear in the forthcoming issues of this Journal.

Kansas Judicial Council—Judge J. C. Ruppenthal of Russell, Kansas, who recently revised Wharton's Criminal Law and edited the 12th edition of that work, has reported some of the activities of the Judicial Council for the State of Kansas. Judge Ruppenthal, who is Secretary to the Council, writes that the Council is actively engaged in

collecting criminal statistics. He says:

"For five successive years, July 1, 1926 to July 1, 1931, the data reported by the clerks of all 105 counties for the (district) courts of general trial jurisdiction, has been both for criminal and civil cases.

Unfortunately, economic conditions gave rise to apprehensions that the outlay of money of the public might readily result in utter abolition of the organization that has done so much toward survey of our judicial system, that no call was issued this year for data of 1931-2. Just now such data would have an added value in its disclosures as to the effect of the economic situation on litigation both civil and criminal.

For five years all counties have reported their criminal cases in the district courts. We secured also reports of all criminal cases in all county courts (inferior to district courts) from 1923 to July 1, 1929. We secured some data from justice of the peace courts, and from juvenile courts. Police courts of our cities are wholly untouched. We have but little data from the few city courts. Only a small part of the material thus gathered has been tabulated or otherwise made generally available or published.

Our reports give year by year, by counties, the tabulation of criminal cases disposed of in the year from July 1 to June 30 following. These are divided into dismissals, pleas of guilty, and jury trials with verdicts of guilty, acquittal, and instances of disagreement. The time progress of prosecutions toward trial, and the length of time cases that remain undisposed of at the end of the year have been pending has been reported quite fully. The

nature of offense, and number of each, is in the reports on file, but so far time and means have not been available to tabulate or publish these facts.

Justice of the peace courts reported between 3000 and 4000 misdemeanor cases for the year 1927-1928, with many details, and likewise of such courts' preliminary examinations of felony charges. Seven city courts also reported on misdemeanors and preliminaries for the same year. Delinquents, etc., for four years from 1924 to 1928 were reported by the juvenile courts.

All classes of offenses both misdemeanors and felonies, were reported by the county courts by years from their organization to July 1, 1929. The nature of offense, with numbers is set out."

The studies under way in Kansas promise to be most interesting and it is to be hoped that the Council will have an opportunity to complete and make public their findings.

National Identification Association
—The National Identification Association, Elmer A. Lee, of the Jamestown, N. Y., police department, President, has announced its first annual meeting to be held in New York City. Charles H. Sheraton of the Burns Agency, Brooklyn, is Secretary and those interested in identification work should communicate with him. A feature of the first meeting was to be a stereopticon illustrated talk on the study of the Human Ear in Identification, presented by Dr. Theron W. Kilmer, Member N. Y. State and International Associations, Chiefs of Police, Congress Police and Fire Surgeons, N. I. A., etc.

Also there will be an illustrated lecture by Donald D. Millikin, U. S. A. R., late U. S. A. Intelligence, his subject being "Codes and Cyphers." Major Millikin has obtained the permission of the Federal Authorities for this talk.

Miscellaneous—*The annual crime bill of the United States* is greater today than the annual cost to the nation of carrying on the World War, according to Gordon L. Hosstetter, executive director of the Employers' Association of Chicago.

Speaking today before the National Conference of Government, he said that racketeering cost Chicago yearly extortion toll equal to the cost of the entire government of the city.

"Multiply that cost to one city," said Mr. Hosstetter, "in all the cities of America and you have an appalling total as well as a subject demanding national thought as well as action."

Mr. Hosstetter spoke as the representative of the National Municipal League. He termed racketeering a new and repulsive phase of American life, declaring that there was scarcely a commodity exposed for sale that did not cost more as a result of the widespread evil.

Charges that twenty-eight national labor groups are in the hands of gangsters, radicals and crooked politicians will be made in a nationwide radio campaign to be sponsored by the American Federation of Labor.

William Green, President of the American Federation of Labor, and Matthew Woll, Vice-President, will be the keynoters in a series of daily broadcasts over a coast-to-coast hookup designed to lay the alleged facts before the 2,000,000

members of the unions affected, and before union labor generally.

A society has been formed in Paris, on the initiative of Dr. Toulouse, to study in a group of psychiatrists, medico-legalists, juriconsults and magistrates, the means of diminishing crime, and particularly that due to uncontrolled passion, which is increasing in France.

The Illinois Bureau of Criminal Identification and Investigation commenced to receive criminal records on January 1, 1932, and now has on record 30,000 finger prints. In case adequate appropriations are secured the Bureau expects to be in a position to serve as a scientific crime investigation bureau with experienced investigators, especially trained to handle certain classes of crime; expert technicians for the analysis of evidence; ballisticians; typewriting and handwriting identification experts; modus operandi and stolen automobile file; and various other scientific crime detection departments.

At the summer session of the American Association for the Advancement of Science a paper was distributed among the scientists by the Human Betterment Foundation of Pasadena, Cal., which warned that America is in danger of race degeneration unless steps are taken to provide for the eugenic sterilization of large numbers of the mentally defective who are likely to produce children. The paper gives the result of a critical study of 6,000 operations, mostly in California, extending over a period of twenty years. The study was organized at the beginning of 1926 by E. S. Gosney of Pasadena, President of the Human Betterment Foundation, with the assistance of a group of specialists in various fields.

The Bureau of Municipal Research of Philadelphia under the Thomas Skelton Harrison Foundation has published in its Philadelphia Municipal Court Series a study of the "Medical Department of the Municipal Court of Philadelphia," 201 pp. The Report was prepared by Dr. Ralph P. Truitt.

The Warden of the New Mexico State Penitentiary, Mr. Ed. Swope, says: "It has long been my contention that first offenders should not be committed to the penitentiary at all, unless their crimes are of an exaggerated nature. The average first offender is not a criminal, in the usual sense of the word. He will not repeat if handled humanely by officers of the law. He should be given a chance to work out his own problem outside the prison walls."

Mr. Tyre C. Taylor, Executive Counsel, State of North Carolina, has written concerning the value of the Parole System. He says: "In any parole system which pretends to be even reasonably adequate there is provision made for the careful supervision of all those who are given their conditioned freedom. I believe that there are at least 1,000 prisoners who are now proper subjects for parole if we had some system for adequate supervision after they are released. Expressed in terms of dollars and cents, 1,000 prisoners cost the taxpayers of North Carolina \$500 a day for maintenance. This is at the rate of \$182,000 a year. An adequate parole system would cost, at the outside, not more than \$40,000 a year."

More than 30,500 young people in 20 metropolitan areas of the United States receive protective care for the prevention of delinquency from 69 supervising agencies, the Chil-

dren's Bureau of the Department of Labor announced in a statement just made public.

Figures of the Department of Correction do not bear out the theory that crime increases to a great extent in times of business depression, Commissioner Richard C. Patterson, Jr., declared in his annual departmental report to the Mayor, made public July 16.

The table of convictions for the last eleven years, submitted by Mr. Patterson, follows:

1921.....12,684	1927.....17,174
1922.....15,663	1928.....19,856
1923.....15,655	1929.....19,890
1924.....17,190	1930.....22,502
1925.....16,323	1931.....22,812
1926.....16,913	

Mr. Justice William Renwick Riddell has just completed a translation of the work on Oriental Criminal Law written by Professor Ladisloa Thót of the University of La Plata. The English version, with an introduction by the translator, will soon go to press.

A total of 1800 speakeasies, beer flats and saloons have been located in Chicago during a survey by prohibition forces, Administrator M. L. Harney said recently. The survey required three months of intensive work by imported investigators directed by Chief Elliot Ness. About 7,500 licensed saloons dotted Chicago before prohibition.

The Mutual Welfare League of Sing Sing Prison has recently presented to Mr. E. R. Cass, the Secretary of the American Prison Association, a testimonial of appreciation of his efforts in Albany and elsewhere in its behalf.

The University of Oregon Press announces that a limited supply of the Survey of the Administration of Criminal Justice in Oregon has

been printed. The authors of the survey are Wayne L. Morse, Dean of the University of Oregon School of Law, and Ronald H. Beattie, Research Assistant. The volumes bound in paper cover sell for \$1.50 each, and the volumes bound in buckram sell for \$3.00 each.

Mr. Tyre Taylor, Executive Counsel, State of North Carolina, says:

"The greatest difficulty in connection with parole work at the present time is the very limited opportunity of securing productive employment for prisoners after they have been released. Simply to turn them adrift without making any provision for their employment does not solve their personal and family problem and aggravates the general condition of unemployment. The likelihood that they will violate the terms of their paroles and embark again upon criminal pursuits is likewise increased unless they can be given an opportunity to make some sort of honest living."

The Second Mexican National Police Congress will be held in the City of Mexico in January, 1933. Complete information can be obtained by addressing:

Teodoro A. Gonzales Miranda
Criminal Identification Laboratory,
Police Headquarters
Mexico, D. F.

In a recent letter addressed to this JOURNAL he says:

"As this Congress will take up matters of vital interest to all Police Authorities, Mexico through your JOURNAL wishes to extend a cordial invitation to those who will honor us by their presence as observers as did Col. Joseph A. Gerk, Chief of Police of St. Louis, Mo., in 1929 at our First National Police Congress."

Current Literature of Interest—
American Bar Association Journal, June (Chicago, Illinois)—Legal Medicine in Europe and America, by John R. Oliver; *Bombay Law Journal*, June (Bombay, India)—The Increase in Crime, Anon.; *The Police Journal*, April (London, Eng.)—The Value of Our Jury System, by W. Summerfield; *United States Law Review*, April (New York City)—Religion in the Law of Dying Declarations, by Frank Swancara; *Los Angeles Bar Association Bulletin*, August (Los Angeles, Calif.)—The Physician as an Expert, by Daniel Beecher; *The Eugenics Review*, July, 1932 (London, Eng.)—Sterilization in the Empire, by Hilda F. Pocock; *On Guard*, August (New York City)—Prison Keepers the Worst Paid Public Servants in Modern Life, by Thomas S. Rice; *News Bulletin*, August (New York City)—Parole Becoming a Profession, by Win-

throp D. Lane; *Mental Hygiene*, July (Albany, N. Y.)—Psychiatry in College: A Discussion of a Model Personnel Program, by V. V. Anderson and Willie-Maude Kennedy; Psychiatry in the Community, by Clarence O. Cheyney; An Approach to a Difficult Child Care Problem, by Samuel Z. Orgel, Julia Goldman, and Myron B. Blanchard; *Kansas Judicial Council Bulletin*, July (Topeka, Kan.)—Economy in Jury Trials: More Capable Jurors, by E. L. Fischer; *Police "13-13,"* September (Chicago, Ill.)—The Third Degree, by John Gulknecht; *United States Department of Labor*, Publication No. 212 (Washington, D. C.)—Juvenile-Court Statistics: 1930; *Ye News Letter*, July (Washington, D. C.)—Economy—Circular to All Departments of Justice Officials on the Subject of Economy; *Michigan Law Review*, June—Judicial Examination of the Accused—A Remedy for the Third Degree, by Paul G. Kauper.