



LEGISLATIVE INTENT SERVICE, INC.

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LEGISLATIVE HISTORY REPORT AND ANALYSIS

Re: **Assembly Bill 263 (Hawes – 1923)**
Chapter 339, Statutes of 1923

Our File No.: 0725011

The legislative history of the above-referenced bill is documented by materials itemized in one declaration. The materials for Exhibits B, C and D are listed in this same declaration as follows:

Exhibit A - Assembly Bill 263 of 1923, Chapter 339
Exhibit B - Assembly Bill 32 of 1923
Exhibit C - Senate Bill 109 of 1923
Exhibit D - Background material

To comprehend quickly the presentation and order of the documents and obtain important information on our research policies and procedures and request for judicial notice, please visit our web site at www.legintent.com and click on the links “Points and Authorities” and “Research Aids and Policies.”

ASSEMBLY BILL 263 (HAWES – 1923) **CHAPTER 339, STATUTES OF 1923**

Penal Code Sections 12025 and 12050, as well as 12026, 12027, 12051, 12052, and 12053 relating to restrictions on concealed firearms can all be traced back to Assembly Bill 263 of 1923 introduced by Assembly member F. C. Hawes. ([See Exhibit A, #1a](#))

Assembly Bill 263 was assigned to the Assembly Committee on Judiciary and the Senate Committee on Judiciary where policy issues raised by the bill were considered. ([See Exhibit A, #2](#)) Three amendments were made to Assembly Bill 263. ([See Exhibit A, #1b through #1d and #2](#)) Subsequent to legislative approval, by Governor Friend Wm. Richardson signed the bill and it was recorded by the Secretary of State on June 23, 1923 as Chapter 339 of the Statutes of 1923. ([See Exhibit #1e and #2](#))

Assembly Bill 263 is described as "An Act to control and regulate the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person. . ." addressing also a) the manufacture and sale of dangerous weapons, b) providing for registration of weapons, c) prohibiting carrying of

concealed firearms except when lawfully authorized; d) providing for confiscation and destruction of weapons; e) prohibiting ownership by certain classes of persons, and f) prescribing penalties for violation of the provisions of the Act. The 1923 legislation repealed, revised and amended a 1917 Act (Chapter 145) on the same subject. ([See Exhibit A, #1 and #3](#)) We provide a copy of that enactment for your consideration. ([See Exhibit A, #6](#))

Unfortunately, neither the committees hearing this bill, its legislative author nor the governor left materials surviving on its consideration. Our search for material on Assembly Bill 263 sought information from other sources involved in or writing about the legislative process at that time: Senate and Assembly Journals and indices; law reviews; the California Peace Officers Association; the National Riflemen's Association; noted author Franklin Hichborn's series of books on early legislative sessions; the California Attorney General's Office; relevant newspapers; and various crime commission studies and reports. We address our findings below.

Other bills:

We provide additional legislative measures also dealing with the concealed weapons issue introduced during the 1923 legislative session. These legislative measures were unsuccessful in obtaining legislative approval. You may wish to review the particular language proposed by each of these "companion" measures and compare the language of Assembly Bill 263 in order to discern inferences for statutory construction from the Legislature's preference in adopting the latter bill in 1923. These bills are Assembly Bill 32 (Badaracco) and Senate Bill 109 (Inman). ([See Exhibits B and C](#))

Contemporaneous reporting:

What we were able to find an article from the San Francisco Chronicle reporting some background on Assembly Bill 263:

Aimed at disarming the lawless, the bill provides exemptions and exceptions to preserve the rights of those using firearms for competition or hunting or for protection in outing trips. It was largely on the recommendation of R.T. McKissick, president of the Sacramento Rifle and Revolver Club that Governor Richardson approved the measure.

...

The bill, according to McKissick follows almost literally one offered in the United States Senate by Senator Capper and advocated by associations interested in the manufacture, sale and legitimate use of

pistols and revolvers, as a model for a uniform bill to be introduced in each State. "It is frankly," he says "an effort upon the part of those who know something about firearms to forestall the flood of fanatical legislation intended to deprive all citizens of the United States of the right to own and use, for legitimate purposes, firearms capable of being concealed upon the person"
([See Exhibit A, #5](#))

The information that the 1923 enactment was derived from a uniform model bill seems confirmed in Pistol Regulation, a book originally published in 1930. It provides under "Uniform State Legislation":

It has been felt for many years that pistol laws should be substantially uniform throughout the states. Active work in this direction began a number of years ago, and after much study an act was prepared in 1922 and was offered to the legislatures of the various states. In substance, it was adopted in 1923 in California, North Dakota, and New Hampshire.
([See Exhibit D, #2, page 28](#))

It may be helpful to consider another article excerpted from the San Francisco Examiner dated June 8, 1916. It discusses a local judge's declaration that a law was necessary to control the possession of firearms. This article seems to serve as some evidence of the need for weapons control prior to the introduction of the 1917 measure this 1923 bill superseded. In part, the article states:

What is the plea of a community confronted with the charge of permitting desperate and insane persons to buy revolvers at will?

The State has assumed the right to regulate the sale of habit-forming drugs. It should regulate the sale of firearms on the same ground, that public safety demands restriction of the distribution of weapons.
([See Exhibit D, #3](#))

Lastly, we include a 1929 Report of the California Crime Commission. ([See Exhibit D, #1](#)) Although this Report was published after the passage of the 1923 legislation, it is useful in reconstructing the historical circumstances regarding the earlier legislation. As you can see, it appears the major concern of the Legislature during the 1920's, as reflected in the Report, was the commission of crimes with the use of firearms. ([See Exhibit D, #1](#)) The Commission states their concern over the serious crimes which were being committed with a firearm of some sort being used. ([See Exhibit D, #1, page 20](#)) The Commission suggested amending the 1923 Act, recognizing that the Act was ". . . of material aid in curbing the unrestrained sale of guns. The amendment to the law is offered solely with the thought of strengthening this statute." ([See Exhibit D, #1, page 22](#))

Penal Code section 12050
Derived from uncodified section 8

Review of Assembly Bill 263 in its various amended versions will reveal the changes being accomplished as this 1923 measure replaced its 1917 precursor. (See Exhibit A, #1, generally) Review of section 8 of the 1917 Act will enable you to contrast that more primitive provision for the text of the 1923 Act. (See and contrast Exhibit A, #1 with #6)

The language you are investigating may be affected by bills, pending or enacted, in the current legislative session. *We do not ordinarily review for current session bills, but will do so upon request.*

Any analysis provided in this report is based upon the nature and extent of your request to us, as well as a brief review of the enclosed documents. As such, it must be considered tentative in nature. A more conclusive statement of the impact of the legislative history in your case would be dependent upon a complete understanding of all of the factual issues involved and the applicable legal principles.

We appreciate the opportunity to provide this assistance and hope that these efforts will be of value to you.

Prepared by: DOROTHY H. THOMSON, Attorney at Law/ddw;
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File no.: 0725011



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DECLARATION OF DOROTHY H. THOMSON

I, Dorothy H. Thomson, declare:

I am an attorney licensed to practice in California, State Bar No. 099566, and a Director of the Legislative Intent Service, Inc. a company specializing in researching the history and intent of legislation.

Under my direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service, Inc. undertook to locate and obtain all documents relevant to the enactment of Assembly Bill 263 of 1923. Assembly Bill 263 was approved by the Legislature and was enacted as Chapter 339 of the Statutes of 1923.

The following list identifies all documents obtained by the staff of Legislative Intent Service, Inc. on Assembly Bill 263 of 1923. All listed documents have been forwarded with this Declaration except as otherwise noted in this Declaration. In compiling this collection, the staff of Legislative Intent Service, Inc. operated under directions to locate and obtain all available material on the bill.

EXHIBIT A - ASSEMBLY BILL 263 OF 1923:

1. All versions of Assembly Bill 263 (Hawes-1923);
2. Procedural history of Assembly Bill 263 from the 1923 Assembly Final History;
3. Excerpt regarding Assembly Bill 263 from the 1923 Legislative Digest, prepared by Legislative Counsel;
4. Excerpt regarding Assembly member F.C. Hawes from the 1923 "Legislative Handbook";
5. News article entitled "New Firearms Law Effective on August 7," excerpted from the San Francisco Chronicle, July 15, 1923, page 3, column 1;
6. Chapter 145, Statutes of 1917.

EXHIBIT B – ASSEMBLY BILL 32 OF 1923:

1. All versions of Assembly Bill 32 (Badaracco-1923);
2. Procedural history of Assembly Bill 32 from the 1923 Assembly Final History;

3. Excerpt regarding Assembly Bill 32 from the 1923 Legislative Digest, prepared by the Legislative Counsel;
4. Excerpt regarding Assembly member J.B. Badaracco from the 1923 "Legislative Handbook."

EXHIBIT C – SENATE BILL 109 OF 1923:

1. All versions of Senate Bill 109 (Inman-1929);
2. Procedural history of Senate Bill 109 from the 1923 Senate Final History;
3. Excerpt regarding Senator J.M. Inman from the 1923 "Legislative Handbook."

EXHIBIT D – BACKGROUND MATERIAL:

- x 1. Excerpt regarding Firearm Legislation from the Report of the California Crime Commission, 1929;
- x 2. Excerpt regarding Firearm Legislation from Pistol Regulation, by Karl Frederick, 1930-31 (revised 1964);
3. News article entitled "Judge Would Restrict the Sale of Weapons," excerpted from the San Francisco Examiner, June 8, 1916, page 22, column 2.

- x Exhibits preceded by an "x" are excerpted.
The original exhibit is lengthy and may not contain any further discussion relevant to your code section.
The entire exhibit, or further portions of it, will be made available on your request for the cost of photocopying.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 28th day of June, 2007 at Woodland, California.

DOROTHY H. THOMSON

ASSEMBLY BILL

No. 263

INTRODUCED BY MR. HAWES,

January 24, 1923.

REFERRED TO COMMITTEE ON JUDICIARY.

*An act to control the possession, sale, and use of pistols and
revolvers, to provide penalties, and for other purposes.*

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

SECTION 1. "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. 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 in the
state prison for not less than five nor more than ten years.

Sec. 3. The judge shall have the power to sentence any
person who may be convicted for a second or third offense
under section two, of this act, to double and triple the penalty
imposed thereby, and for a fourth offense the person so con-
victed may be sentenced to perpetual imprisonment.

Sec. 4. 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. No unnaturalized foreign-born person and no per-
son 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 any subdivisions thereof,
shall own or have in his possession or under his control, a pistol
or revolver. Violation of this section shall be punished by
imprisonment in the state prison for not less than five years.

Sec. 6. No person shall carry a pistol or revolver con-
cealed in any vehicle or upon his person, except in his dwelling



1 house or place of business, without a license therefor as here-
2 inafter provided. Violations of this section shall be punished
3 by imprisonment in the state prison for not less than one year,
4 and upon conviction the pistol or revolver shall be confiscated
5 and destroyed.

6 SEC. 7. The provisions of the preceding section shall not
7 apply to marshals, sheriffs, policemen, or other duly appointed
8 peace officers, nor to the regular and ordinary transportation
9 of pistols or revolvers as merchandise, nor to members of the
10 army, navy, or marine corps of the United States, or the
11 national guard, when on duty, or organizations, by law author-
12 ized to purchase or receive such weapons from the United
13 States, or this state, nor to duly authorized military or civil
14 organizations when parading, nor to the members thereof when
15 at or going to or from their customary places of assembly.

16 SEC. 8. The judge of a court of record, the chief of police
17 or marshal of a city or town and the sheriff of a county, or
18 persons authorized by any of them, shall, upon the application
19 of any person having a bona fide residence or place of business
20 within the jurisdiction of said licensing authority, or of any
21 person having a bona fide residence or place of business within
22 the State of California, and a license to carry a firearm con-
23 cealed upon his person issued by the authorities of this state
24 or any subdivision of the United States, issue a license to
25 such person to carry a pistol or revolver within this state
26 for not more than one year from date of issue, if it appears
27 that the applicant has good reason to fear an injury to his
28 person or property or for any other proper purpose, and that
29 he is a suitable person to be so licensed. The license shall be
30 in triplicate, in form to be prescribed by the Secretary of State
31 of the State of California, and shall bear the name, address,
32 description and signature of the licensee and the reason given
33 for desiring a license. The original thereof shall be delivered
34 to the licensee, the duplicate shall within seven days be sent
35 by registered mail to the secretary of state, and the triplicate
36 shall be preserved for six years by the authority issuing said
37 license.

38 SEC. 9. Any person or persons who shall sell, barter, hire,
39 lend, or give to any minor under the age of eighteen years, any
40 pistol or revolver shall be deemed guilty of a misdemeanor,
41 and shall upon conviction thereof be fined not less than one
42 hundred dollars nor more than one thousand dollars, or be
43 imprisoned in the county jail not less than three months, nor
44 more than one year, or both such fine and imprisonment.

45 SEC. 10. No person shall sell, deliver, or otherwise transfer
46 a pistol or revolver to a person, who he has reasonable cause to
47 believe either is an unnaturalized foreign-born person or has
48 been convicted of a felony against the person or property of
49 State of California, or any subdivision thereof, nor, in any
50 event shall he deliver a pistol or revolver on the day of the
51 application for the purchase thereof, and when delivered, said

1 pistol or revolver shall be securely wrapped and shall be
2 unloaded. Before a delivery be made the purchaser shall sign
3 in triplicate and deliver to the seller a statement containing his
4 full name, address, occupation, and nationality, the date of
5 sale, the caliber, make, model, and manufacturer's number of
6 the weapon. The seller shall, within seven days, sign and for-
7 ward by registered mail one copy each thereof to the secretary
8 of state, and one copy each thereof to the chief of police of the
9 city or town and the sheriff of the county of which the seller
10 is a resident, and shall retain the other copy for six years.
11 This section shall not apply to sales at wholesale. Where
12 neither party to the transaction holds a dealer's license, no
13 person shall sell or otherwise transfer a pistol or revolver to
14 any person not personally known to him. Violations of this
15 section shall be punished by a fine of not less than one hundred
16 dollars or by imprisonment in the county jail for not less than
17 one year, or by both such fine and imprisonment.

18 SEC. 11. Whoever, without being licensed as hereinafter
19 provided, sells, or otherwise transfers, advertises, or exposes
20 for sale, or transfer or has in his possession with intent to
21 sell, or otherwise transfer, pistols or revolvers, shall be pun-
22 ished by imprisonment in the state prison for not less than
23 two years.

24 SEC. 12. The duly constituted licensing authorities of any
25 city, town or political subdivision of this state, may grant
26 licenses in form prescribed by the secretary of state, effec-
27 tive for not more than one year from date of issue, permitting
28 the licensee to sell at retail within the said city or town or
29 political subdivision, pistols and revolvers, subject to the fol-
30 lowing conditions, for breach of any of which the license shall
31 be subject to forfeiture:

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

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

37 3. No pistol or revolver shall be delivered—

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

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

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

47 4. A true record, in quadruplicate, shall be made of every
48 pistol or revolver sold, said record to be made in a book kept
49 for the purpose, the form of which may be prescribed by the



1 secretary of state, and shall be personally signed by the pur-
2 chaser and by the person effecting the sale, each in the pres-
3 ence of the other, and shall include the date of sale, the cali-
4 ber, make, model, and manufacturer's number of the weapon,
5 the name, address, occupation, and nationality of the pur-
6 chaser. One copy of said record shall, within seven days, be
7 forwarded by registered mail to the secretary of state and one
8 copy thereof each to the chief of police of the city or town and
9 the sheriff of the county of which the seller is a resident, and
10 the other copy retained for six years.

11 5. No pistol or revolver, or imitation thereof, or placard
12 advertising the sale or other transfer thereof, shall be dis-
13 played in any part of said premises where it can readily be
14 seen from the outside.

15 SEC. 13. If any person in purchasing or otherwise securing
16 delivery of a pistol or revolver or in applying for a permit to
17 carry the same, shall give false information or offer false
18 evidence of his identity he shall be punished by imprisonment
19 in the state prison for not less than five nor more than ten
20 years.

21 SEC. 14. No person shall change, alter, remove, or obliterate
22 the name of the maker, model, manufacturer's number,
23 or other mark of identification on any pistol or revolver.
24 Possession of any such firearm upon which the same shall
25 have been changed, altered, removed, or obliterated, shall be
26 presumptive evidence that such possessor has changed, altered,
27 removed, or obliterated the same. Violations of this section
28 shall be punished by imprisonment in the state prison for
29 not less than one year nor more than five years.

30 SEC. 15. All licenses heretofore issued within this state
31 permitting the carrying of pistols or revolvers concealed upon
32 the person shall expire at midnight of December 31, 1924.

33 SEC. 16. This act shall not apply to antique pistols or
34 revolvers incapable of use as such.

35 SEC. 17. All acts or parts of acts inconsistent herewith
36 are hereby repealed.



AMENDED IN ASSEMBLY APRIL 13, 1923.

ASSEMBLY BILL **No. 263**

INTRODUCED BY MR. HAWES,

January 24, 1923.

REFERRED TO COMMITTEE ON JUDICIARY.

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.**]**

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

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 **]**

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1 his person any dirk or dagger, shall be guilty of a felony and
2 upon a conviction thereof shall be punishable by imprison-
3 ment in a state prison for not less than one year nor for more
4 than five years.]

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

20 Sec. 3. [If any person shall commit or attempt to commit
21 any felony within this state while armed with any of the
22 weapons mentioned in section one hereof or while armed with
23 any pistol, revolver or other firearm capable of being concealed
24 upon the person, without having a license or permit to carry
25 such firearm as hereinafter provided, upon conviction of such
26 felony or of an attempt to commit such felony, he shall in
27 addition to the punishment prescribed for the crime of which
28 he has been convicted, be punishable by imprisonment in a
29 state prison for not less than five nor for more than ten years.
30 Such additional period of imprisonment shall commence upon
31 the expiration or other termination of the sentence imposed
32 for the crime of which he stands convicted and shall not
33 run concurrently with such sentence. Upon a second convic-
34 tion under like circumstances such additional period of impris-
35 onment shall be for not less than ten years nor for more than
36 fifteen years, and upon a third conviction under like circum-
37 stances such additional period of imprisonment shall be for
38 not less than fifteen nor for more than twenty-five years, such
39 terms of additional imprisonment to run consecutively as
40 before. Upon a fourth or subsequent conviction under like
41 circumstances the person so convicted may be imprisoned for
42 life or for a term of years not less than twenty-five, within
43 the discretion of the court wherein such fourth or subsequent
44 conviction was had.

45 In the trial of a person charged with committing or attempt-
46 ing to commit a felony against the person of another while
47 armed with any of the weapons mentioned in section one
48 hereof, or while armed with any pistol, revolver or other fire-
49 arm capable of being concealed upon the person, without hav-
50 ing a license or permit to carry such firearm as hereinafter
51 provided, the fact that he was so armed shall be prima facie
52 evidence of his intent to commit the same.

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

5 Sec. 5. No unnaturalized foreign-born person and no per-
6 son who has been convicted of a felony against the person or
7 property of another or against the Government of the United
8 States or of the State of California or any subdivisions thereof,
9 shall own or have in his possession or under his control, a pistol
10 or revolver. Violation of this section shall be punished by
11 imprisonment in the state prison for not less than five years.

12 [Sec. 5. Except as otherwise provided in this act, it shall
13 be unlawful for any person within this state to carry con-
14 cealed upon his person or within any vehicle which is under
15 his control or direction any pistol, revolver or other firearm
16 capable of being concealed upon the person without having
17 a license to carry such firearm as hereinafter provided in
18 section eight hereof. Any person who violates the provisions
19 of this section shall be guilty of a misdemeanor, and if he
20 has been convicted previously of any felony, or of any crime
21 made punishable by this act, he is guilty of a felony.]

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

35 Sec. 6. Nothing in the preceding section shall be construed
36 to apply or to affect sheriffs, constables, marshals, policemen,
37 whether active or honorably retired, or other duly appointed
38 peace officers, nor to any person summoned by any such officers
39 to assist in making arrests or preserving the peace while said
40 person so summoned is actually engaged in assisting such
41 officer; nor to the possession or transportation by any mer-
42 chant of unloaded firearms as merchandise; nor to members of
43 the army, navy, or marine corps of the United States, or the
44 national guard, when on duty, or to organizations which are
45 by law authorized to purchase or receive such weapons from
46 the United States, or from this state; nor to duly authorized
47 military or civil organizations while parading, nor to the mem-
48 bers thereof when going to and from the places of meeting
49 of their respective organizations; nor to members of any club
50 or organization now existing, or hereafter organized, for the
51 purpose of practicing shooting at targets upon the established
52 target ranges, whether public or private, while such members

1 are using any of the firearms referred to in this act upon such
2 target ranges, or while going to and from such ranges; or to
3 licensed hunters or fishermen while engaged in hunting or
4 fishing, or while going to or returning from such hunting or
5 fishing expedition.

6 SEC. 7. The unlawful concealed carrying upon the person
7 or within the vehicle of the carrier of any dirk, dagger, pistol,
8 revolver, or other firearm capable of being concealed upon
9 the person, is a nuisance. Any such weapons taken from the
10 person or vehicle of any person unlawfully carrying the same
11 are hereby declared to be nuisances, and shall be surrendered
12 to the magistrate before whom said person shall be taken,
13 except that in any city, county and town or other munic-
14 ipal corporation the same shall be surrendered to the head of
15 the police force or police department thereof. The officers to
16 whom the same may be so surrendered, except upon the certifi-
17 cate of a judge of a court of record, or of the district attor-
18 ney of the county, that the preservation thereof is necessary or
19 proper to the ends of justice, shall annually, between the first
20 and tenth days of July, in each year, destroy or cause to be
21 destroyed such weapons to such extent that the same shall
22 become and be wholly and entirely ineffective and useless for
23 the purpose for which it was manufactured; *provided, how-*
24 *ever*, that in the event any such weapon has been stolen and
25 is thereafter recovered from the thief or his transferee, the
26 same shall not be destroyed but shall be restored to the lawful
27 owner thereof, so soon as its use as evidence has been served,
28 upon his identification of the weapon and proof of ownership
29 thereof. Blackjacks, slungshots, billys, sandclubs, sandbags
30 and metal knuckles are hereby declared to be nuisances and
31 shall be subject to confiscation and summary destruction
32 whenever found within the state; *provided*, that upon the cer-
33 tificate of a judge or of the district attorney that the ends of
34 justice will be subserved thereby, such weapon shall be pre-
35 served until the necessity for its use ceases.

36 SEC. 8. It shall be lawful for a judge of the superior court,
37 the sheriff of a county, and the board of police commissioners,
38 chief of police, city marshal, town marshal, or other head of
39 the police department of any city, county and town, or
40 other municipal corporation of this state, upon proof before
41 said board, chief, marshal or other police head, that the person
42 applying therefor is of good moral character, and that good
43 cause exists for the issuance thereof, to issue to such person a
44 license to carry concealed a pistol, revolver or other firearm
45 for a period of one year from the date of such license. All
46 applications for such licenses shall be filed in writing, signed
47 by the applicant, and shall state the name, occupation, resi-
48 dence and business address of the applicant, his age, height,
49 weight, color of eyes and hair, and reason for desiring a license
50 to carry such weapon. Any license issued upon such applica-
51 tion shall set forth the foregoing data and shall, in addition,
52 contain a description of the weapon authorized to be carried,

1 giving the name of the manufacturer, the serial number and
2 the calibre thereof. When such licenses are issued by a
3 superior judge or by a sheriff a record thereof shall be kept
4 in the office of the county clerk; when issued by police author-
5 ity such record shall be maintained in the office of the authority
6 by whom issued. Such applications and licenses shall be uni-
7 form throughout the state, upon forms to be prescribed by
8 the attorney general.

9 SEC. 9. Every person in the business of selling, leasing or
10 otherwise transferring a pistol, revolver or other firearm, of
11 a size capable of being concealed upon the person, whether
12 such seller, leasor or transferor is a retail dealer, pawnbroker
13 or otherwise, except as hereinafter provided, shall keep a
14 register in which shall be entered the time of sale, the date of
15 sale, the name of the salesman making the sale, the place
16 where sold, the make, model, manufacturer's number, caliber
17 or other marks of identification on such pistol, revolver or
18 other firearm. Such register shall be prepared by and
19 obtained from the state printer and shall be furnished by the
20 state printer to said dealers on application at a cost of three
21 dollars per one hundred leaves in duplicate and shall be in
22 the form hereinafter provided. The purchaser of any fire-
23 arm, capable of being concealed upon the person shall sign,
24 and the dealer shall require him to sign his name and affix
25 his address to said register in duplicate and the salesman shall
26 affix his signature in duplicate as a witness to the signatures of
27 the purchaser. Any person signing a fictitious name or address
28 is guilty of a misdemeanor. The duplicate sheet of such
29 register shall on the evening of the day of sale, be placed in
30 the mail, postage prepaid and properly addressed to the board
31 of police commissioners, chief of police, city marshal, town
32 marshal or other head of the police department of the city,
33 city and county, town or other municipal corporation wherein
34 the sale was made; *provided*, that where the sale is made in a
35 district where there is no municipal police department, said
36 duplicate sheet shall be mailed to the county clerk of the
37 county wherein the sale is made. A violation of any of the
38 provisions of this section by any person engaged in the busi-
39 ness of selling, leasing or otherwise transferring such fire-
40 arm is a misdemeanor. This section shall not apply to whole-
41 sale dealers in their business intercourse with retail dealers,
42 nor to wholesale or retail dealers in the regular or ordinary
43 transportation of unloaded firearms as merchandise by mail,
44 express or other mode of shipment, to points outside of the
45 city, county and town or municipal corporation wherein
46 they are situated. The register provided for in this act shall
47 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.



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

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

12 Sold by _____ Salesman _____
13 City, town or township _____
14 Description of arm (state whether revolver or pistol) _____
15 Maker _____ Number _____ Caliber _____
16 Name of purchaser _____ age _____ years.
17 Permanent residence (state name of city, town or township,
18 street and number of dwelling) _____
19 Height _____ feet _____ inches. Occupation _____
20 Color _____ skin _____ eyes _____ hair _____
21 If traveling or in locality temporarily, give local address _____
22 _____
23 _____
24 Signature of purchaser _____
25 (Signing a fictitious name or address is a misdemeanor.) (To
26 be signed in duplicate.)
27 Witness _____, salesman.
28 (To be signed in duplicate.)

Series No. _____
Sheet No. _____

DUPLICATE.

Dealers' Record of Sale of Revolver or Pistol.

State of California.

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

37 Sold by _____ Salesman _____
38 City, town or township _____
39 Description of arm (state whether revolver or pistol) _____
40 Maker _____ number _____ caliber _____
41 Name of purchaser _____ age _____ years.
42 Permanent address (state name of city, town or township,
43 street and number of dwelling) _____

44 Height _____ feet _____ inches. Occupation _____
45 Color _____ skin _____ eyes _____ hair _____
46 If traveling or in locality temporarily, give local address _____
47 _____
48 _____

49 Signature of purchaser _____
50 (Signing a fictitious name or address is a misdemeanor.) (To
51 be signed in duplicate.)
52 Witness _____, salesman.
53 (To be signed in duplicate)



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

15 (C)
16 [Sec. 12. The duly constituted licensing authorities of any
17 county, city and county, city, town or other municipality
18 within this state, may, grant licenses in form prescribed by the
19 attorney general, effective for not more than one year from
20 date of issue, permitting the licensee to sell at retail within
21 the said county, city and county, city, town or other munic-
22 ipality pistols, revolvers, and other firearms capable of being
23 concealed upon the person, subject to the following conditions,
24 for breach of any of which the license shall be subject to
25 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.

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.

Sec. 13. Any person who, without being licensed as above
provided, engages in the business of selling or otherwise trans-
ferring, 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 misde-
meanor.]

Sec. 14. 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.

Sec. 15. 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.

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

[Sec. 17. 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.]

Sec. 18. 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.]

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AMENDED IN ASSEMBLY APRIL 27, 1923.

AMENDED IN ASSEMBLY APRIL 13, 1923.

ASSEMBLY BILL **No. 263**

INTRODUCED BY MR. HAWES,

January 24, 1923.

REFERRED TO COMMITTEE ON JUDICIARY.

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.

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

- 1 SECTION 1. On and after the date upon which this act
- 2 takes effect, every person who within the state of California
- 3 manufactures or causes to be manufactured, or who imports
- 4 into the state, or who keeps for sale, or offers or exposes for
- 5 sale, or who gives, lends, or possesses any instrument or
- 6 weapon of the kind commonly known as a blackjack, slung-
- 7 shot, billy, sandclub, sandbag, or metal knuckles, or who
- 8 carries concealed upon his person any explosive substance

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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.

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.

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 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, 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.

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.

Sec. 5. 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 any subdivisions thereof, shall own or have in his possession or under his control, a pistol or revolver. Violation of this section shall be punished by imprisonment in the state prison for not less than five years.

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.

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.

Sec. 6. Nothing in the preceding section shall be construed to apply or to 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, 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

1 purpose of practicing shooting at targets upon the established
2 target ranges, whether public or private, while such members
3 are using any of the firearms referred to in this act upon such
4 target ranges, or while going to and from such ranges; or to
5 licensed hunters or fishermen while engaged in hunting or
6 fishing, or while going to or returning from such hunting or
7 fishing expedition.

8 Sec. 7. The unlawful concealed carrying upon the person
9 or within the vehicle of the carrier of any dirk, dagger, pistol,
10 revolver, or other firearm capable of being concealed upon
11 the person, is a nuisance. Any such weapons taken from the
12 person or vehicle of any person unlawfully carrying the same
13 are hereby declared to be nuisances, and shall be surrendered
14 to the magistrate before whom said person shall be taken,
15 except that in any city, county and town or other munic-
16 ipal corporation the same shall be surrendered to the head of
17 the police force or police department thereof. The officers to
18 whom the same may be so surrendered, except upon the certif-
19 icate of a judge of a court of record, or of the district attor-
20 ney of the county, that the preservation thereof is necessary or
21 proper to the ends of justice, shall annually, between the first
22 and tenth days of July, in each year, destroy or cause to be
23 destroyed such weapons to such extent that the same shall
24 become and be wholly and entirely ineffective and useless for
25 the purpose for which it was manufactured; *provided, how-*
26 *ever*, that in the event any such weapon has been stolen and
27 is thereafter recovered from the thief or his transferee, the
28 same shall not be destroyed but shall be restored to the lawful
29 owner thereof, so soon as its use as evidence has been served,
30 upon his identification of the weapon and proof of ownership
31 thereof. Blackjacks, slungshots, billys, sandelubs, sandbags
32 and metal knuckles are hereby declared to be nuisances and
33 shall be subject to confiscation and summary destruction
34 whenever found within the state; *provided*, that upon the cer-
35 tificate of a judge or of the district attorney that the ends of
36 justice will be subserved thereby, such weapon shall be pre-
37 served until the necessity for its use ceases.

38 Sec. 8. It shall be lawful for () the sheriff of a county,
39 and the board of police commissioners, chief of police, city
40 marshal, town marshal, or other head of the police department
41 of any city, county and town, or other municipal corpo-
42 ration of this state, upon proof before said board, chief, marshal
43 or other police head, that the person applying therefor is of
44 good moral character, and that good cause exists for the
45 issuance thereof, to issue to such person a license to carry con-
46 cealed a pistol, revolver or other firearm for a period of one
47 year from the date of such license. All applications for such
48 licenses shall be filed in writing, signed by the applicant,
49 and shall state the name, occupation, residence and business
50 address of the applicant, his age, height, weight, color of
51 eyes and hair, and reason for desiring a license to carry
52 such weapon. Any license issued upon such application shall

1 set forth the foregoing data and shall, in addition, contain
2 a description of the weapon authorized to be carried, giving
3 the name of the manufacturer, the serial number and the
4 calibre thereof. When such licenses are issued by a ()
5 sheriff a record thereof shall be kept in the office of the county
6 clerk; when issued by police authority such record shall be
7 maintained in the office of the authority by whom issued.
8 Such applications and licenses shall be uniform throughout
9 the state, upon forms to be prescribed by the attorney general.

10 Sec. 9. Every person in the business of selling, leasing or
11 otherwise transferring a pistol, revolver or other firearm, of
12 a size capable of being concealed upon the person, whether
13 such seller, lessor or transferor is a retail dealer, pawnbroker
14 or otherwise, except as hereinafter provided, shall keep a
15 register in which shall be entered the time of sale, the date of
16 sale, the name of the salesman making the sale, the place
17 where sold, the make, model, manufacturer's number, caliber
18 or other marks of identification on such pistol, revolver or
19 other firearm. Such register shall be prepared by and
20 obtained from the state printer and shall be furnished by the
21 state printer to said dealers on application at a cost of three
22 dollars per one hundred leaves in duplicate and shall be in
23 the form hereinafter provided. The purchaser of any fire-
24 arm, capable of being concealed upon the person shall sign,
25 and the dealer shall require him to sign his name and affix
26 his address to said register in duplicate and the salesman shall
27 affix his signature in duplicate as a witness to the signatures of
28 the purchaser. Any person signing a fictitious name or address
29 is guilty of a misdemeanor. The duplicate sheet of such
30 register shall on the evening of the day of sale, be placed in
31 the mail, postage prepaid and properly addressed to the board
32 of police commissioners, chief of police, city marshal, town
33 marshal or other head of the police department of the city,
34 city and county, town or other municipal corporation wherein
35 the sale was made; *provided*, that where the sale is made in a
36 district where there is no municipal police department, said
37 duplicate sheet shall be mailed to the county clerk of the
38 county wherein the sale is made. A violation of any of the
39 provisions of this section by any person engaged in the busi-
40 ness of selling, leasing or otherwise transferring such fire-
41 arm is a misdemeanor. This section shall not apply to whole-
42 sale dealers in their business intercourse with retail dealers,
43 nor to wholesale or retail dealers in the regular or ordinary
44 transportation of unloaded firearms as merchandise by mail,
45 express or other mode of shipment, to points outside of the
46 city, county and town or municipal corporation wherein



1 they are situated. The register provided for in this act shall
2 be substantially in the following form:
3 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 con-
cealed 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.

Sec. 12. 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 munic-
ipality 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; 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.

Sec. 13. Any person who, without being licensed as above
provided, engages in the business of selling or otherwise trans-
ferring, 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.

SEC. 14. 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.

SEC. 15. 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.

SEC. 16. This act shall not apply to antique pistols or revolvers incapable of use as such.

SEC. 17. 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.

SEC. 18. 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.



AMENDED IN SENATE MAY 10, 1923.
AMENDED IN ASSEMBLY APRIL 27, 1923.
AMENDED IN ASSEMBLY APRIL 13, 1923.

ASSEMBLY BILL **No. 263**

INTRODUCED BY MR. HAWES,

January 24, 1923.

REFERRED TO COMMITTEE ON JUDICIARY.

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.

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

1 SECTION 1. On and after the date upon which this act
2 takes effect, every person who within the state of California
3 manufactures or causes to be manufactured, or who imports
4 into the state, or who keeps for sale, or offers or exposes for
5 sale, or who gives, lends, or possesses any instrument or
6 weapon of the kind commonly known as a blackjack, slung-
7 shot, billy, sandclub, sandbag, or metal knuckles, or who
8 carries concealed upon his person any of the foregoing

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.

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.

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 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.

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.

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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.

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.

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 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



1 purpose of practicing shooting at targets upon the established
2 target ranges, whether public or private, while such members
3 are using any of the firearms referred to in this act upon such
4 target ranges, or while going to and from such ranges; or to
5 licensed hunters or fishermen while engaged in hunting or
6 fishing, or while going to or returning from such hunting or
7 fishing expedition.

8 Sec. 7. The unlawful concealed carrying upon the person
9 or within the vehicle of the carrier of any dirk, dagger, pistol,
10 revolver, or other firearm capable of being concealed upon
11 the person, is a nuisance. Any such weapons taken from the
12 person or vehicle of any person unlawfully carrying the same
13 are hereby declared to be nuisances, and shall be surrendered
14 to the magistrate before whom said person shall be taken,
15 except that in any city, county and town or other munic-
16 ipal corporation the same shall be surrendered to the head of
17 the police force or police department thereof. The officers to
18 whom the same may be so surrendered, except upon the certif-
19 icate of a judge of a court of record, or of the district attor-
20 ney of the county, that the preservation thereof is necessary or
21 proper to the ends of justice, shall annually, between the first
22 and tenth days of July, in each year, destroy or cause to be
23 destroyed such weapons to such extent that the same shall
24 become and be wholly and entirely ineffective and useless for
25 the purpose for which it was manufactured; *provided, how-*
26 *ever*, that in the event any such weapon has been stolen and
27 is thereafter recovered from the thief or his transferee, the
28 same shall not be destroyed but shall be restored to the lawful
29 owner thereof, so soon as its use as evidence has been served,
30 upon his identification of the weapon and proof of ownership
31 thereof. Blackjacks, slungshots, billys, sandclubs, sandbags
32 and metal knuckles are hereby declared to be nuisances and
33 shall be subject to confiscation and summary destruction
34 whenever found within the state; *provided*, that upon the cer-
35 tificate of a judge or of the district attorney that the ends of
36 justice will be subserved thereby, such weapon shall be pre-
37 served until the necessity for its use ceases.

38 Sec. 8. It shall be lawful for the sheriff of a county,
39 and the board of police commissioners; chief of police, city
40 marshal, town marshal, or other head of the police department
41 of any city, county and town, or other municipal corpo-
42 ration of this state, upon proof before said board, chief, marshal
43 or other police head, that the person applying therefor is of
44 good moral character, and that good cause exists for the
45 issuance thereof, to issue to such person a license to carry con-
46 cealed a pistol, revolver or other firearm for a period of one
47 year from the date of such license. All applications for such
48 licenses shall be filed in writing, signed by the applicant,
49 and shall state the name, occupation, residence and business
50 address of the applicant, his age, height, weight, color of
51 eyes and hair, and reason for desiring a license to carry
52 such weapon. Any license issued upon application shall

1 set forth the foregoing data and shall, in addition, contain
2 a description of the weapon authorized to be carried, giving
3 the name of the manufacturer, the serial number and the
4 calibre thereof. When such licenses are issued by a
5 sheriff a record thereof shall be kept in the office of the county
6 clerk; when issued by police authority such record shall be
7 maintained in the office of the authority by whom issued.
8 Such applications and licenses shall be uniform throughout
9 the state, upon forms to be prescribed by the attorney general.

10 Sec. 9. Every person in the business of selling, leasing or
11 otherwise transferring a pistol, revolver or other firearm, of
12 a size capable of being concealed upon the person, whether
13 such seller, [lessor] or transferrer is a retail dealer, pawn-
14 broker or otherwise, except as hereinafter provided, shall keep
15 a register in which shall be entered the time of sale, the date of
16 sale, the name of the salesman making the sale, the place
17 where sold, the make, model, manufacturer's number, caliber
18 or other marks of identification on such pistol, revolver or
19 other firearm. Such register shall be prepared by and
20 obtained from the state printer and shall be furnished by the
21 state printer to said dealers on application at a cost of three
22 dollars per one hundred leaves in duplicate and shall be in
23 the form hereinafter provided. The purchaser of any fire-
24 arm, capable of being concealed upon the person shall sign,
25 and the dealer shall require him to sign his name and affix
26 his address to said register in duplicate and the salesman shall
27 affix his signature in duplicate as a witness to the signatures of
28 the purchaser. Any person signing a fictitious name or address
29 is guilty of a misdemeanor. The duplicate sheet of such
30 register shall on the evening of the day of sale, be placed in
31 the mail, postage prepaid and properly addressed to the board
32 of police commissioners, chief of police, city marshal, town
33 marshal or other head of the police department of the city,
34 city and county, town or other municipal corporation wherein
35 the sale was made; *provided*, that where the sale is made in a
36 district where there is no municipal police department, said
37 duplicate sheet shall be mailed to the county clerk of the
38 county wherein the sale is made. A violation of any of the
39 provisions of this section by any person engaged in the busi-
40 ness of selling, leasing or otherwise transferring such fire-
41 arm is a misdemeanor. This section shall not apply to whole-
42 sale dealers in their business intercourse with retail dealers,
43 nor to wholesale or retail dealers in the regular or ordinary
44 transportation of unloaded firearms as merchandise by mail,
45 express or other mode of shipment, to points outside of the
46 city, county and town or municipal corporation wherein

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

Form of Register.

3
4
5 Series No.-----
6 Sheet No.-----

ORIGINAL.

7 Dealers' Record of Sale of Revolver or Pistol.

8 State of California.

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

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

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

21 City, town or township-----
22 Description of arm (state whether revolver or pistol)-----

23 Maker----- Number----- Caliber-----
24 Name of purchaser----- age----- years.

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

27 Height-----feet-----inches. Occupation-----
28 Color-----skin-----eyes-----hair-----

29 If traveling or in locality temporarily, give local address
30 -----

31
32 Signature of purchaser-----

33 (Signing a fictitious name or address is a misdemeanor.) (To
34 be signed in duplicate.)
35 Witness-----, salesman.

36 (To be signed in duplicate.)

37
38 Series No.-----
39 Sheet No.-----

DUPLICATE.

40 Dealers' Record of Sale of Revolver or Pistol.

41 State of California.

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

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

46 City, town or township-----
47 Description of arm (state whether revolver or pistol)-----

48 Maker----- number----- caliber-----
49 Name of purchaser----- age----- years.

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

52

1 Height-----feet-----inches. Occupation-----
2 Color-----skin-----eyes-----hair-----
3 If traveling or in locality temporarily, give local address
4 -----

5 Signature of purchaser-----
6 (Signing a fictitious name or address is a misdemeanor.) (To
7 be signed in duplicate.)
8 Witness-----, salesman.

9 (To be signed in duplicate.)

10 Sec. 10. No person shall sell, deliver or otherwise transfer
11 any pistol, revolver or other firearm capable of being con-
12 cealed upon the person to any person whom he has cause to
13 believe to be within any of the classes prohibited by section
14 two hereof from owning or possessing such firearms, nor to any
15 minor under the age of eighteen years. In no event shall any
16 such firearm be delivered to the purchaser upon the day of the
17 application for the purchase thereof, and when delivered such
18 firearm shall be securely wrapped and shall be unloaded.

19 Where neither party to the transaction holds a dealer's license,
20 no person shall sell or otherwise transfer any such firearm
21 to any other person within this state who is not personally
22 known to the vendor. Any violation of the provisions of this
23 section shall be a misdemeanor.

24 Sec. [11]. The duly constituted licensing authorities of
25 any county, city and county, city, town or other municipality
26 within this state, may, grant licenses in form prescribed by the
27 attorney general, effective for not more than one year from
28 date of issue, permitting the licensee to sell at retail within
29 the said county, city and county, city, town or other munic-
30 ipality pistols, revolvers, and other firearms capable of being
31 concealed upon the person, subject to the following conditions,
32 for breach of any of which the license shall be subject to
33 forfeiture:

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

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

39 3. No pistol or revolver shall be delivered

40 (a) On the day of the application for the purchase, and
41 when delivered shall be unloaded and securely wrapped; nor
42 (b) Unless the purchaser either is personally known to the
43 seller or shall present clear evidence of his identity.

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

48 Sec. [12]. Any person who, without being licensed as
49 above provided, engages in the business of selling or otherwise
50 transferring, or who advertises for sale, or offers or exposes for
51 sale or transfer, any pistol, revolver or other firearm capable

1 of being concealed upon the person is guilty of a misde-
2 meanor.

3 Sec. [13]. No person shall change, alter, remove, or oblit-
4 erate the name of the maker, model, manufacturer's number,
5 or other mark of identification on any pistol or revolver.
6 Possession of any such firearm upon which the same shall
7 have been changed, altered, removed, or obliterated, shall be
8 presumptive evidence that such possessor has changed, altered,
9 removed, or obliterated the same. Violations of this section
10 shall be punished by imprisonment in the state prison for
11 not less than one year nor more than five years.

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

15 Sec. [15]. This act shall not apply to antique pistols or
16 revolvers incapable of use as such.

17 Sec. [16]. If any section, subsection, sentence, clause or
18 phrase of this act is for any reason held to be unconstitutional
19 such decision shall not affect the validity of the remaining
20 portions of this act. The legislature hereby declares that it
21 would have passed this act and each section, subsection, sen-
22 tence, clause and phrase thereof, irrespective of the fact that
23 any one or more other sections, subsections, sentences, clauses
24 or phrases be declared unconstitutional.

25 Sec. [17]. That certain act entitled, "An act relating to
26 and regulating the carrying, possession, sale or other disposi-
27 tion of firearms capable of being concealed upon the person;
28 prohibiting the possession, carrying, manufacturing and sale
29 of certain other dangerous weapons and the giving, transfer-
30 ring and disposition thereof to other persons within this state;
31 providing for the registering of the sales of firearms; prohib-
32 ing the carrying or possession of concealed weapons in munici-
33 pal corporations; providing for the destruction of certain
34 dangerous weapons as nuisances and making it a felony to
35 use or attempt to use certain dangerous weapons against
36 another," approved May 4, 1917, is hereby repealed.



created by this act and by any act hereby repealed and for suits to quiet title against claims of liens arising hereunder, or under an act hereby repealed; and to repeal chapter five hundred eighty-nine of the laws of the session of the legislature of California of 1917, approved May 23, 1917, known as the 'inheritance tax act,' and to repeal all acts and parts of acts in conflict with this act," approved June 3, 1921, is hereby amended to read as follows:

Section 1. (1) This act shall be known as the "inheritance tax act."

Title.

(2) The words "estate" and "property" as used in this act shall be taken to mean the real and personal property or interest therein of the testator, intestate, grantor, bargainor, vendor, or donor passing or transferred to individual legatees, devisees, heirs, next of kin, grantees, donees, vendees, or successors, and shall include all personal property within or without the state or subject to the jurisdiction thereof; *provided*, that for the purpose of this act upon the death of the husband one-half of the community property is taxable under the provisions of this act; *provided, further*, the one-half of the community property which belongs to the surviving spouse under the provisions of section one thousand four hundred one of the Civil Code, and, in the case of the death of the wife, the community interest which goes to her husband under the provisions of section one thousand four hundred two of the Civil Code in the absence of her testamentary disposition thereof to another or others, shall not be deemed to pass to such surviving spouse as heir, but shall for the purpose of this act, be deemed to go, pass or be transferred for a valuable consideration, and the said one-half of the community property and the interest last mentioned going as aforesaid to the surviving husband shall not be subject to the provisions of this act; *provided, further*, that in case of a transfer of the community property from one spouse to the other within the meaning of subdivision three (3) or five (5) of section two of this act, one-half of the community property so transferred shall not be subject to the provisions of this act; *and provided, further*, that the presumption that property acquired by either husband or wife after marriage is community property, shall not obtain for the purpose of this act as against any claim by the state for the tax hereby imposed; but the burden of proving such property to be community property shall rest upon the person claiming the same to be community property.

Community property.

(3) The word "transfer," as used in this act shall be taken to include the passing of property or any interest therein, in possession or enjoyment, present or future, by inheritance, descent, devise, succession, bequest, grant, deed, bargain, sale, gift, or appointment in the manner herein described.

(4) The word "decendent" as used in this act shall include the testator, intestate, grantor, bargainor, vendor, or donor.

(5) The words "county treasurer" and "inheritance tax appraiser," as used in this act, shall be taken to mean the

"Transfer."

"Decendent."

"County treasurer," and "inheritance tax appraiser."

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

Act takes effect.

(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.

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:

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.

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.

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 imprisonment

Manufacture, sale, carrying, etc., of certain dangerous weapons prohibited.

Aliens and felons must not possess certain firearms.

Committing felony while carrying dangerous weapon.

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.

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.

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.

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.

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

No probation or suspension of sentence.

Carrying certain firearms without license.

Exceptions.

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, county, and 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, sandelubs, 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.

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, county, and 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, pawnbroker or otherwise, except as hereinafter provided, shall keep a register in which shall be entered the time of sale, the date of sale, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, caliber or other marks of identification on such pistol, revolver or other firearm. Such register shall be prepared by and obtained from the state printer and shall be furnished by the state printer to said dealers on application at a cost of three dollars per one hundred leaves in duplicate and shall be in the form hereinafter provided. The purchaser of any firearm, capable of being concealed upon the person shall sign, and the dealer shall require him to sign his name and affix his address to said register in duplicate and the salesman shall affix his signature in duplicate as a witness to the signatures of the purchaser. Any person signing a fictitious name or address is guilty of a misdemeanor. The duplicate sheet of such register shall on the evening of the day of sale, be placed in the mail, postage prepaid and properly addressed to the board of police commissioners, chief of police, city marshal, town marshal or other head of the police department of the city, 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 and town or municipal corporation wherein

Cost.

Signatures.

Disposition of duplicate sheets.

Penalty.

Applications.

Dealers registers.

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.)

Restrictions
on transfer
of certain
firearms.

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.

Local
licenses for
sale of cer-
tain 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:

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.

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.



CHAPTER 340.

An act to amend sections one thousand five hundred eighty-nine, one thousand five hundred eighty-nine a, one thousand five hundred ninety, one thousand five hundred ninety-one, one thousand five hundred ninety-one a of the Political Code, and to repeal section one thousand five hundred eighty-nine b of the Political Code, relating to union elementary school districts.

[Approved June 13, 1923.]

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

SECTION 1. Section one thousand five hundred eighty-nine of the Political Code is hereby amended to read as follows:

Erection or lease of building.

1589. After the location of the union or joint union school or schools, has been determined, the board of trustees, may erect or lease a suitable building, as they may deem most advisable. A lease shall not be made for a longer period than three years. A building may be erected under the provisions of sections one thousand eight hundred thirty to one thousand eight hundred thirty-nine, inclusive, of this code, relating to a district tax, or sections one thousand eight hundred eighty to one thousand eight hundred eighty-nine, inclusive, of this code, relating to the issuance of bonds. In all cases the plans must be approved by the county superintendent of schools of the county in which the schoolhouse is to be located.

Power to secure options and call bond elections.

At any time after the appointment or election of the board of trustees of the union or joint union school district, and the naming of the school district, the board shall have the further power to secure an option to purchase land for school purposes and to call a bond election for any of the purposes specified in section one thousand eight hundred eighty of this code, and to proceed thereafter in accordance with sections one thousand eight hundred eighty to one thousand eight hundred eighty-nine, inclusive, of this code, with the same effect as though control of the property of the union or joint union district had already been vested in them.

Change of location.

No change of location of any union or joint union school, when once established, shall be made, except upon a petition to the county superintendent of schools, or superintendents, in case of a joint union district, signed by two-thirds of the heads of families who reside in the school district and who have children attending the school as is shown by the teacher's register in the school, and then only in accordance with all the provisions for the original location of the school.

SEC. 2. Section one thousand five hundred eighty-nine a of the Political Code is hereby amended to read as follows:

Powers and duties of trustees.

1589a. First—The powers and duties of boards of trustees in union or joint union school districts shall be such as are now, or may hereafter be assigned by law to boards of school trustees, except as otherwise provided in sections one thousand

ASSEMBLY FINAL HISTORY

FORTY-FIFTH SESSION

COMPILED UNDER DIRECTION OF

ARTHUR A. OHNIMUS, Chief Clerk

ELLSWORTH E. EUSTICE, Assistant Chief Clerk

DURATION OF SESSION

First Half—January 8–February 2, inclusive, 1923

Second Half--March 5–May 18, inclusive, 1923

(Duration, 101 days)



X 200—Emme, Jan. 24. To Com. on Ins.

An act to amend section 29 of the "Workmen's Compensation Insurance and Safety Act of 1917," as amended, to permit the revocation of certificates of self-insurance, to make failure to secure the payment of compensation a misdemeanor, and to require employers to furnish the Industrial Accident Commission with statements showing the name of their insurance carrier or how they have secured the payment of compensation.

Jan. 24—Read first time. To printer.
Jan. 26—From printer. To committee.
Mar. 15—From committee with recommendation: Do pass.
Mar. 19—Read second time. To engrossment.
Mar. 23—Reported correctly engrossed.
April 9—Read third time, passed, title approved.
April 10—To Senate.
April 10—In Senate. Read first time, and referred to Com. on Ins. To committee.
May 4—From committee with recommendation: Do pass.
May 9—Read second time.
May 10—Read third time, passed, title approved. To Assembly.
May 10—In Assembly. To enrollment.
May 16—Reported correctly enrolled. To Governor, at 1.30 p.m.
June 22—Pocket veto by Governor.

X 261—Emme, Jan. 24. To Com. on L. & C.

An act to amend section 3 of an act entitled, "An act requiring employers to provide hospital service for their employees and to make a charge therefor and to keep records and accounts of all such charges and to make an annual written report thereof; requiring each such charge to be just and reasonable and to be devoted to no other purpose than such hospital service and prescribing penalties for the violation of the provisions thereof," approved June 8, 1915, as amended.

Jan. 24—Read first time. To printer.
Jan. 26—From printer. To committee.
May 18—From committee without recommendation.

X 262—Weller, Jan. 24. To Com. on Jud.

An act to add a new section to the Civil Code, to be numbered 2957a, relating to the filing of memorandum of conditional sales contracts and certain leases.

Jan. 24—Read first time. To Com. on Rev. & Ptg. From committee. To printer.
Jan. 26—From printer. To committee.
May 18—From committee without recommendation.

X 263—Hawes, Jan. 24. To Com. on Jud.

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 145 of California Statutes of 1917, relating to the same subject.

Jan. 24—Read first time. To printer.
Jan. 26—From printer. To committee.
April 12—From committee with recommendation: Do pass as amended.
April 13—Read second time. Amendment adopted. To printer.
April 16—From printer. To engrossment.
April 17—Reported correctly engrossed.
April 27—Read third time. Amended. To printer.
April 30—From printer. To re-engrossment.
May 1—Reported correctly re-engrossed.
May 2—Read third time, passed, title approved. To Senate.
May 2—In Senate. Read first time, and referred to Com. on Jud. To committee.
May 9—From committee with recommendation: Do pass as amended.
May 10—Read second time. Amendment adopted. To printer.
May 11—From printer.
May 16—Read third time, passed, title approved. To Assembly.
May 17—In Assembly. Assembly concurs in Senate amendments. To enrollment.
May 18—Reported correctly enrolled. To Governor at 4.50 p.m.
June 13—Approved by Governor. Chapter 339.

LEGISLATIVE DIGEST

BEING

A COMPENDIUM OF MEASURES PROPOSED
DURING THE FIRST HALF OF THE FORTY-
FIFTH SESSION OF THE CALIFORNIA LEGIS-
LATURE, WITH A BRIEF SYNOPSIS OF EACH,
TOGETHER WITH REFERENCES, ETC.

Compiled by
JOHN A. MCGILVRAY
LEGISLATIVE COUNSEL

A RESUME OF MEASURES PENDING BEFORE
BOTH HOUSES OF THE LEGISLATURE IN
CONVENIENT FORM FOR READY INFORMA-
TION OF SENATORS AND ASSEMBLYMEN,
STATE OFFICERS AND THE GENERAL PUBLIC



CALIFORNIA STATE PRINTING OFFICE
FRANK J. SMITH, *Superintendent*
SACRAMENTO, 1923

24750



A. B. 261. EMME.

Deer. Gen. Law Sup. No. 2144g.

Amends Sec. 3 of the act of 1915, requiring employers to provide hospital service for employees. The amendment adds the following to the section: "Any employer who furnishes such hospital service shall permit the employees contributing to its maintenance to choose at least a majority of the board of directors or officers in charge of such hospital service."

The effect of this amendment is to give to the employees who support such hospital, a voice in its management.

To Committee on Labor and Capital.

A. B. 262.—WELLER.

Adds Sec. 2957 to the Civil Code. Said section provides that conditional sales of personal property, or leases containing a conditional right to purchase, where purchaser or lessor takes possession, shall be absolute as to all subsequent purchasers and encumbrancers in good faith for value, and as to all creditors of the purchaser or lessee or his transferee, unless there is filed with the county recorder within thirty days of taking possession of the property a memorandum of such conditional sale or lease, containing the name, and place of residence of seller or lessor, description and location of property; fifty cents shall be charged for such filing. This section not to apply to property exempt from execution.

The word "subdivision" in lines 18 and 19 of the bill should be amended to read "section."

To Committee on Judiciary.

A. B. 263. HAWES.

New General Law. Controlling the sale and use of pistols and revolvers. The bill defines a pistol or revolver as a firearm, the barrel of which is less than twelve inches in length.

Sec. 2. Any person attempting to commit a crime when armed with a pistol or revolver without a permit shall receive an additional punishment of from five to ten years. Sec. 3. The judge shall have the power to double and triple the penalty for a second or third offense under Sec. 2 and to sentence for life for a fourth offense. Sec. 4. Being armed with a pistol or revolver without a permit shall constitute prima facie evidence of intention to commit a felony when on trial for a felony or an attempt. Sec. 5. No unnaturalized foreign-born person or persons convicted of a felony shall possess a pistol or revolver. Violation of this section to be punished by imprisonment for not less than five years. Sec. 6. No person shall carry a concealed pistol or revolver on his person or in any vehicle without a license except in a dwelling house or place of business. Violation punishable by imprisonment for not less than one year. The provisions of this section do not apply to officers of the law,



members of the army and navy, or to transportation of pistols or revolvers as merchandise. Sec. 8. The judge of a court of record, chief of police, marshal, sheriff or person authorized by them may issue a license good for one year to carry a pistol if such person has a bona fide place of business or residence within the jurisdiction of the licensing authority or bona fide place of business or residence within the state and already has a license to carry a concealed firearm issued by authorities of this state or of any subdivision of the United States. Such license shall only be issued when the person has good reason to fear an injury to his person or property. Sec. 9. Any person giving or selling a pistol or revolver to a minor under eighteen shall be guilty of a misdemeanor and fined from one hundred to one thousand dollars, or imprisoned for from three months to one year or both. Sec. 10. No person shall sell a pistol or revolver to any one whom he has reasonable cause to believe is an unnaturalized foreign-born person or who has been convicted of a felony. The revolver shall not be delivered on the day it is sold. Before delivery the purchaser shall sign a triplicate statement containing his name, address, occupation, and nationality, date of sale, and the caliber, make, model and manufacturer's number of the weapon; the seller must deliver within seven days one copy to the secretary of state, one to the chief of police, one to the sheriff and retain one himself for six years. No person not a dealer shall sell a pistol to any one not personally known to him. This section does not apply to wholesalers. Violations punishable by a fine of not less than one hundred dollars or by imprisonment for not less than one year or by both. Sec. 11. Selling without a license shall be punishable by imprisonment for not less than two years. Sec. 12. The licenses shall be issued on the following conditions: (1) The business to be carried on only in the building designated; (2) The license must be displayed therein. (3) No pistol shall be delivered—(a) on day of purchase; (b) unless purchaser is personally known or clearly identifies himself; (c) if seller has reasonable cause to believe the purchaser to be an unnaturalized foreign person or has been convicted of a felony. (4) Prescribes the same record of sale as in Sec. 10, providing for a quadruplicate rather than triplicate. (5) No pistol or imitation or advertisement of a pistol shall be displayed on the premises where it can be seen from the outside. Sec. 13. Any person who is guilty of giving false information in purchasing or applying for a permit shall be punishable by imprisonment for from five to ten years. Sec. 14. Any person changing or obliterating the name of the maker, model, manufacturer's number, other mark of identification on a pistol shall be punished by imprisonment for from one to five years. Possession of such firearm shall be presumptive evidence that the possessor has made the change or obliteration. Sec. 15. All licenses heretofore issued shall expire December 31, 1924. Sec. 16. The act shall not apply to antique pistols or revolvers incapable of use; also repeals all acts in conflict.

To Committee on Judiciary.

LEGISLATIVE SERVICE



c.2
LIST OF MEMBERS
OFFICERS AND COMMITTEES
CALIFORNIA
STATE LIBRARY
RULES OF THE TWO HOUSES

DOCUMENTS SECTION
California Legislature

at Sacramento

Together with the Members of Congress,
Supreme Court, State Officers, Boards,
Commissions, Classification of
Counties, etc.

FOR THE YEAR 1923

FORTY-FIFTH SESSION

First Half—January 8 to February 2, 1923
(Which Preceded Constitutional Recess)

Second Half—Beginning March 5, 1923

COMPILED BY
JOSEPH A. BEEK,
Secretary of Senate.

AND
ARTHUR A. OHNIMUS,
Chief Clerk of Assembly.

California State Printing Office
Frank J. Smith, Supt.
Sacramento
1923

24466



OTHER STATE LEGISLATURES.

State	Next Session Begins	Limit	Frequency
Alabama.....	Jan. 9, 1923	50 days	Quad.
Arizona.....	Jan. 8, 1923	60 days	Biennial
Arkansas.....	Jan. 8, 1923	60 days	Biennial
Colorado.....	Jan. 3, 1923	None	Biennial
Connecticut.....	Jan. 2, 1923	None	Biennial
Delaware.....	Jan. 2, 1923	60 days	Biennial
Florida.....	April 3, 1923	60 days	Biennial
Georgia.....	June 27, 1923	60 days	Annual
Idaho.....	Jan. 8, 1923	60 days	Biennial
Illinois.....	Jan. 3, 1923	None	Biennial
Indiana.....	Jan. 4, 1923	61 days	Biennial
Iowa.....	Jan. 8, 1923	None	Biennial
Kansas.....	Jan. 2, 1923	50 days	Biennial
Kentucky.....	Jan. 8, 1924	60 days	Biennial
Louisiana.....	May —, 1924	60 days	Biennial
Maine.....	Jan. 4, 1923	None	Biennial
Maryland.....	Jan. 2, 1924	90 days	Biennial
Massachusetts.....	Jan. 3, 1923	None	Annual
Michigan.....	Jan. 10, 1923	None	Biennial
Minnesota.....	Jan. 2, 1923	90 days	Biennial
Mississippi.....	Jan. 8, 1924	None	Biennial
Missouri.....	Jan. 1, 1923	70 days	Biennial
Montana.....	Jan. 1, 1923	60 days	Biennial
Nebraska.....	Jan. 2, 1923	60 days	Biennial
Nevada.....	Jan. 15, 1923	60 days	Biennial
New Hampshire.....	Jan. 3, 1923	None	Biennial
New Jersey.....	Jan. 8, 1923	None	Annual
New Mexico.....	Jan. 9, 1923	60 days	Biennial
New York.....	Jan. 3, 1923	None	Annual
North Carolina.....	Jan. 2, 1923	60 days	Biennial
North Dakota.....	Jan. 2, 1923	60 days	Biennial
Ohio.....	Jan. 1, 1923	None	Biennial
Oklahoma.....	Jan. 2, 1924	None	Biennial
Oregon.....	Jan. 8, 1923	40 days	Biennial
Pennsylvania.....	Jan. 2, 1923	None	Biennial
Rhode Island.....	Jan. 2, 1923	None	Annual
South Carolina.....	Jan. 9, 1923	40 days	Annual
South Dakota.....	Jan. 1, 1923	60 days	Biennial
Tennessee.....	Jan. 1, 1923	75 days	Biennial
Texas.....	Jan. 8, 1923	None	Biennial
Utah.....	Jan. 8, 1923	60 days	Biennial
Vermont.....	Jan. 3, 1923	None	Biennial
Virginia.....	Jan. 9, 1924	60 days	Biennial
Washington.....	Jan. 8, 1923	60 days	Biennial
West Virginia.....	Jan. 10, 1923	60 days	Biennial
Wisconsin.....	Jan. 10, 1923	None	Biennial
Wyoming.....	Jan. 9, 1923	40 days	Biennial

LIST OF MEMBERS

OFFICERS, COMMITTEES AND
THE RULES OF

THE ASSEMBLY

FOR THE YEAR 1923
FORTY-FIFTH SESSION

Compiled by

ARTHUR A. OHNIMUS
Chief Clerk

Assisted by

ELLSWORTH E. EUSTICE
Assistant Chief Clerk

MEMBERS OF THE ASSEMBLY—EIGHTY ASSEMBLYMEN.

HON. FRANK F. MERRIAM, Speaker, of Long Beach.
HON. FRANK W. ANDERSON, Speaker pro tempore, of Oakland.
ARTHUR A. OHNIMUS, Chief Clerk, of San Francisco.
R., Republican; D., Democrat; Pb., Prohibition; S., Socialist.

District	Name and county	Occupation	Party	Home P. O. address	Sacramento address	Legislative service
A						
39	Anderson, F. W., Alameda	Insurance	R., D.	1103 Adeline st., Oakland	Sacramento Hotel	41-42-43-44-45
B						
33	Badaracco, J. B., San Francisco	Merchant	D., R.	539 Greenwich st., S. F.	Clunie Hotel	43-44-45
72	Badham, W. E., Los Angeles	Merchant	R.	1183 W. 30th st., L. A.	1629 20th st.	44-45
78	Baker, C. O., Monterey	Lawyer	R.	Sallinas	Sequoia Hotel	45
75	Baker, Edwin, Los Angeles	Investm'ts	R.	118 W. 23d st., L. A.	Sequoia Hotel	42-43-44-45
76	Ball, O. D., Orange	Physician	R.	1203 N. Main st., Santa Ana	Regis Hotel	45

5	Bernard, Van, Glenn	Farmer	R., D.	Butte City	3050 1st av.	44-45
73	Bromley, E. P., Los Angeles	Attorney	R., D., Pb.	3820 S. Grand av., L. A.	Hotel Land	43-44-45
46	Broughton, Esto B., Stanislaus	Attorney	D., R., Pb.	1715 Downey st., Modesto	1110 11th st.	43-44-45
23	Burns, Joseph F., ★ San Francisco	Real estate	D., R.	3 Bennington st., S. F.	Travelers Hotel	44-45
C						
18	Carlson, Thomas M., ★ Contra Costa	Attorney	R., D.	Richmond	Hotel Land	45
71	Carter, Henry E., Los Angeles	Lawyer	R.	1040 Island ave., Wilmington	Clunie Hotel	34-35-36-37-43-45
34	Christian, E. H., ★ Alameda	Attorney	R.	1089 D st., Hayward	Travelers Hotel	44-45
47	Clarke, Geo. A., Inyo	Farmer	R.	Bishop	1413 L st.	45
55	Clearv, Chas. W., Tulare	Orchardist	R., D.	Lindsay	830 O st.	43-44-45
43	Cleveland, George O., ★ Santa Cruz	Inheritance tax appr.	R., D.	Watsonville	1022 N st.	36-44-45

A'sm

MEMBERS OF THE ASSEMBLY—Continued.

District	Name and county	Occupation	Party	Home P. O. address	Sacramento address	Legislative service
13	Fulwider, L. E., Sonoma	Attorney	R.	Santa Rosa	Hotel Regis	44-45
63	Graves, Sidney T., Los Angeles	General contractor	R.	178 S. Oxford av., L. A.	Hotel Sacramento	43-44-45
21	Hawes, F. C., San Francisco	Hotel proprietor	R., D.	252 6th st., San Francisco	Hotel Land	42-43-44-45
52	Helsinger, S. L., Fresno	Farmer	R.	Selma	Annex Hotel	41-45
25	Hornblower, Wm. B., San Francisco	Attorney	R.	Hearst Bldg., S. F.		44-45
64	Johnson, Frank, Kings	Farmer	R.	Hardwick	3909 3rd av.	44-45
14	Johnston, J. W., Sacramento	Attorney	B., D.	Motor Route B, Box 800, Sacramento	Bryte Bldg., 2224 J st.	42-43-44-45 44-45
57	Jones, Isaac, San Bernardino	Attorney	R., Pb.	Ontario		

77	Kline, Chester M., Riverside	Publisher	R.	San Jacinto	1900 N st.	42-43-44-45
37	Lyman, R. M., Jr., ★ Alameda	Lawyer	R.	52 Santa Clara av., Oak- land	Hotel Regis	45
64	Lyons, Harry, Los Angeles	Attorney	R.	317 N. Boylston st., L. A.	Travelers Hotel	42-44-45
4	Mathews, A. J., Lassen	Utility mgr.	R., D.	Susanville	Hotel Sacramento	42-43-45
51	McDowell, Herbert, ★ Fresno	Attorney	R., D.	1032 Thorne av., Fresno	1019 26th st.	44-45
53	McMillan, Alex., San Luis Obispo	Farmer	D., S., Pb.	Shandon	Hotel Sacramento	45
10	McPherson, Robt. B., ★ Solano	Elec. engineer	R., D.	410 Alabama st., Vallejo	Hotel Sacramento	44-45
70	Merrillam, Frank F., Los Angeles	Real estate	R., D.	Box 344, Long Beach	Hotel Land	42-43-44-45
67	Miller, Miss Eleanor Los Angeles	Insurance Teacher expression	Pb. R., Pb.	251 Oakland av., Pasa- dena	Regis Hotel	45



MEMBERS OF ASSEMBLY, WITH COMMITTEE OF WHICH EACH IS A MEMBER.

- ANDERSON, F. W.—Building and Loan Associations; Insurance; Manufactures; Motor Vehicles; Municipal Corporations; Oil Industries; Public Charities and Corrections.
- BADARACCO, JOHN B.—Claims, Commerce and Navigation; Fish and Game; Oil Industries; Reapportionment; Revenue and Taxation.
- BADHAM, WILLARD E.—Universities (Ch.); Commerce and Navigation; Motor Vehicles; Municipal Corporations; Oil Industries; Reapportionment; Ways and Means.
- BAKER, C. C.—Education (Ch.); Agriculture; County Government; Fish and Game; Governmental Efficiency and Economy; Judiciary; Public Utilities.
- BAKER, EDWIN—Insurance (Ch.); Claims; Engraving and Enrollment; Motor Vehicles; Oil Industries; Reapportionment; Revenue and Taxation.
- BALL, C. D.—Medical and Dental Laws (Ch.); Agriculture; Banking; Conservation; Elections; Hospitals and Asylums; Reapportionment.
- BERNARD, VAN—Agriculture; Claims; Conservation; Constitutional Amendments; Drainage, Swamp and Overflowed Lands; Irrigation; Revenue and Taxation.
- BROMLEY, ELMER P.—Motor Vehicles (Ch.); Attaches; Elections; Insurance; Judiciary; Reapportionment; Revenue and Taxation.
- BROUGHTON, ESTO B.—Agriculture; Building and Loan Associations; Elections; Irrigation; Judiciary; Live Stock and Dairies; Revenue and Taxation.
- BURNS, JOSEPH F.—Labor and Capital (Ch.); Manufactures; Military Affairs; Public Morals; Public Utilities; Soldiers and Sailors Affairs; Ways and Means.
- CARLSON, THOMAS M.—Corporations; Judiciary; Medical and Dental Laws; Motor Vehicles; Municipal Corporations; Oil Industries; Prisons and Reformatories; Revision of Criminal Procedure.

- CARTER, HENRY E.—Attaches (Ch.); Rules (Ch.); Elections; Fish and Game; Governmental Efficiency and Economy; Judiciary.
- CHRISTIAN, E. H.—Public Utilities (Ch.); Building and Loan Associations; County Government; Governmental Efficiency and Economy; Judiciary; Revenue and Taxation; Rules; Soldiers and Sailors Affairs.
- CLARKE, GEORGE A.—Hospitals and Asylums (Ch.); Agriculture; Constitutional Amendments; Irrigation; Live Stock and Dairies; Mines and Mining; Roads and Highways.
- CLEARY, CHARLES W.—Agriculture; County Government; Direct Legislation; Federal Relations; Irrigation; Public Morals; Reapportionment.
- CLEVELAND, GEORGE C.—Agriculture; Education; Military Affairs; Motor Vehicles; Public Health and Quarantine; Reapportionment; Soldiers and Sailors Affairs; Ways and Means.
- CONNOLLY, P.—Banking; Civil Service; Fish and Game; Governmental Efficiency and Economy; Hospitals and Asylums; Prisons and Reformatories; Reapportionment; Roads and Highways.
- COOMBS, FRANK L.—Revenue and Taxation (Ch.); Civil Service; Claims; Constitutional Amendments; Revision of Criminal Procedure; Roads and Highways.
- CRITTENDEN, BRADFORD S.—Constitutional Amendments; Drainage, Swamp and Overflowed Lands; Irrigation; Judiciary; Libraries; Public Charities and Corrections; Public Utilities.
- CROTER, J.—Civil Service; Corporations; County Government; Live Stock and Dairies; Prisons and Reformatories; State Grounds and Parks.
- DAVIS, GEORGE H.—Federal Relations (Ch.); County Government; Hospitals and Asylums; Irrigation; Reapportionment; State Grounds and Parks; Ways and Means.



- DAWSON, CHARLES B.—Contingent Expenses (Ch.); Fish and Game; Military Affairs; Motor Vehicles; Oil Industries; Prisons and Reformatories; Revenue and Taxation; Soldiers and Sailors Affairs.
- DEAN, GEORGE A.—Banking; Claims; Drainage, Swamp and Overflowed Lands; Hospitals and Asylums; Labor and Capital; Medical and Dental Laws; State Grounds and Parks.
- DONOHUE, EMMETT I.—Municipal Corporations (Ch.); Drainage, Swamp and Overflowed Lands; Fish and Game; Irrigation; Live Stock and Dairies; Roads and Highways; Ways and Means.
- DORRIS, MRS. GRACE—Direct Legislation (Ch.); Claims; Drainage, Swamp and Overflowed Lands; Irrigation; Labor and Capital; Public Utilities; Soldiers and Sailors Affairs.
- DOUGLAS, G. H.—Roads and Highways (Ch.); Conservation; Fish and Game; Hospitals and Asylums; Insurance; Motor Vehicles; Ways and Means.
- DOZIER, EARNEST—Public Health and Quarantine (Ch.); County Government; Irrigation; Medical and Dental Laws; Mines and Mining; Motor Vehicles; Municipal Corporations; Public Morals.
- DUVAL, WALTER H.—Contested Elections (Ch.); Agriculture; Banking; Elections; Irrigation; Mileage; Oil Industries; Reapportionment; Ways and Means.
- EKSWARD, FRANK L.—Reapportionment (Ch.); Contested Elections; Mileage; Motor Vehicles; Municipal Corporations; Revision and Printing; Rules; Ways and Means.
- EMME, OTTO J.—Civil Service; Direct Legislation; Elections; Fish and Game; Municipal Corporations; Revision of Criminal Procedure; Soldiers and Sailors Affairs.
- ERR, LOUIS F.—Manufactures (Ch.); Attaches; Civil Service; Medical and Dental Laws; Insurance; Normal Schools; Prisons and Reformatories; Public Utilities.
- FELLOM, ROY—Commerce and Navigation; Contested Elections; Roads and Highways; Revenue and Taxation; Revision and Printing; Ways and Means.

- FOSTER, CHARLES A.—Oil Industries (Ch.); Agriculture; Education; Irrigation; Labor and Capital; Mines and Mining; Public Utilities; Revision and Printing.
- FOX, CHRIS B.—Constitutional Amendments; Hospitals and Asylums; Military Affairs; Revision of Criminal Procedure; Soldiers and Sailors Affairs; Ways and Means.
- FULWIDER, LUCIEN E.—Governmental Efficiency and Economy (Ch.); Agriculture; Conservation; Judiciary; Live Stock and Dairies; Public Health and Quarantine; Revenue and Taxation.
- GRAVES, SIDNEY T.—Fish and Game (Ch.); Banking; Education; Engrossment and Enrollment; Labor and Capital; Motor Vehicles; Public Health and Quarantine.
- HAWES, FREDERICK C.—Mileage (Ch.); Contested Elections; Labor and Capital; Reapportionment; Revenue and Taxation; Ways and Means.
- HEISINGER, S. L.—Conservation; County Government; Education; Federal Relations; Irrigation; Reapportionment; Roads and Highways.
- HORNBLLOWER, WM. B.—Corporations; Direct Legislation; Judiciary; Labor and Capital; Public Morals; Reapportionment.
- JOHNSON, FRANK—Civil Service (Ch.); Agriculture; Commerce and Navigation; County Government; Drainage, Swamp and Overflowed Lands; Live Stock and Dairies; Irrigation.
- JOHNSTON, JOHN W.—Corporations (Ch.); Attaches; Fish and Game; Mines and Mining; Prisons and Reformatories; Rules; State Grounds and Parks.
- JONES, ISAAC—Revision of Criminal Procedure (Ch.); Contested Elections; Direct Legislation; Governmental Efficiency and Economy; Municipal Corporations; Public Morals.
- KLINE, CHESTER M.—Ways and Means (Ch.); Conservation; Constitutional Amendments; Fish and Game; Governmental Efficiency and Economy; Public Health and Quarantine.

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NEW FIREARMS LAW EFFECTIVE ON AUGUST 7

Existing Licenses Inopera-
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Uniform System

IS AIMED AT LAWLESS

Possible Unconstitutionality
of Clause Provided for in
Drafting

Stringent regulations against carrying concealed firearms or explosives and prohibition against possession of other deadly weapons become effective on August 7, under the Hawes bill signed by Governor Richardson.

The new measure will install a uniform licensing system for carrying concealed weapons. Licenses now in existence will become inoperative December 31, 1924.

U. N. URGED

Aimed at disarming the lawless, the bill provides exemptions and exceptions to preserve the rights of those using firearms for competition of hunting or for protection in outing trips. It was largely on the recommendation of H. T. McKissick, president of the Sacramento Rifle and Revolver Club, that Governor Richardson approved the measure.

McKissick classes it as a measure that introduces "an element of sanity into firearms legislation, so as to provide adequate punishments upon an increasing scale for the habitual gunman and, at the same time, permit law-abiding citizens to continue to own firearms for home defense and other legitimate uses."

BILLS SIMILAR

The bill, according to McKissick follows almost literally one offered in the United States Senate by Senator Capper and advocated by associations interested in the manufacture, sale and legitimate use of pistols and revolvers, as a model for a uniform bill to be introduced in each State. "It is frankly," he says, "an effort upon the part of those who know something about firearms to forestall the flood of fanatical legislation intended to deprive all citizens of the United States of the right to own and use, for legitimate purposes, firearms capable of being concealed upon the person."

French Colony C

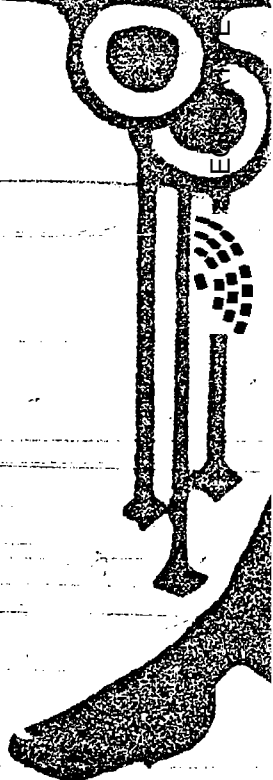
Mayor Ralph ... H. Case, British Vice-Consul ...
D. H. Stannoyevitch, Serbian Consul ... Acting Co-
Leon L.



MAJ. KENDRICK STIRS FRENCH TO CHEERING

Legion Leader Supports Ruhr
Invasion to Collect Repara-
tions From Germany

Thousands of members of the city's French colony and their friends met yesterday afternoon at Dreamland Auditorium to celebrate the 134th Anniversary of the Fall of the Bastille. When Major Charles H. Kendrick, former national vice-commander of the American Legion and an officer of the Legion of Honor, declared that the United States should support the invasion of the Ruhr to collect reparations from Germany, the audience erupted in cheers.



Possible Unconstitutionality of Clause Provided for in Drafting

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The new measures change existing law by making the carrying of barred weapons such as blackjacks, a felony instead of a misdemeanor. The provision against carrying explosive also is new.

ACT EXPLAINED

Possible unconstitutionality of the provision against possession of weapons by non-naturalized residents was admitted in McKissick's letter to the Governor urging signing of the bill, but he pointed out that if this clause should be held invalid the rest of the act will not be affected and that if it can be sustained that it will have a salutary effect in checking tong wars among the Chinese and vendettas among our people who are of Latin descent.

The provision for additional sentences, where weapons are used in committing a felony, is one with a sliding scale. The first time the added penalty is from five to ten years; the second from ten to fifteen; the third from 15 to 25 years, and only on the fourth offense it is possible to add more than 25 years to the sentence imposed for the crime itself.

MAJ. KENDRICK STIRS FRENCH TO CHEERING

Legion Leader Supports Ruhr Invasion to Collect Reparations From Germany

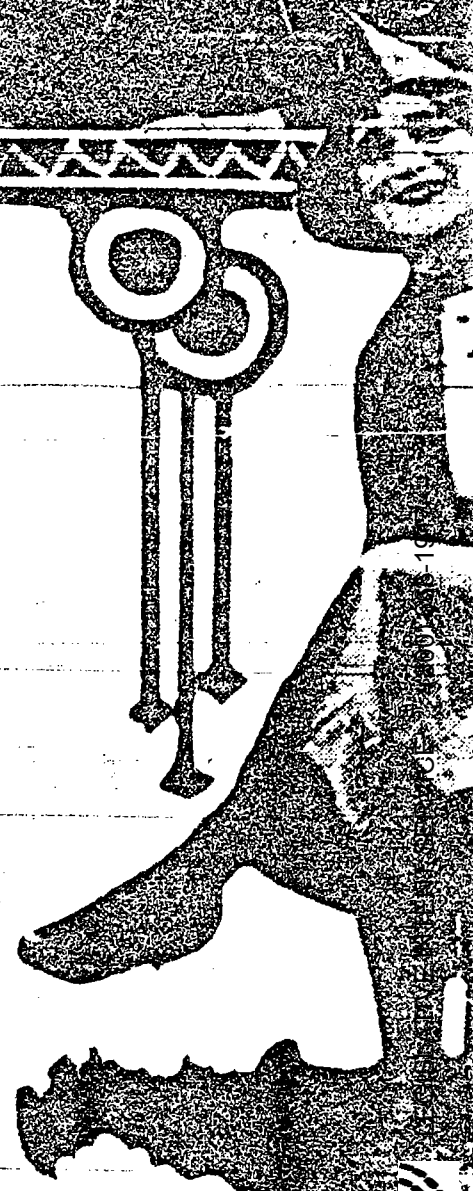
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The occasion was marked by the presence of the consuls of foreign nations and Mayor Rolph, who sat on the platform during the speeches, songs and entertainment features. Julien Neltner, consul-general of France, was an impressive figure in his full dress uniform which glittered with medals. His speech, which was delivered in French, rang with the love of country. He read messages of greeting from President Poincare and from King Albert of the Belgians.

Major Kendrick, in his speech upholding France in her present action, said:

"Restitution and reparation must be made by Germany. In spite of all that you may have heard and read, be assured that America stands solidly behind the French nation in its hour when it is trying to get restitution and reparation."

Other speakers emphasized the



Miss Con

The consuls of many nations were guests of honor at the French colony the Bastille, which was given in Dreamland yesterday afternoon, attended by thousands of friends.

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CHAPTER 145.

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

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

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

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

Manufacture,
etc., of
certain
dangerous
weapons
misdemeanor.

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

Possession
of certain
dangerous
weapons
misdemeanor.

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

Carrying
firearms
without
license
misdemeanor.

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

Unlawful
possession
of weapon,
etc.,
nuisance.

Surrender
of weapons,
etc.



Destruction
of weapons,
etc.

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

Attempted
use of
weapons
felony.

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

License to
carry
concealed
firearm

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

Register
of sales of
firearms.

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



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

Duplicate
sheet
mailed to
police.

Violation
misdemeanor.

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

ORIGINAL.

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

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

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

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



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

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

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

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

DUPLICATE.

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

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

Sold by ----- Salesman -----
 City, town or township -----
 Description of arm (state whether revolver or pistol) -----
 Maker ----- number ----- caliber -----
 Name of purchaser ----- 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.)

Exceptions.

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

Constitution-
 ality.

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



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

CHAPTER 146.

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

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

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

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

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

Stats. 1913,
p. 1048.

Exclusion of
territory.

Petition.

Contents.



INTRODUCED BY MR. BADARACCO,

January 15, 1923.

REFERRED TO COMMITTEE ON JUDICIARY.

An act to amend sections three, six and seven of an 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, and to add two new sections to said act to be numbered six a and seven a, relating to the carrying of concealed weapons.

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

1 SECTION 1. Section three of an act entitled "An act relat-
2 ing to and regulating the carrying, possession, sale or other
3 disposition of firearms capable of being concealed upon the
4 person; prohibiting the possession, carrying, manufacturing
5 and sale of certain other dangerous weapons and the giving,
6 transferring and disposition thereof to other persons within
7 this state; providing for the registration of the sales of fire-
8 arms; prohibiting the carrying or possession of concealed
9 weapons in municipal corporations; providing for the destruc-
10 tion of certain dangerous weapons as nuisances and making
11 it a felony to use or attempt to use certain dangerous weapons
12 against another," approved May 4, 1917, is hereby amended
13 to read as follows:

14 Sec. 3. Every person in this state other than peace officers
15 or members of the military forces who purchases or has in his
16 possession any pistol, revolver or other firearm capable of
17 being concealed upon the person without having a permit to

1 so purchase or possess such firearm as hereinafter provided in
2 section six of this act, and every person in this state who
3 carries any pistol, revolver or other firearm other than peace
4 officers or members of the military forces concealed upon his
5 person, without having a license to carry such firearm as
6 hereinafter provided in section six a of this act, shall be guilty
7 of a misdemeanor, and if he has been convicted previously of
8 any felony, or of any crime made punishable by this act, he
9 is guilty of a felony.

10 SEC. 2. Section six of said act approved May 4, 1917, is
11 hereby amended to read as follows:

12 SEC. 6. It shall be lawful for the board of police commis-
13 sioners, chief of police, sheriff, city marshal, town marshal or
14 other head of the police department of any city, county, city
15 and county, or other municipal corporation of the state, upon
16 proof before said board or officer, that the person applying
17 therefor is of good moral character, and that good cause exists
18 for the issuance thereof to issue to such person a permit to
19 purchase and possess, a pistol, revolver or other firearm, capa-
20 ble of being concealed on the person, which permit shall bear
21 a serial number; *provided, however*, that the application to
22 purchase and possess such firearm shall be filed in writing and
23 shall state the name and residence of the applicant, the
24 nature of the applicant's occupation, the business address of
25 applicant, the nature of the weapon sought to be purchased
26 and possessed and the reason for the filing of the application
27 to purchase and possess the same.

28 SEC. 3. A new section to be numbered section six a is
29 hereby added to said act, approved May 4, 1917, to read as
30 follows:

31 SEC. 6a. It shall be lawful for the board of police com-
32 missioners, chief of police, sheriff, city marshal, town mar-
33 shal, or other head of the police department of any city,
34 county, city and county, town or other municipal corporation
35 of the state, upon proof that the person applying therefor is
36 of good moral character and that good cause exists for the
37 issuance thereof, to issue to such person a permit to carry con-
38 cealed a pistol, revolver or other firearm, which license shall
39 bear a serial number; *provided, however*, that the application
40 to carry such concealed firearms shall be filed in writing and
41 shall state the name and residence of the applicant, the
42 nature of the applicant's occupation and the business address
43 of the applicant, the nature of the weapon sought to be car-
44 ried and the reason for the filing of the application to carry
45 the same.

46 SEC. 4. Section seven of said act approved May 4, 1917, is
47 hereby amended to read as follows:

48 SEC. 7. Every person in the business of selling, leasing or
49 otherwise transferring a pistol, revolver or other firearm, of
50 a size capable of being concealed upon the person, whether
51 such seller, lessor or transferrer is a retail dealer, pawnbroker
52 or otherwise except as hereinafter provided, shall keep a

1 register in which shall be entered the time of sale, the date
2 of sale, the name of the salesman making the sale, the place
3 where sold, the make, model, manufacturer's number, caliber,
4 or other marks of identification on such pistol, revolver or
5 other firearm; *provided*, that no sale, lease or transfer of any
6 such pistol, revolver or other firearm of a size capable of
7 being concealed upon the person shall be made until the person
8 to whom such sale, lease or transfer is to be made shall have
9 procured and produced the license provided for in section
10 six of this act. The person making such sale, lease or transfer
11 shall insert in the register herein provided for, the name of
12 the person issuing such license, together with the number
13 thereof. Such register shall be prepared by and obtained
14 from the state printer and shall be furnished by the state
15 printer to said dealers on application at a cost of three dollars
16 per one hundred leaves in duplicate and shall be in the form
17 hereinafter provided. The purchaser of any firearm, capable
18 of being concealed upon the person shall sign, and the dealer
19 shall require him to sign his name and affix his address to said
20 register in duplicate and the salesman shall affix his signature
21 in duplicate as a witness to the signatures of the purchaser.
22 Any person signing a fictitious name or address is guilty of
23 a misdemeanor. The duplicate sheet of such register shall on
24 the evening of the day of sale be placed in the mail, postage
25 prepaid, and properly addressed to the board of police com-
26 missioners, chief of police, city marshal, town marshal or other
27 head of the police department of the city, county and county,
28 town or other municipal corporation wherein the sale was
29 made; *and provided, further*, that where the sale is made in a
30 district where there is no municipal police department, said
31 duplicate sheet shall be mailed to the county clerk of the
32 county wherein the sale is made. A violation of any of the
33 provisions of this section by any person engaged in the busi-
34 ness of selling, leasing or otherwise transferring such firearms
35 is a misdemeanor. This section shall not apply to wholesale
36 dealers in their business intercourse with retail dealers nor
37 to wholesale or retail dealers in the regular or ordinary trans-
38 portation of unloaded firearms as merchandise by mail, express
39 or other mode of shipment, to points outside of the State of
40 California. The register provided for in this act shall be
41 substantially in the following form:

42 Sheet No.-----

43 Series No.-----

44 (Original.)

45 DEALERS' RECORD OF SALE OF REVOLVER OR PISTOL.

46 STATE OF CALIFORNIA.

47 Notice to dealers:

48 This original is for your files. If spoiled in making out,
49 do not destroy. Keep in books. Fill out in duplicate.

50 Carbon duplicate must be mailed on the evening of the
51 day of sale, to head of police commission, chief of police,
52 city marshal, town marshal or other head of the police

1 department of the municipal corporations wherein the sale
2 is made, or to the county clerk of your county, if the sale is
3 made in a district where there is no municipal police depart-
4 ment. Violation of this law is a misdemeanor. Use carbon
5 paper for duplicate. Use indelible pencil.

6
7 Name of person or department
8 issuing license.
9 License number.
10 Sold by Salesman
11 City, town or township
12 Description of arm (state whether revolver or pistol)
13 Maker Number Caliber
14 Name of purchaser age years.
15 Permanent residence (state name of city, town or township,
16 street and number of dwelling)
17 Height feet inches. Occupation
18 Color skin eyes hair
19 If traveling or in locality temporarily, give local address
20
21 Signature of purchaser
22 (Signing a fictitious name or address is a misdemeanor.) (To
23 be signed in duplicate.)
24 Witness (To be signed in duplicate.), salesman.

25
26 Series No.
27 Sheet No.
28 (Duplicate.)

29 DEALERS' RECORD OF SALE OF REVOLVER OR PISTOL.
30 STATE OF CALIFORNIA.

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

34
35 Name of person or department
36 issuing license.
37 License number.
38 Sold by Salesman
39 City, town or township
40 Description of arm (state whether revolver or pistol)
41 Maker Number Caliber
42 Name of purchaser age years.
43 Permanent address (state name of city, town or township,
44 street and number of dwelling)
45 Height feet inches. Occupation
46 Color skin eyes hair
47 If traveling or in locality temporarily, give local address
48
49 Signature of purchaser
50 (Signing a fictitious name or address is a misdemeanor.) (To
51 be signed in duplicate.)
52 Witness salesman.

1 (To be signed in duplicate.)
2 SEC. 5. A new section to be numbered seven a is hereby
3 added to said act approved May 4, 1917, to read as follows:
4 Sec. 7a. No person, firm or corporation engaged in the
5 business of selling, leasing, or otherwise transferring a pistol,
6 revolver or other firearm, capable of being concealed upon the
7 person, shall exhibit such weapon to public view in his place of
8 business.



ASSEMBLY FINAL HISTORY

FORTY-FIFTH SESSION

COMPILED UNDER DIRECTION OF

ARTHUR A. OHNIMUS, Chief Clerk

ELLSWORTH E. EUSTICE, Assistant Chief Clerk

DURATION OF SESSION

First Half—January 8–February 2, inclusive, 1923

Second Half--March 5–May 18, inclusive, 1923

(Duration, 101 days)



✱ 30—Clarke, Jan. 15. To Com. on Jud.

An act entitled an act to amend section 629 of the Penal Code of the State of California, relative to placing and maintaining of screens over the inlets of pipe flumes, ditches, canals and mill races, taking water from any river, creek, stream or lake in which fish have been placed or may exist.

Jan. 15—Read first time. To printer.

Jan. 18—From printer. To committee.

May 18—From committee without recommendation.

31—Ball, Jan. 15. To Com. on Jud.

An act entitled an act to amend section 19x10 of an act entitled "An act to be known as the Juvenile Court Law, and concerning persons under the age of 21 years; and in certain cases providing for their care, custody and maintenance; providing for the probationary treatment of such persons, and for the commitment of such persons to the Whittier State School and the Preston School of Industry, the California School for Girls, and other institutions; establishing probation officers and a probation committee to deal with such persons and fixing the salary thereof; providing for the establishment of detention homes for such persons; fixing the method of procedure and treatment or commitment where crimes have been committed by such persons; providing for the punishment of those guilty of offenses with reference to such persons, and defining such crimes; and repealing the Juvenile Court Law approved March 8, 1909, as amended by an act approved June 16, 1913, and all amendments thereof and all acts or parts of acts inconsistent therewith," approved June 5, 1915, as amended, said section relating to the salaries of probation officers.

Jan. 15—Read first time. To printer.

Jan. 18—From printer. To committee.

Jan. 25—Re-referred to Com. on Co. Gov. To committee.

Mar. 20—From committee with recommendation: Do pass.

Mar. 21—Read second time. To engrossment.

Mar. 23—Reported correctly engrossed.

Mar. 29—Read third time, passed, title approved.

Mar. 30—To Senate.

Mar. 30—In Senate. Read first time, and referred to Com. on Jud. To committee.

April 11—From committee with recommendation: Do pass.

April 12—Read second time.

April 17—Read third time, passed, title approved. To Assembly.

April 18—In Assembly. To enrollment.

April 24—Reported correctly enrolled. To Governor at 9.15 a.m.

May 3—Approved by Governor. Chapter 89.

✱ 32—Badaracco, Jan. 15. To Com. on Jud.

An act entitled an act to amend sections 3, 6 and 7 of an 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, and to add a new section to said act to be numbered 6a, relating to the carrying of concealed weapons.

Jan. 15—Read first time. To printer.

Jan. 18—From printer. To committee.

May 18—From committee without recommendation.

✓ 33—Christian, Jan. 15. To Com. on F. & G.

An act entitled an act to amend an act entitled "An act to regulate the issuance of licenses for the resale to hunters and anglers," approved May 20, 1915, as amended, to provide for the disposition of license fees.

Jan. 15—Read first time. To printer.

Jan. 18—From printer. To committee.

May 18—From committee without recommendation.

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CALIFORNIA LEGISLATURE, FORTY-FIFTH SESSION

LEGISLATIVE DIGEST

BEING

A COMPENDIUM OF MEASURES PROPOSED
DURING THE FIRST HALF OF THE FORTY-
FIFTH SESSION OF THE CALIFORNIA LEGIS-
LATURE, WITH A BRIEF SYNOPSIS OF EACH,
TOGETHER WITH REFERENCES, ETC.

Compiled by

JOHN A. MCGILVRAY
LEGISLATIVE COUNSEL

A RESUME OF MEASURES PENDING BEFORE
BOTH HOUSES OF THE LEGISLATURE IN
CONVENIENT FORM FOR READY INFORMA-
TION OF SENATORS AND ASSEMBLYMEN,
STATE OFFICERS AND THE GENERAL PUBLIC



CALIFORNIA STATE PRINTING OFFICE
FRANK J. SMITH, Superintendent
SACRAMENTO, 1923

24750

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LEGISLATIVE INTENT SERVICE (800) 666-1917



name and residence of the manufacturer of the paint, etc., or of the distributor thereof; and shall state the percentage of each ingredient, both solid and liquid, contained therein; and shall also show the net measure of the contents of the container. Provides that every person violating any of the provisions of the act is guilty of misdemeanor.

To Committee on Manufactures.

A. B. 29. EKSWARD.

New General Law. Authorizes the establishment of municipal port districts, in the various counties in the state, for the acquirement, construction, maintenance, operation, development and regulation of a system of harbor improvements and rail and water transfer and terminal facilities within such districts. Provides the method for the formation of such districts. Provides that the powers of the port district shall be exercised through a port commission. Provides for the levy and collection of taxes and special assessments therefor and for the issuance of bonds and for the payment thereof.

To Committee on Commerce and Navigation.

A. B. 30. CLARKE.

Amends Sec. 629 of the Penal Code. Makes it the duty of the fish and game commission to install and maintain a screen in a mill race, irrigating ditch, pipe, flume or canal whenever necessary to prevent fish from passing through. The present section provides that the state fish and game commission shall order the person, company or corporation, owning the mill race, irrigating ditch, etc., to install and maintain such screens.

To Committee on Judiciary.

A. B. 31. BALL.

Deer. Gen. L. No. 1770a.

Amends Sec. 19x10 of the Juvenile Court Law of 1915 (this section was added in 1921, Stats. 1921, p. 1447). Changes the salary of the probation officer in counties of the tenth class (Orange) from \$150 to \$250 per month. Provides for two (now one) assistant probation officers, one at a salary of \$150 per month and one at a salary of \$75 per month (now one assistant at a salary of \$75 per month).

To Committee on Judiciary.

A. B. 32. BADARACCO.

Deer. Gen. L. Sup. No. 889.

Amends Secs. 3, 6 and 7 and adds Secs. 6a and 7a to the Act of 1917, regulating the carrying of firearms. Changes Sec. 3 to include every person in the state (except peace officers or military men) who purchases or has in his possession any pistol, etc., capable of being concealed upon his person, or who carries such weapon concealed upon his person. Provides for the issuance of permits to purchase and possess and to carry such firearms. Provides further, that no sale, lease or



transfer of such firearms shall be made except upon the license provided therefor. Forbids a person dealing in such firearms to exhibit them to public view in his place of business.

To Committee on Judiciary.

A. B. 33. CHRISTIAN.

Deer. Gen. L. Sup. No. 1297a.

Amends the 1915 Act, regulating the issuance of licenses for resale to hunters and anglers. This amendment includes "county clerks" in the exception to persons who shall be allowed compensation for each hunter's or angler's (added) license sold, registered and accounted for by them. Allows a compensation of 50 per cent for each market fisherman's license sold.

To Committee on Fish and Game.

A. B. 34. EKSWARD.

Deer. Gen. L. No. 3932a.

Amends Secs. 3, 4, 5, 9, 12, 14, 15 and 17 of the Street Improvement Bond Act of 1915. Extends the time of payment of the bonds, provided for in Sec. 3, from nine to ten months. Makes them bear interest from date of confirmation of the assessment as provided in the Street Improvement Act instead of from date of filing with the clerk of the street superintendent's list of unpaid assessments. Provides that after confirmation of the assessment by the city council, the street superintendent shall file with the clerk a complete list of all unpaid assessments. Provides for notice to interested persons, who may appear and show cause why bonds should not be issued upon the security of the unpaid assessments. Directs the order of the retirement of the bonds. Provides that upon default in payment the land securing installments on assessments shall be sold, and that the purchaser shall take the property subject to all future or other unpaid assessments, interest and penalties. Provides that interest on all unpaid assessments shall begin to run from date of confirmation of the assessment. Provides that the treasurer in lieu of part payment of the interest in cash may accept an undertaking for payment on demand of the amount to which such owner would be entitled to reimbursement upon cancellation of coupons.

To Committee on Municipal Corporations.

A. B. 35. COOMBS.

New General Law. Creates a board of retirement, to consist of the controller of state, chairman of state board of control, and general superintendent of state lunacy commission (the last mentioned office as well as the lunacy commission was abolished in 1921), who shall serve without compensation. Creates a permanent benefit fund to be made up from deductions based on years of service, from salaries of officers and employees holding established positions in certain state institutions (hospitals and prisons); and from gifts and bequests. Provides for investment of the fund, the payments to be made therefrom and for the government of the board of retirement.

To Committee on Hospitals and Asylums.

LEGISLATIVE INTENT SERVICE (800) 666-1911

LIST OF MEMBERS
OFFICERS AND COMMITTEES
CALIFORNIA
STATE LIBRARY
RULES OF THE TWO HOUSES
OF THE
DOCUMENTS SECTION
California Legislature

at Sacramento

Together with the Members of Congress,
Supreme Court, State Officers, Boards,
Commissions, Classification of
Counties, etc.

FOR THE YEAR 1923

FORTY-FIFTH SESSION

First Half—January 8 to February 2, 1923
(Which Preceded Constitutional Recess)

Second Half—Beginning March 5, 1923

COMPILED BY

JOSEPH A. BEEK,
Secretary of Senate.

AND

ARTHUR A. OHNIMUS,
Chief Clerk of Assembly,

California State Printing Office
Frank J. Smith, Supt.
Sacramento
1923

24466

LEGISLATIVE INTENT SERVICE (800) 666-1917



OTHER STATE LEGISLATURES.

State	Next Session Begins	Limit	Frequency
Alabama.....	Jan. 9, 1923	50 days	Quad.
Arizona.....	Jan. 8, 1923	60 days	Biennial
Arkansas.....	Jan. 8, 1923	60 days	Biennial
Colorado.....	Jan. 3, 1923	None	Biennial
Connecticut.....	Jan. 2, 1923	None	Biennial
Delaware.....	Jan. 2, 1923	60 days	Biennial
Florida.....	April 3, 1923	60 days	Biennial
Georgia.....	June 27, 1923	50 days	Annual
Idaho.....	Jan. 8, 1923	60 days	Biennial
Illinois.....	Jan. 3, 1923	None	Biennial
Indiana.....	Jan. 4, 1923	61 days	Biennial
Iowa.....	Jan. 8, 1923	None	Biennial
Kansas.....	Jan. 2, 1923	50 days	Biennial
Kentucky.....	Jan. 8, 1924	60 days	Biennial
Louisiana.....	May 1, 1924	60 days	Biennial
Maine.....	Jan. 4, 1923	None	Biennial
Maryland.....	Jan. 2, 1924	90 days	Biennial
Massachusetts.....	Jan. 3, 1923	None	Annual
Michigan.....	Jan. 10, 1923	None	Biennial
Minnesota.....	Jan. 2, 1923	90 days	Biennial
Mississippi.....	Jan. 8, 1924	None	Biennial
Missouri.....	Jan. 1, 1923	70 days	Biennial
Montana.....	Jan. 1, 1923	60 days	Biennial
Nebraska.....	Jan. 2, 1923	60 days	Biennial
Nevada.....	Jan. 15, 1923	60 days	Biennial
New Hampshire.....	Jan. 3, 1923	None	Biennial
New Jersey.....	Jan. 8, 1923	None	Annual
New Mexico.....	Jan. 9, 1923	60 days	Biennial
New York.....	Jan. 3, 1923	None	Annual
North Carolina.....	Jan. 2, 1923	60 days	Biennial
North Dakota.....	Jan. 2, 1923	60 days	Biennial
Ohio.....	Jan. 1, 1923	None	Biennial
Oklahoma.....	Jan. 2, 1923	None	Biennial
Oregon.....	Jan. 8, 1923	40 days	Biennial
Pennsylvania.....	Jan. 2, 1923	None	Biennial
Rhode Island.....	Jan. 2, 1923	None	Annual
South Carolina.....	Jan. 9, 1923	40 days	Annual
South Dakota.....	Jan. 1, 1923	60 days	Biennial
Tennessee.....	Jan. 1, 1923	75 days	Biennial
Texas.....	Jan. 8, 1923	None	Biennial
Utah.....	Jan. 8, 1923	60 days	Biennial
Vermont.....	Jan. 3, 1923	None	Biennial
Virginia.....	Jan. 9, 1924	60 days	Biennial
Washington.....	Jan. 8, 1923	60 days	Biennial
West Virginia.....	Jan. 10, 1923	60 days	Biennial
Wisconsin.....	Jan. 10, 1923	None	Biennial
Wyoming.....	Jan. 9, 1923	40 days	Biennial

LIST OF MEMBERS

OFFICERS, COMMITTEES AND
THE RULES OF

THE ASSEMBLY

FOR THE YEAR 1923
FORTY-FIFTH SESSIONCompiled by
ARTHUR A. OHNIMUS
Chief ClerkAssisted by
ELLSWORTH E. EUSTICE
Assistant Chief Clerk

MEMBERS OF THE ASSEMBLY—EIGHTY ASSEMBLYMEN.

HON. FRANK F. MERRIAM, Speaker, of Long Beach.
HON. FRANK W. ANDERSON, Speaker pro tempore, of Oakland.
ARTHUR A. OHNIMUS, Chief Clerk, of San Francisco.
R., Republican; D., Democrat; Pb., Prohibition; S., Socialist.

District	Name and county	Occupation	Party	Home P. O. address	Sacramento address	Legislative service
39	A Anderson, F. W., Alameda	Insurance	R., D.	1103 Adeline st., Oakland	Sacramento Hotel	41-42-43-44-45
33	B Badaracco, J. B., San Francisco	Merchant	D., R.	539 Greenwich st., S. F.	Clunie Hotel	43-44-45
72	Badham, W. E., Los Angeles	Merchant	R.	1183 W. 30th st., L. A.	1629 20th st.	44-45
78	Baker, C. O., Monterey	Lawyer	R.	Salinas	Sequoia Hotel	45
75	Baker, Edwin, Los Angeles	Investm'ts	R.	118 W. 23d st., L. A.	Sequoia Hotel	42-43-44-45
76	Ball, C. D., Orange	Physician	R.	1203 N. Main st., Santa Ana	Regis Hotel	45
5	Bernard, Van, Clenn	Farmer	R., D.	Butte City	3050 1st av.	44-45
73	Bromley, E. P., Los Angeles	Attorney	R., D., Pb.	3820 S. Grand av., L. A.	Hotel Land	43-44-45
46	Broughton, Esto B., Stanislaus	Attorney	D., R., Pb.	1715 Downey st., Modesto	1110 11th st.	43-44-45
23	Burns, Joseph F., ★ San Francisco	Real estate	D., R.	3 Bennington st., S. F.	Travelers Hotel	44-45
18	C Carlson, Thomas M., ★ Contra Costa	Attorney	R., D.	Richmond	Hotel Land	45
71	Carter, Henry E., Los Angeles	Lawyer	R.	1040 Island ave., Wilmington	Clunie Hotel	34-35-36-37-43-45
31	Christian, E. H., ★ Alameda	Attorney	R.	1089 D st., Hayward	Travelers Hotel	44-45
47	Clarke, Geo. A., Inyo	Farmer	R.	Bishop	1413 L st.	45
55	Cleary, Chas. W., Tulare	Orchardist	R., D.	Lindsay	830 O st.	43-44-45
43	Cleveland, George O., ★ Santa Cruz	Inheritance tax appr.	R., D.	Watsonville	1622 N st.	36-44-45

A'sm



MEMBERS OF ASSEMBLY, WITH COMMITTEE OF WHICH EACH IS A MEMBER.

- ANDERSON, F. W.—Building and Loan Associations; Insurance; Manufactures; Motor Vehicles; Municipal Corporations; Oil Industries; Public Charities and Corrections.
- BADARACCO, JOHN B.—Claims, Commerce and Navigation; Fish and Game; Oil Industries; Reapportionment; Revenue and Taxation.
- BADHAM, WILLARD E.—Universities (Ch.); Commerce and Navigation; Motor Vehicles; Municipal Corporations; Oil Industries; Reapportionment; Ways and Means.
- BAKER, C. C.—Education (Ch.); Agriculture; County Government; Fish and Game; Governmental Efficiency and Economy; Judiciary; Public Utilities.
- BAKER, EDWIN—Insurance (Ch.); Claims; Engrossment and Enrollment; Motor Vehicles; Oil Industries; Reapportionment; Revenue and Taxation.
- BALL, C. D.—Medical and Dental Laws (Ch.); Agriculture; Banking; Conservation; Elections; Hospitals and Asylums; Reapportionment.
- BERNARD, VAN—Agriculture; Claims; Conservation; Constitutional Amendments; Drainage, Swamp and Overflowed Lands; Irrigation; Revenue and Taxation.
- BROMLEY, ELMER P.—Motor Vehicles (Ch.); Attaches; Elections; Insurance; Judiciary; Reapportionment; Revenue and Taxation.
- BROUGHTON, ESTO B.—Agriculture; Building and Loan Associations; Elections; Irrigation; Judiciary; Live Stock and Dairies; Revenue and Taxation.
- BURNS, JOSEPH F.—Labor and Capital (Ch.); Manufactures; Military Affairs; Public Morals; Public Utilities; Soldiers and Sailors Affairs; Ways and Means.
- CARLSON, THOMAS M.—Corporations; Judiciary; Medical and Dental Laws; Motor Vehicles; Municipal Corporations; Oil Industries; Prisons and Reformatories; Revision of Criminal Procedure.

- CARTER, HENRY E.—Attaches (Ch.); Rules (Ch.); Elections; Fish and Game; Governmental Efficiency and Economy; Judiciary.
- CHRISTIAN, F. H.—Public Utilities (Ch.); Building and Loan Associations; County Government; Governmental Efficiency and Economy; Judiciary; Revenue and Taxation; Rules; Soldiers and Sailors Affairs.
- CLARKE, GEORGE A.—Hospitals and Asylums (Ch.); Agriculture; Constitutional Amendments; Irrigation; Live Stock and Dairies; Mines and Mining; Roads and Highways.
- CLEARY, CHARLES W.—Agriculture; County Government; Direct Legislation; Federal Relations; Irrigation; Public Morals; Reapportionment.
- CLEVELAND, GEORGE C.—Agriculture; Education; Military Affairs; Motor Vehicles; Public Health and Quarantine; Reapportionment; Soldiers and Sailors Affairs; Ways and Means.
- CONNOLLY, P.—Banking; Civil Service; Fish and Game; Governmental Efficiency and Economy; Hospitals and Asylums; Prisons and Reformatories; Reapportionment; Roads and Highways.
- COOMBS, FRANK L.—Revenue and Taxation (Ch.); Civil Service; Claims; Constitutional Amendments; Revision of Criminal Procedure; Roads and Highways.
- CRITTENDEN, BRADFORD S.—Constitutional Amendments; Drainage, Swamp and Overflowed Lands; Irrigation; Judiciary; Libraries; Public Charities and Corrections; Public Utilities.
- CROTER, J.—Civil Service; Corporations; County Government; Live Stock and Dairies; Prisons and Reformatories; State Grounds and Parks.
- DAVIS, GEORGE H.—Federal Relations (Ch.); County Government; Hospitals and Asylums; Irrigation; Reapportionment; State Grounds and Parks; Ways and Means.



INTRODUCED BY SENATOR INMAN,

January 23, 1923.

REFERRED TO COMMITTEE ON JUDICIARY.

An act to control the possession, sale, and use of pistols and revolvers, to provide penalties, and for other purposes.

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

SECTION 1. "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. 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 in the state prison for not less than five nor more than ten years.

SEC. 3. The judge shall have the power to sentence any person who may be convicted for a second or third offense under section two, of this act, to double and triple the penalty imposed thereby, and for a fourth offense the person so convicted may be sentenced to perpetual imprisonment.

SEC. 4. 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. 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 any 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 in the state prison for not less than five years.

SEC. 6. No person shall carry a pistol or revolver concealed in any vehicle or upon his person, except in his dwelling house

1 or place of business, without a license therefor as hereinafter
2 provided. Violations of this section shall be punished by
3 imprisonment in the county jail for not less than one year,
4 and upon conviction the pistol or revolver shall be confiscated
5 and destroyed.

6 Sec. 7. The provisions of the preceding section shall not
7 apply to marshals, sheriffs, policemen, or other duly appointed
8 peace officers, nor to the regular and ordinary transportation
9 of pistols or revolvers as merchandise, nor to members of the
10 army, navy, or marine corps of the United States, or the
11 national guard, when on duty, or organizations by law author-
12 ized to purchase or receive such weapons from the United
13 States, or this state, nor to duly authorized military or civil
14 organizations when parading, nor to the members thereof
15 when at or going to or from their customary places of assembly.

16 Sec. 8. The judge of a court of record, the chief of police
17 or marshal of a city or town and the sheriff of a county, or
18 persons authorized by any of them, shall, upon the applica-
19 tion of any person having a bona fide residence or place of
20 business within the jurisdiction of said licensing authority, or
21 of any person having a bona fide residence or place of business
22 within the State of California and a license to carry a firearm
23 concealed upon his person issued by the authorities of this
24 state or any subdivision of the United States, issue a license to
25 such person to carry a pistol or revolver within this state for
26 not more than one year from date of issue, if it appears that
27 the applicant has good reason to fear an injury to his person
28 or property or for any other proper purpose, and that he is a
29 suitable person to be so licensed. The license shall be in trip-
30 licate, in form to be prescribed by the secretary of state of the
31 State of California, and shall bear the name, address, descrip-
32 tion, and signature of the licensee and the reason given for
33 desiring a license. The original thereof shall be delivered to
34 the licensee, the duplicate shall within seven days be sent by
35 registered mail to the secretary of state, and the triplicate shall
36 be preserved for six years by the authority issuing said license.

37 Sec. 9. Any person or persons who shall sell, barter, hire,
38 lend, or give to any minor under the age of eighteen years any
39 pistol or revolver shall be deemed guilty of a misdemeanor,
40 and shall upon conviction thereof be fined not less than one
41 hundred dollars nor more than one thousand dollars, or be
42 imprisoned in the county jail not less than three months, nor
43 more than one year, or both such fine and imprisonment.

44 Sec. 10. No person shall sell, deliver, or otherwise transfer
45 a pistol or revolver to a person who he has reasonable cause to
46 believe either is an unnaturalized foreign-born person or has
47 been convicted of a felony against the person or property of
48 another, or against the government of the United States, or the
49 State of California or any subdivision thereof, nor in any
50 event shall he deliver a pistol or revolver on the day of the
51 application for the purchase of a pistol or revolver, said
52 pistol or revolver shall be

1 unloaded. Before a delivery be made the purchaser shall
2 sign in triplicate and deliver to the seller a statement contain-
3 ing his full name, address, occupation, and nationality, the
4 date of sale, the caliber, make, model, and manufacturer's
5 number of the weapon. The seller shall, within seven days,
6 sign and forward by registered mail one copy thereof to the
7 secretary of state, and one copy thereof each to the chief of
8 police of the city or town and the sheriff of the county of which
9 the seller is a resident, and shall retain the other copy for six
10 years. This section shall not apply to sales at wholesale.
11 Where neither party to the transaction holds a dealer's license,
12 no person shall sell or otherwise transfer a pistol or revolver
13 to any person not personally known to him. Violations of
14 this section shall be punished by a fine of not less than one
15 hundred dollars or by imprisonment in the county jail for not
16 less than one year, or by both such fine and imprisonment.

17 Sec. 11. Whoever, without being licensed as hereinafter
18 provided, sells, or otherwise transfers, advertises, or exposes
19 for sale, or transfer or has in his possession with intent to sell,
20 or otherwise transfer, pistols or revolvers, shall be punished
21 by imprisonment in the state prison for not less than two
22 years.

23 Sec. 12. The duly constituted licensing authorities of any
24 city, town or political subdivision of this state, may grant
25 licenses in form prescribed by the secretary of state, effective
26 for not more than one year from date of issue, permitting the
27 licensee to sell at retail within the said city or town or political
28 subdivision, pistols and revolvers, subject to the following
29 conditions, for breach of any of which the license shall be sub-
30 ject to forfeiture:

31 1. The business shall be carried on only in the building desig-
32 nated in the license.

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

36 3. No pistol or revolver shall be delivered—

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

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

41 (c) If the seller has reasonable cause to believe that the
42 purchaser either is an unnaturalized foreign-born person or has
43 been convicted of a felony against the person or property of
44 another or against the government of the United States or the
45 State of California or any subdivision thereof.

46 4. A true record, in quadruplicate, shall be made of every
47 pistol or revolver sold, said record to be made in a book kept
48 for the purpose, the form of which may be prescribed by the
49 secretary of state, and shall be personally signed by the pur-
50 chaser and by the person effecting the sale, each in the
51 presence of the other, and shall include the date of sale, the
52 make, model, and manufacturer's number of the

1 weapon, the name, address, occupation, and nationality of the
2 purchaser. One copy of said record shall, within seven days, be
3 forwarded by registered mail to the secretary of state and one
4 copy thereof each to the chief of police of the city or town and
5 the sheriff of the county of which the seller is a resident, and
6 the other copy retained for six years.

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

11 Sec. 13. If any person in purchasing or otherwise securing
12 delivery of a pistol or revolver or in applying for a permit to
13 carry the same, shall give false information or offer false
14 evidence of his identity he shall be punished by imprisonment
15 in the state prison for not less than five nor more than ten
16 years.

17 Sec. 14. No person shall change, alter, remove, or obliterate
18 the name of the maker, model, manufacturer's number, or
19 other mark of identification on any pistol or revolver. Pos-
20 session of any such firearm upon which the same shall have
21 been changed, altered, removed, or obliterated, shall be pre-
22 sumptive evidence that such possessor has changed, altered,
23 removed, or obliterated the same. Violations of this section
24 shall be punished by imprisonment in the state prison for not
25 less than one year nor more than five years.

26 Sec. 15. All licenses heretofore issued within this state
27 permitting the carrying of pistols or revolvers concealed upon
28 the person shall expire at midnight of December 31, 1924.

29 Sec. 16. This act shall not apply to antique pistols or
30 revolvers incapable of use as such.

31 Sec. 17. All acts or parts of acts inconsistent herewith
32 are hereby repealed.



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SENATE FINAL HISTORY

FORTY-FIFTH SESSION

COMPILED UNDER DIRECTION OF

JOSEPH A. BEEK, Secretary of the Senate

J. T. MACDONALD, History Clerk

DURATION OF SESSION

First Half—January 8–February 2, inclusive, 1923

Second Half—March 5–May 18, inclusive, 1923

(Duration, 101 days)

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LEGISLATIVE INTENT SERVICE



108—Crowley, Jan. 23. To Com. on Elec.

An act to amend section 1142 of the Political Code, relating to the appointment of election officers.

Jan. 23—Read first time. To printer.

Jan. 24—From printer. To committee.

Mar. 9—From committee with recommendation: Do pass.

Mar. 12—Read second time. To engrossment, and third reading.

Mar. 14—Reported correctly engrossed. Referred to Senator Slater as a Committee of One to amend. Amended. To print, re-engrossment, and third reading.

Mar. 15—Reported correctly re-engrossed.

Mar. 20—Referred to Senator Murphy as a Committee of One to amend. Amended. To print, re-re-engrossment, and third reading.

Mar. 21—Reported correctly re-re-engrossed.

Mar. 22—Read third time, passed, title approved. To Assembly.

Mar. 23—In Assembly. Read first time. To Com. on Elec.

April 26—From committee with recommendation: Do pass as amended.

April 27—Read second time.

May 18—Read third time, passed, title approved. To Senate.

May 18—In Senate. To enrollment. Reported correctly enrolled. To Governor.

June 22—Pocket veto.

109—Inman, Jan. 23. To Com. on Jud.

An act to control the possession, sale, and use of pistols and revolvers, to provide penalties, and for other purposes.

Jan. 23—Read first time. To printer.

Jan. 24—From printer. To committee.

110—Inman, Jan. 23. To Com. on Ed.

An act to amend section 1591 of the Political Code, relating to the withdrawal of school districts, or a portion of any school district, from union or joint union school districts.

Jan. 23—Read first time. To printer.

Jan. 24—From printer. To committee.

111—Gates, W. F., Jan. 23. To Com. on Ed.

An act to amend section 1741 of the Political Code, relating to powers and duties of high school boards.

Jan. 23—Read first time. To printer.

Jan. 24—From printer. To committee.

112—Slater, Jan. 23. To Com. on H. & A.

An act to amend section 2192 of the Political Code, relating to the Sonoma Home for Feeble Minded.

Jan. 23—Read first time. To printer.

Jan. 24—From printer. To committee.

Feb. 1—From committee with recommendation: Do pass.

Mar. 5—Read second time. To engrossment, and third reading.

Mar. 7—Reported correctly engrossed. Read third time, passed, title approved. To Assembly.

Mar. 7—In Assembly. Read first time. To Com. on H. & A.



CALIFORNIA LEGISLATURE, FORTY-FIFTH SESSION

LEGISLATIVE DIGEST

BEING

A COMPENDIUM OF MEASURES PROPOSED
DURING THE FIRST HALF OF THE FORTY-
FIFTH SESSION OF THE CALIFORNIA LEGIS-
LATURE, WITH A BRIEF SYNOPSIS OF EACH,
TOGETHER WITH REFERENCES, ETC.

Compiled by

JOHN A. McGILVRAY
LEGISLATIVE COUNSEL

A RESUME OF MEASURES PENDING BEFORE
BOTH HOUSES OF THE LEGISLATURE IN
CONVENIENT FORM FOR READY INFORMA-
TION OF SENATORS AND ASSEMBLYMEN,
STATE OFFICERS AND THE GENERAL PUBLIC



CALIFORNIA STATE PRINTING OFFICE
FRANK J. SMITH, Superintendent
SACRAMENTO, 1923

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15 of page 3 of printed bill the words "inspector or judges" are substituted for the word "officer." In lines 21 and 22 of page 3 of printed bill the words "nor shall any person be eligible to act as inspector, judge or clerk of election" are substituted for the words "or who has." In line 47 of page 3 of the printed bill the word "inspector" is substituted for the words "election officers." In lines 14 and 15 of page 4 of the printed bill the wording is condensed without changing the sense of the sentence. The amendment to subdivision (i) consists of the following: In line 44, page 5 of the printed bill the word "any" has been added. The last 4 words of line 46, all of line 47 and the first two words of line 48 of page 5 of the printed bill have been substituted for the word "inspector."

To Committee on Elections.

S. B. 109. INMAN.

New General Law. Intended to control the possession, sale and use of fire arms and prescribing penalties. This is a companion bill to A. B. 263. **For digest** see said assembly bill.

To Committee on Judiciary.

S. B. 110. INMAN.

Amends Sec. 1591a of the Pol Code, relating to the withdrawal of a school district, or a part thereof, from a union or joint union school district. **Provides** that a petition for such withdrawal must be presented to the board of supervisors of the county or counties in which such union or joint union district is located, signed by **two-thirds** of the heads of families who reside in the district, or part of the district, wishing to withdraw. This section, as added in 1919, permits a **majority** of heads of families to present such a petition, but it did not permit the withdrawal of a portion only of a school district.

To Committee on Education.

S. B. 111. GATES.

Amends Sec. 1741 of the Pol. Code, relating to powers and duties of high school boards. The change is as to provisions relating to transportation and **provides** that high school boards may make arrangements for transporting pupils under the provisions of Sec. 1610 of the Pol. Code.

To Committee on Education.

S. B. 112. SLATER.

Amends Sec. 2192 of the Pol. Code, relating to the Sonoma Home for Feeble Minded. Adds the provision that any peace officer may petition the court for an order admitting imbecile or feeble-minded persons to such hospital.

To Committee on Hospitals and Asylums.



A. B. 261. EMME.

Deer. Gen. Law Sup. No. 2144g.

Amends Sec. 3 of the act of 1915, requiring employers to provide hospital service for employees. The amendment adds the following to the section: "Any employer who furnishes such hospital service shall permit the employees contributing to its maintenance to choose at least a **majority** of the board of directors or officers in charge of such hospital service."

The effect of this amendment is to give to the employees who support such hospital, a voice in its management.

To Committee on Labor and Capital.

A. B. 262—WELLER.

Adds Sec. 2957 to the Civil Code. Said section provides that conditional sales of personal property, or leases containing a conditional right to purchase, where purchaser or lessor takes possession, shall be **absolute** as to all subsequent purchasers and encumbrancers in good faith for value, and as to all creditors of the purchaser or lessee or his transferee, unless there is filed with the county recorder within thirty days of taking possession of the property a memorandum of such conditional sale or lease, containing the name, and place of residence of seller or lessor, description and location of property; fifty cents shall be charged for such filing. This section not to apply to property exempt from execution.

The word "subdivision" in lines 18 and 19 of the bill should be amended to read "section."

To Committee on Judiciary.

A. B. 263. HAWES.

New General Law. Controlling the sale and use of pistols and revolvers. The bill defines a pistol or revolver as a firearm, the barrel of which is less than twelve inches in length.

Sec. 2. Any person attempting to commit a crime when armed with a pistol or revolver without a permit shall receive an additional punishment of from five to ten years. Sec. 3. The judge shall have the power to double and triple the penalty for a second or third offense under Sec. 2 and to sentence for life for a fourth offense. Sec. 4. Being armed with a pistol or revolver without a permit shall constitute prima facie evidence of intention to commit a felony when on trial for a felony or an attempt. Sec. 5. No unnaturalized foreign-born person or persons convicted of a felony shall possess a pistol or revolver. Violation of this section to be punished by imprisonment for not less than five years. Sec. 6. No person shall carry a concealed pistol or revolver on his person or in any vehicle without a license except in a dwelling house or place of business. Violation punishable by imprisonment for not less than one year. The provisions of this section do not apply to officers of the law,



members of the army and navy, or to transportation of pistols or revolvers as merchandise. Sec. 8. The judge of a court of record, chief of police, marshal, sheriff or person authorized by them may issue a license good for one year to carry a pistol if such person has a bona fide place of business or residence within the jurisdiction of the licensing authority or bona fide place of business or residence within the state and already has a license to carry a concealed firearm issued by authorities of this state or of any subdivision of the United States. Such license shall only be issued when the person has good reason to fear an injury to his person or property. Sec. 9. Any person giving or selling a pistol or revolver to a minor under eighteen shall be guilty of a misdemeanor and fined from one hundred to one thousand dollars, or imprisoned for from three months to one year or both. Sec. 10. No person shall sell a pistol or revolver to any one whom he has reasonable cause to believe is an unnaturalized foreign-born person or who has been convicted of a felony. The revolver shall not be delivered on the day it is sold. Before delivery the purchaser shall sign a triplicate statement containing his name, address, occupation, and nationality, date of sale, and the caliber, make, model and manufacturer's number of the weapon; the seller must deliver within seven days one copy to the secretary of state, one to the chief of police, one to the sheriff and retain one himself for six years. No person not a dealer shall sell a pistol to any one not personally known to him. This section does not apply to wholesalers. Violations punishable by a fine of not less than one hundred dollars or by imprisonment for not less than one year or by both. Sec. 11. Selling without a license shall be punishable by imprisonment for not less than two years. Sec. 12. The licenses shall be issued on the following conditions: (1) The business to be carried on only in the building designated. (2) The license must be displayed therein. (3) No pistol shall be delivered—(a) on day of purchase; (b) unless purchaser is personally known or clearly identifies himself; (c) if seller has reasonable cause to believe the purchaser to be an unnaturalized foreign person or has been convicted of a felony. (4) Prescribes the same record of sale as in Sec. 10, providing for a quadruplicate rather than a triplicate. (5) No pistol or imitation or advertisement of a pistol shall be displayed on the premises where it can be seen from the outside. Sec. 13. Any person who is guilty of giving false information in purchasing or applying for a permit shall be punishable by imprisonment for from five to ten years. Sec. 14. Any person changing or obliterating the name of the maker, model, manufacturer's number or other mark of identification on a pistol shall be punished by imprisonment for from one to five years. Possession of such firearm shall be presumptive evidence that the possessor has made the change or obliteration. Sec. 15. All licenses heretofore issued shall expire December 31, 1924. Sec. 16. The act shall not apply to antique pistols or revolvers incapable of use; also repeals all acts in conflict.

To Committee on Judiciary.

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FOR THE YEAR 1923

FORTY-FIFTH SESSION

First Half—January 8 to February 2, 1923
(Which Preceded Constitutional Recess)

Second Half—Beginning March 5, 1923

COMPILED BY

JOSEPH A. BEEK,
Secretary of Senate.

AND

ARTHUR A. OHNIMUS,
Chief Clerk of Assembly.

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 H. McPhce, *pres. board managers*.....Patton

Stockton State Hospital. Stockton.
 Dr. Fred P. Clark, *medical superintendent*.....Stockton
 Hon. W. B. Nutter, *pres. board managers*.....Stockton

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 Ernest C. Moore, *director Southern Branch*.....Los Angeles

University Farm, Davis.
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University Extension Division. Berkeley.
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 Col. J. P. Edmunds, *commandant*.....Veterans' Home

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 Frank H. Nichols, *chairman*.....Sacramento
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 E. J. Creely, *president*.....San Francisco
 John L. Tyler, *secretary*.....Huntington Park

Water Commission, State.
 H. A. Kruegel.....Sacramento
 Josephine A. Patten, *secretary*.....San Francisco

Weights and Measures, Superintendent of. Mull bldg., Tenth and I, sts., Sacramento.
 R. C. Melvin, *chief*.....San Francisco
 Chas. F. Hayden, *asst. to chief*.....Sacramento

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 Hon. Prescott F. Cogswell, *pres. board trustees*.....Los Angeles
 Fred C. Nelles, *superintendent*.....Whittier

Woman's Relief Corps Home. Evergreen.
 Geraldine E. Frisbie, *president*.....San Mateo
 Jennie L. Boynton, *matron*.....Evergreen

LIST OF MEMBERS

OFFICERS, COMMITTEES AND THE RULES OF

THE SENATE

FOR THE YEAR 1923
 FORTY-FIFTH SESSION

Compiled by
 JOSEPH A. BEEK, Secretary



MEMBERS OF THE SENATE—FORTY SENATORS

HON. C. C. YOUNG, President of the Senate.
HON. ARTHUR H. BREED, President pro tempore. JOSEPH A. BEEK, Secretary of Senate
R, Republican; D, Democrat; P, Progressive; S, Socialist; Pb, Prohibition; I, Independent.

District	Name and counties	Politics	Home P. O. address	Sacramento address	Legislative service
A					
37	Allen, Newton M., Los Angeles	R-P	433 S. Grand View, L. A.	915 L st.	41-45
25	Arbuckle, F. A., Santa Barbara, Ventura	R	Fillmore	Hotel Sacramento.	44-45
B					
10	Boggs, Frank S., Amador, San Joaquin	D	1009 N. El Dorado st., Stockton	Hotel Sacramento.	43-44-45
15	Breed, A. H., Alameda	R-D	Oakland Bank of Savings Bldg., Oakland	Sutter Club	40-41-42-43-44-45
19	Burnett, Lester G., San Francisco	R	1922 Broadway, S. F.	1202 18th st.	38-39-42-43-44-45

C					
18	Canaba, Victor J., San Francisco	R-D-P	454 Union st., S. F.	Hotel Land	40-41-42-43-44-45
13	Carr, Frank M., Alameda	R-D	4410 Evans av., Oakland	Hotel Clunie	42-43-44-45
31	Chamberlin, Harry A., Los Angeles	R	439 Title Insurance Bldg., Los Angeles	1417 9th st., Apt. 2.	41-42-43-44-45
32	Creighton, John, Kings, Tulare, Kern	R-D	1115 H st., Bakersfield	830 O st.	45
22	Crowley, John Jos., San Francisco	R-D	692 Valencia st., S. F.	Colonial Apts.	33-41-42-43-44-45
D					
12	Dennett, Lewis L., Stanislaus, Tuolumne, Mariposa, Merced, Alpine, Mono, Madera, Calaveras	R-P	512 Virginia av., Modesto	Hotel Sacramento.	41-42-43-44-45
E					
39	Eden, Walter, Riverside, Imperial, Orange	R-D	4113 N. Main st, Santa Ana	Hotel Regis	43-44-45



MEMBERS OF THE SENATE—Continued.

District	Name and counties	Politics	Home P. O. address	Sacramento address	Legislative service
G					
35	Gates, Egbert J., Los Angeles	R	1120 Buena Vista, South Pasadena	Sutter Club	40-42-43-44-45
6	Gates, Dr. W. F., Butte, Sutter, Yuba, Yolo	R	409 Myers st., Oroville	Hotel Clunie	45
21	Godsil, Chas. W., San Francisco	R-D	1225 Clayton st., S. F.	Hotel Land	44-45
20	Gray, P. J., San Francisco	R	2929 Harrison st., S. F.	Travelers Hotel	43-44-45
H					
4	Handy, Fred C., Colusa, Glenn, Lake, Mendocino	R-D	511 Church st., Ukiah	Hotel Sacramento	45
26	Harris, M. B., Fresno	R-D-P	Virginia way and Wishon av., Fresno	Hotel Sacramento	43-44-45
I					
29	Hart, Dwight H., Los Angeles	R	Rosslyn Hotel, L. A.	Hotel Land	43-44-45
17	Hughes, Ralph L., Alameda	R	1904 Filbert st., Oakland	Sequoia Hotel	45
16	Hurley, Edgar S., Alameda	R	1904 Filbert st., Oakland	Hotel Land	43-44-45
J					
3	Ingram, Thomas, Nevada, Plumas, Sierra, Placer, El Dorado	R	332 E. Main st., Grass Valley	Hotel Land	42-43-44-45
7	Inman, J. M., Sacramento	R-D	700 30th st., Sacramento	700 30th st.	40-42-43-44-45
K					
36	Johnson, A. Burlingame, Los Angeles	R	622 S. Los Robles, Pasadena	Hotel Sacramento	45
11	Johnson, M. B., San Mateo, San Benito, Santa Cruz	R-D	Montara	Y. M. C. A.	42-43-44-45
28	Jones, Herbert C., Santa Clara	R-D	852 Hedding st., San Jose	1511 13th st.	40-41-42-43-44-45
L					
33	Lewis, Chas. H. V., Los Angeles	R	639 E. 35th st., Los Angeles	32d and Sierra	45
34	Lyons, Charles W., Los Angeles	R-P	700 Victoria av., Venice	Hotel Land	41-42-43-44-45



CREIGHTON—Agriculture and Live Stock; Civil Service; Contingent Expenses; Corporations; Education; Fish and Game; Labor and Capital; Oil Industries; Public Morals (Ch.).

CROWLEY—Finance; Fish and Game; Hospitals and Asylums; Insurance; Labor and Capital; Oil Industries; Prisons and Reformatories; Public Health and Quarantine (Ch.); Roads and Highways.

DENNETT—Banking; Commerce and Navigation; Corporations; Elections; Governmental Efficiency; Irrigation (Ch.); Judiciary; Public Morals; Public Utilities.

EDEN—Banking; Education; Federal Relations; (Ch.); Judiciary; Oil Industries; Motor Vehicles; Public Utilities; Reapportionment; Rules.

GATES, DR. W. F.—Constitutional Amendments; Engrossment and Enrollment (Ch.); Fish and Game; Labor and Capital; Manufactures; Mines and Mining; Public Health and Quarantine; Reapportionment; Roads and Highways.

GATES, E. J.—Commerce and Navigation; Federal Relations; Finance (Ch.); Fish and Game; Motor Vehicles; Oil Industries; Revenue and Taxation; Rules; Universities and Teachers Colleges.

GODSIL—Commerce and Navigation; Drainage, Swamp and Overflowed Lands; Elections; Finance; Manufactures (Ch.); Municipal Corporations; Prisons and Reformatories; Public Charities and Corrections; Roads and Highways.

GRAY—Drainage, Swamp and Overflowed Lands; Fish and Game; Insurance; Municipal Corporations; Prisons and Reformatories; Public Health and Quarantine; Public Morals; Revision and Printing (Ch.); Roads and Highways.

HANDY—Building and Loan Associations (Ch.); County Government; Drainage, Swamp and Overflowed Lands; Engrossment and Enrollment; Fish and Game; Hospitals and Asylums; Insurance; Irrigation; Roads and Highways.

HARRIS—Constitutional Amendments; Drainage, Swamp and Overflowed Lands; Education (Ch.); Federal Relations; Irrigation; Judiciary; Public Utilities; Revenue and Taxation; Universities and Teachers Colleges.

HART—Banking (Ch.); Finance; Fish and Game; Hospitals and Asylums; Labor and Capital; Motor Vehicles; Oil Industries; Prisons and Reformatories; Reapportionment.

HUGHES—Banking; Civil Service; Conservation; Education; Engrossment and Enrollment; Insurance; Irrigation; Military Affairs (Ch.); Roads and Highways.

HURLEY—Commerce and Navigation; Conservation (Ch.); Corporations; Fish and Game; Hospitals and Asylums; Military Affairs; Municipal Corporations; Public Utilities; Revision and Printing.

INGRAM—Education; Finance; Fish and Game; Governmental Efficiency; Insurance; Mines and Mining; Public Morals; Reapportionment (Ch.); Roads and Highways.

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JOHNSON, A. B. — Corporations; Drainage, Swamp and Overflowed Lands; Federal Relations; Mines and Mining (Ch.); Public Charities and Corrections; Public Health and Quarantine; Public Utilities; Reapportionment; Revenue and Taxation.

JOHNSON, M. B.—Constitutional Amendments; Education; Elections; Governmental Efficiency (Ch.); Judiciary; Motor Vehicles; Public Utilities; Revenue and Taxation; Universities and Teachers Colleges.

JONES—Banking; Building and Loan Associations; Civil Service; Education; Elections; Governmental Efficiency; Judiciary (Ch.); Motor Vehicles; Revenue and Taxation.



REPORT
OF THE
California Crime Commission
1929

COMMISSIONERS:

JAMES A. JOHNSTON, Chairman

W. A. BEASLY

BURON FITTS

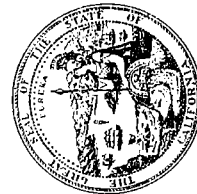
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Tribune Tower, Oakland, Cal.



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REPORT OF THE CALIFORNIA CRIME COMMISSION

To the Governor and the Legislature of the State of California:

Pursuant to chapter 407 of the Statutes of 1927, the California Crime Commission herewith submits a report containing its findings, conclusions and recommendations relating to the crime situation in this state, accompanied by proposed legislation to carry the same into effect. All of which is respectfully submitted.

JAMES A. JOHNSTON, *Chairman*,
W. A. BEASLY,
BURN FITTS,
W. H. HOLLAND,
WILLIAM R. MCKAY,
JUSTIN MILLER,
U. S. WEBB.

CHARLES B. FOX,
Secretary.

Dated January 7, 1928.



REPORT OF CALIFORNIA CRIME COMMISSION

Pursuant to the recommendation of the Commission for the Revision of Criminal Procedure in its report to the legislature in 1927, the following statute was enacted which created the California Crime Commission:

SENATE BILL No. 417

CHAPTER 407

An act creating the California Crime Commission, defining its duties, and making appropriation for its expenses.

(Approved by the Governor May 10, 1927.)

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

SECTION 1. There is hereby created a commission to be known as the California Crime Commission.

SEC. 2. Said commission shall consist of a chairman and six other members, all to be appointed by the governor of California, and to hold office at his pleasure.

SEC. 3. It shall be the duty of the California crime commission to make a study of the entire subject of crime, with particular reference to conditions in the State of California, including causes of crime, possible methods of prevention of crime, methods of detection of crime and apprehension of criminals, methods of prosecution of persons accused of crime, the entire subject of penology, and, generally, to make a survey of the entire field of crime, and to report its findings, its conclusions and recommendations to the governor and the legislature of California, which will convene in the year 1929.

SEC. 4. The salary of the chairman and the salary of the secretary of said commission shall be fixed by the commission with the approval of the department of finance. The other members of such commission shall serve without salary, but all members of said commission shall be entitled to their expenses incurred in the performance of their duties.

SEC. 5. Said commission shall have power and authority to employ such expert and other assistance as in its judgment shall be necessary to the proper performance of its duties.

SEC. 6. There is hereby appropriated out of the general funds in the treasury of the State of California the sum of twenty thousand dollars for the expenses of said commission.

ORGANIZATION

Governor C. C. Young appointed the following members of the commission: James A. Johnston, Chairman; W. A. Beasley, Byron Fitts, W. H. Holland, William R. McKay, Justin Miller and U. S. Webb.

At the organization meeting of the commission held in Sacramento on October 13, 1927, Chris. B. Fox was appointed secretary.

INTRODUCTORY

The work of the commission has been supplemented to some extent by the work of the Commission for the Study of Problem Children, which was created by an act of the 1927 legislature (chapter 349). The commission is composed of seven members and has for its particular subject the study of juvenile delinquency. The California Crime Commission has also concerned itself with the study of juvenile delinquency and the causes of crime. It has held several joint meetings and cooperated with the Commission for the Study of Problem Children.



The commission determined to use every agency, facility and resource available, including the experience of other bodies created or organized for similar purpose. The commission began its study by reviewing the surveys made by other state commissions and following this line examined reports of the American Bar Association, American Law Institute, Missouri Crime Survey, Minnesota Crime Commission, Georgia Crime Survey, New York Crime Commission, Cleveland Foundation, American Prison Association, Indiana State Conference Committee on Delinquency and the National Crime Commission.

Realizing the necessity of paying particular attention to conditions in the State of California, we communicated with every state, county and city official whose position and duties bring him in contact with crime in any of its phases or at any stage. This included justices of the Supreme and appellate courts, every superior court judge and every municipal and police judge; every district attorney, sheriff, coroner, police chief, probation officer and public defender; managing boards of state institutions, prison wardens, reformatory superintendents and identification experts; United States judges, commissioners and attorneys; and, because of the importance of the factor of juvenile delinquency, we sent the same communications to every county superintendent of schools. We wrote to members of the Judicial Council, officers and governors of the State Bar and professors of law in the universities of this state.

We addressed ourselves to our United States senators and congressmen and to every member of the legislature, as we felt that in addition to their interest as legislators, many of them had views and opinions resulting from experience gained in other positions.

We also wrote to many persons not holding official positions but who have occasion to contact crime and criminals and court proceedings. In this latter group we included many physicians, psychiatrists, psychologists and educators.

To those with whom we corresponded and whose views and opinions were invited we always asked this question: "What, in your judgment, are the best measures to be taken, either by legislation or otherwise, to improve the administration of criminal justice and reduce crime in California?" Many responded in general terms, showing very genuine interest, some indicated deep study of the questions involved and a few offered concrete suggestions of practical value.

In the endeavor to secure information from officials who did not respond in writing, to uncover views that might be held by persons not holding official positions and to enable citizens generally to voice their opinions and offer suggestions, we held a number of public hearings in Los Angeles, San Francisco, Sacramento, Oakland, Berkeley, San Jose and other places.

We conferred with members of the faculties of the University of California and Stanford University, and held meetings in conjunction with sessions of the State Bar of California at Pasadena, the district attorneys in convention at Del Monte, the Conference of Social Agencies in Yosemite, State Hospital Superintendents at Ukiah and the State Peace Officers' Association in annual convention at San Bernardino.

The opinions expressed at the public hearings were summarized and included in the appendix to minutes of our 1st meeting. The summary received in written communications were classified according to sub-

THE CALIFORNIA CRIME COMMISSION
INTENT SERVICE

jects, summarized and studied. Specific questions were prepared in advance for discussion at the convention meetings with special groups.

The chairman of our commission visited the prison at Stillwater, Minnesota, for the purpose of investigating industrial developments in that institution. Mr. McKay visited several reformatory institutions in eastern states to learn the methods employed by them in segregating the youthful from the older and more hardened offenders. Dean Miller attended sessions of the National Crime Commission and the Criminal Law Section of the American Bar Association. Attorney General Webb, Judge Reasley, Mr. Pitts, Mr. Holland and Secretary Fox each executed special assignments in connection with our examination and study of proposals.

In the communications received and at the hearings held many opinions have been expressed, many theories advanced, many suggestions offered, a few practical remedies proposed. We have carefully considered every communication received and every suggestion tendered, keeping in mind always the necessity and advisability of being practical. Some things brought to our attention as supposedly requiring new legislation were found to be already covered by existing law. This provokes the thought and comment that the understanding and enforcement of old laws is as much needed and may be as effective as the passing of new ones.

At any rate we are not inclined to hasty drafting of new legislation, not disposed to tinker unnecessarily with the present laws, or to make useless changes in the codes, nor to add to the number of statute crimes; therefore we have submitted all suggestions and proposals to this test: Is this likely to prevent, reduce or minimize crime; make it more difficult to commit crime; or escape its consequences?

The legislation that we are recommending aims at these points: to prevent crime in the first instance; to prevent the repetition of crime by those who have already offended once; to prevent opportunity for committing crime by those who have offended and who seem likely to continue in a course of crime.

The Commission offers the following bills and suggestions for your consideration:

EDUCATION

The Commission submits and recommends the enactment of three bills relating to the determination of ability and aptitude in public schools. One bill amends section 1683 of the Political Code, relating to public schools, one amends section 1751 of the Political Code relating to high schools and another amends section 4 of the part-time vocational opportunities act of May 27, 1919.

We are finding anew what every investigator and every commission seeking crime causes has discovered before, that crime is committed by the very young, many of them rash, reckless and bold, while still in their teens. Examination of case histories show frequent instances of many offenses preceding the first conviction and the records of apparently hardened though youthful offenders show known delinquency traceable back into childhood. The desperate bandit of today is the delinquent of yesterday, the puzzling problem child of the day before. We did not solve the problem he presented, because we allowed him to remain unadjusted that we now deem it necessary to

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erty stolen and recovered. Much valuable information can be obtained from the reports published by these governmental departments.

Many reports are published by police departments in this state. To a large extent they are filled with lists of police personnel, data regarding traffic violations, history of the department, names of retired officers, pension lists, relief associations, departmental budgets and matters of purely local concern. Very little space is devoted to the classification and number of crimes committed, arrests made, number of convictions, offenders held to answer, disposition of cases, causes and extent of crime, methods of prevention, police schools, or such kindred subjects as would be valuable for the study of crime conditions. Such reports as are published are compiled according to the idea of the commanding officer of the various police departments. Each differs from the other. They are valueless as a basis for the study of crime in a state-wide sense. The same holds true of reports compiled by probation officers, sheriffs and coroners.

The commission is strongly in favor of the establishing of a section within the State Bureau of Criminal Identification and Investigation devoted to the extension of its present work of gathering information which will enable the Governor, his cabinet and the legislature to know something about crime conditions in this state. It is a task which the state should assume.

CONTROLLING FIREARMS

The commission submits and recommends the enactment of a bill amending the act of 1923, regulating the possession, sale and use of pistols, revolvers and other firearms capable of being concealed upon the person. The bill requires all persons desiring to purchase a firearm capable of concealment to file an application to carry such weapon. Such application shall contain information regarding applicant, including his finger prints. Copies of all applications and dealers registers must be mailed to the State Bureau of Criminal Identification and Investigation to be checked.

In a very large percentage of the serious crimes now being committed, a firearm of some sort is used. Robberies and burglaries are almost invariably committed with the aid of pistols. Guns are frequently used in murders, manslaughters, highjacking and run-running cases. The pistol came into its own, as an effective weapon of the criminal, when the present day automobile made the fast getaway possible. Automobiles are being used not only as a means of escape but as a place from which shots are fired.

The sale of automobiles can not be regulated to keep them out of the hands of criminals, but the sale of firearms can be regulated and effectively controlled. Pistols are acquired by criminals in two ways: by purchase or by theft. The purchase of firearms by undesirable persons should be prevented as far as is humanly possible. The Baumes Committee of New York in 1926 made the following observations relative to firearms:

"It is unquestionably true that the pistol is one of the greatest, if not the greatest, menaces to the peace of society today, and that its free use in the commission of crimes of violence has caused more unrest among people, and added more to the horror of crimes than any other one thing. It is one reason why crimes of violence are common to



in such crimes, particularly holdups and robberies. Add to this the use of the automobile for quick getaway and you have a complete picture of the terror which is spread among people and of a situation which puzzles the police to detect or prevent, and the courts to punish.

While New York state was a pioneer in seeking to control the use of pistols, there is still the necessity for some means to be found by which the consequence of the use of pistols by criminals can be made so dreaded that they will be deterred from using them. It is stated by a prominent authority that there are more people shot to death in the United States by pistols than in all the rest of the world.

The government officials charged with the responsibility for the enforcement of criminal laws are of the opinion that the control of the pistol is of fundamental importance. Three international police conventions, representing forty-seven nations of the world have, by formal resolution, expressed this view."

(Report of the Crime Commission of New York state, 1926, pages 14-15.)

In 1927 the Crime Commission of New York state, in its report, said:

"Firearms in private homes cause many tragedies and are of little avail for defense against criminals. The argument that a revolver in a man's pocket is a protection, is a fallacy. He is safer without a gun than with one. The ordinary citizen walking along the street, even though he has a gun in his hip pocket, if suddenly called upon to 'stick-em-up' and feels a pistol stuck into his ribs, is likely to comply with such a demand, that is if he is an intelligent person, for the crook can always beat him to it in the use of a gun. Similarly a householder confronting an armed burglar who has invaded his home at night seldom has opportunity to get his gun from where it is kept and defend himself. Here again the crook 'beats him to it.'"

Some persons take the view that there is no use in any of the states enacting pistol laws and that nothing can be done until the federal government controls pistols. It is also held that there is no use in the state of New York enacting an effective pistol law so long as a man can cross into New Jersey and get all the pistols he wants or can go to Connecticut or to some other neighboring state and get them there, or send an order to a mail order house and get a pistol through the mails.

This is a partial and short-sighted view of the situation. In the first place it is probable that the federal government can never control the sale and use of pistols in the various states, for that power has not been delegated to it by the states. Probably all that the federal government can do is to prohibit the transportation of pistols in the mails, the importation of pistols into the country from outside and the transportation of pistols from one state into another state, where that state has laws forbidding or controlling the sale of pistols.

The recent enactment by congress of a law forbidding the transportation of pistols in the mails should go far to stop the mail order business in pistols, but all a person needs to do to get a gun, even with this new enactment, is to have his pistol sent by express; and dealers in pistols who have made large sums of money in this profitable trade are not likely to cease that trade because of this change in the statute. It was entirely proper to have such a law enacted, however, for the government should not even have the semblance of being a participant in crime.

We have no patience with the parrot-like cry that no law can be enacted which will keep guns out of the hands of crooks. This may be true and may not be true. If such an argument were taken seriously it would apply to all legislation. It would be just as wise to say that there is no use in enacting a law against the sale and use of dangerous narcotic drugs, for it will never be possible to completely keep these out of the hands of persons who wish to peddle them, or to use them, and the analogy might be extended further but a discussion of the subject in that aspect is profitless. There is no doubt that the Sullivan law, inadequate as it is, has proved a most effective weapon in enabling the police to deal with crime and criminals. What is needed now is to strengthen that law to meet modern conditions."

Clarence S. Morrill, superintendent of the Bureau of Criminal Identification and Investigation of the State of California, made the following comment to the commission:

"The report of the sale of firearms by dealers should be sent to the State Bureau of Criminal Identification rather than to the county clerk. It would be a good idea to require the purchaser of a firearm to have a permit before he makes the purchase. It would likewise be helpful to cause the purchaser of a firearm to have his fingers printed."

Court Smith, warden of Folsom Prison, at a meeting of the commission in Sacramento, said:

"A chief of police in one part of the state should not be permitted to grant a permit to a person residing in another part of the state to carry a firearm. If a person moves to another part of the state after getting a permit, he should be required to get a new permit at the place where he carries the gun. Criminals often get guns from stolen automobiles or they steal them from homes. Many dealers do not report sales of guns. The same situation applies to the Motor Vehicle Act requiring garage owners to report storage of cars. A similar situation prevails oftentimes with respect to pawnshops. They frequently fail to make reports to officials."

T. N. Koenig, chief of police of Sacramento, at a meeting in Sacramento, in speaking of the firearms situation, said:

"Often when applications are made to me for permission to carry a gun I advise the applicants to buy a police whistle; blowing a police whistle is more protection to the citizen than a gun. The twenty-four-hour notice by the dealer to the police is too short to permit the police to make a proper check of the applicant. The time should be lengthened to forty-eight hours. Finger printing of applicants would assist the police in making a check. I believe the gun law has had the effect of cutting down the sale of firearms. The gun law does not regulate the sale of guns by persons other than the regular dealers."

Chester Rowell of Berkeley has the following to say regarding the use of firearms:

"Watch the news on this subject, as the writer has done for years, and this is the sort of thing you will always find. In the past thirty years, so far as memory recalls, there have been just two instances in the news in which the weapon kept for protection killed the right person, and in one of these two it was a shotgun. In neither of them was the householder any safer than he would have been if unarmed. But there are literally hundreds of cases in which the weapon, kept supposedly for protection, killed the owner or one of his family. There are dozens in which the burglar was captured and hundreds in which he was frightened away without weapons, and there are not a few in which armed men were shot by burglars or robbers who would not have been hurt if unarmed."

After careful thought the commission will offer to the legislature for consideration a bill, which will amend the present firearms law. The commission recognized that the present gun law of this state is an excellent law and has been of material aid in curbing the unrestrained sale of guns. The amendment to the law is offered solely with the thought of strengthening the statute.

The amendments to the act will make the following changes:

1. Every person who desires the privilege of carrying a pistol (defined in the act as a gun with a barrel less than twelve inches in length) must first apply to the proper peace officer in his community for a permit to carry such weapon. The application shall be in duplicate and shall, in addition to the data now

contain the fingerprints of the applicant. A copy of the application shall be mailed to the Bureau of Criminal Identification and Investigation at Sacramento by the peace officer on the day the application is made. It becomes a misdemeanor for any person to give false information in the application.

2. Every person desiring to purchase a pistol or revolver, after procuring a permit to carry such weapon, must present his permit to the merchant, or other person from whom he desires to make the purchase. If the purchase is to be made from a merchant he must sign a register in triplicate. The register, in addition to the data now required by statute, shall set forth the date of the permit and the name of the officer who issued the permit. On the date of sale a triplicate copy of the register sheet will be mailed to the Bureau of Criminal Identification at Sacramento and another to the officer who issued the permit. No revolver shall be delivered to the purchaser until seventy-two hours after the copies of the register are mailed.

3. If the superintendent of the Bureau of Criminal Identification finds that the record of a person making application for a permit to carry a concealed weapon is such that the permit should be refused, he shall so advise the officer to whom the application is made. Upon receipt of such notice from the bureau, it shall be the duty of the officer to deny the application. The Bureau of Criminal Identification is also given the power to prevent the delivery of a pistol to the purchaser if the record of the said person is such that it seems advisable to refuse such purchase.

RECEIVERS OF STOLEN PROPERTY

The commission submits and recommends the enactment of a bill adding a new section to the Penal Code to be numbered 496c providing that any person receiving stolen property without making diligent inquiry to ascertain that the person selling the property has a legal right to do so, is guilty of a felony. The burden is placed on the defendant to prove that he made such diligent inquiry.

The receiver of stolen property, commonly called "the fence," is frequently a professional criminal. He encourages others to rob, steal and burglarize. He thrives on the crimes of others. Often his outward appearance is that of a good citizen conducting a legitimate business. Under this guise he carries on his nefarious trade.

It has been reliably estimated that ninety per cent of stolen property is not recovered. What becomes of this ninety per cent? The thief who steals it has no use for it unless he can convert it into cash. In order to get cash he must sell it to someone with whom he is in league. One fence may deal with a dozen thieves and be the inducing cause of hundreds of thefts, burglaries and robberies.

It has frequently been brought to the attention of this commission by judges and law enforcing officers in Los Angeles County that young men come to that county from eastern states without adequate means to sustain themselves. They visit pool halls and other hangouts and are advised that a good way to get money is to steal and sell the loot. They are told where they can sell stolen property. Men engaged in the business of dealing in stolen property buy the goods (800) 666-1917 in with money.

PISTOL REGULATION

Its Principles and History

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Revised 1964

by

NATIONAL RIFLE ASSOCIATION

1600 Rhode Island Ave., N.W.

Washington, D. C.

*A careful discussion from the viewpoint of
the lawyer and sportsman of a problem
which is attracting nationwide attention.*

By

KARL T. FREDERICK, A. M.; LL. B.

(1881-1963)

Special Consultant, National Conference of Commissioners on
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American Bar Association

New York State Bar Association

Association Bar of the City of New York



LEGISLATIVE INTENT SERVICE

Foreword

The regulation of the purchase, possession, and use of firearms, whether by Federal, State, or local laws or ordinances, is a matter of vital concern to all that great number of men, and women too, who love their innocent use. Publicity seekers or reformers of the type who are prepared on ten minutes' notice to cure any and every social ill, whether real or fancied, by the time-worn expedient of "passing another law," have busied themselves for many years with proposals of every conceivable kind with respect to firearms. No year passes without the accompaniment of numerous legislative proposals to restrict or abolish the manufacture, possession, or use of firearms and ammunition. Fortunately, most of these die unborn; but there is hardly a State in the Union whose statute books do not contain laws relating to firearms. Many of the bills which have been proposed from time to time have been weird in the extreme. Nevertheless earnest study and serious thought have been given to the subject by a few persons, and some of the legislative proposals which have resulted have been intelligent and well designed pieces of work.

While agitation has been chiefly directed at pistols and revolvers, it must be apparent to every thoughtful person that this is but a first step toward the restriction or destruction of all firearms. Almost every argument which is used against the handgun is equally applicable to rifles and shotguns. The sawed-off shotgun is almost as common a tool of crime as the pistol, and it can hardly be denied that it is a much more dangerous weapon. Other types of firearms would undoubtedly continue to be used in the perpetration of crime even after pistols were abolished. The reformers would not, however, admit the failure or unsoundness of their program. They would merely assert the necessity of extending it to all firearms and ammunition, and we would then come face to face with the proposition of completely disarming the nation. The battle against unreasonable pistol legislation is, therefore, not one which is of interest solely to pistol-shooters. It is of vital concern to all riflemen and shotgun-shooters. For that reason the National Rifle Association of America has been and will continue to be alert and active in the interest primarily of shooters as a class, and in a larger sense in the interest and for the sake of the general public welfare. The safety, indeed the very existence of the nation may depend in the future, as it has at times depended in the past, upon the familiarity and efficiency of the whole people in the use of firearms.

K. T. F. — 1930

About The Author

FOR years a prominent New York attorney, the late Karl T. Frederick achieved national prominence in three fields of endeavor outside his profession — competitive shooting, firearms legislation and conservation.

Mr. Frederick first achieved national renown in shooting when he won first place in the 50-meter Free-Pistol Match at the 1920 Olympic Games in Belgium. He was a member of the Executive Committee of the United States Olympic Association from the time of its founding in 1920, and was, at the time of his death, Chairman of the U. S. Olympic Pistol Shooting Committee. As recently as 1948, Mr. Frederick captained the U. S. Shooting Team at the Olympic Games in London, England. Included in his shooting honors is the winning of the U. S. National Individual Pistol Championship in 1921.

Probably in the field of firearms legislation, Mr. Frederick made his greatest contribution to the rifle and pistol shooters of America and to all gun owners. With a professional background which included a Master of Arts degree from Princeton and a Bachelor of Laws degree from Harvard, Mr. Frederick brought into the fight against unwise gun laws both a knowledge of firearms control legislation that was unsurpassed and a zeal for the protection of the rights of shooter-sportsmen that never faded.

In the gangster era of the early 1930's, when national attention was focused on the guns of the underworld, it was Karl Frederick and Lt. General Milton A. Reckord, then NRA Executive Vice President, who virtually alone fought and defeated the highly restrictive features of the National and the Federal Firearms Acts as originally proposed.

Mr. Frederick, a former President of the National Rifle Association and member of its Board of Directors and Executive Committee, contributed many articles on firearms legislation to the *AMERICAN RIFLEMAN* and other publications. He served on the NRA Committee on Firearms Legislation until 1962 and was the chairman for the first two years of its existence, 1957 and 1958.

Mr. Frederick also devoted a lifetime interest and effort to the cause of conservation, both nationally and in his home State of New York. He was the organizer of the New York State Conservation Council and served as its President from 1935 to 1942, and continuously then as Chairman of its Board of Directors. He was a Director of the National Wildlife Federation, a Trustee of the American Wildlife Foundation, and a Director and Chairman of the Executive Committee of the American Forestry Association. He was for many years an ardent and successful big-game hunter. He was a member of the Boone and Crockett Club and of the Camp Fire Club of America, an organization which he served as President from 1926 to 1928.



Pistol Regulation

Its Principles and History

The Problem

Crime is rampant and appears, for the present at least, to be on the increase. More and more of it seems to be accompanied by violence.

In 1962, there were 2,048,370 serious crimes reported—a six percent rise over 1961.

Crime in the last five years has increased *five times* faster than our nation's population. Four serious crimes per minute are recorded on the crime clock, according to the Federal Bureau of Investigation.

Firearms were used as a fatal weapon in 54-percent of the murders committed in 1962. Cutting instruments were used in one of every four killings.

Arrests of young people under 18 years of age were up nine percent over 1961.

Crimes against the person—murder and nonnegligent manslaughter, aggravated assault and forcible rape—make up eight percent of the total 2,048,370 serious crimes, an increase of four percent over the previous year.

The property crimes of robbery, burglary, larceny (\$50. and more) and auto theft rose seven percent in volume and comprised 92-percent of the serious crimes.

General crime increases were recorded in all cities when grouped by population size ranging from five percent in cities from 100,000 to 250,000 to 11-percent in cities with 500,000 to 1,000,000 inhabitants. The metropolitan counties surrounding large American cities recorded a crime experience similar to that of cities with a five-percent increase, whereas the rural counties reported an over-all two-percent decrease.

Geographically, the trend ranged from a nine-percent increase in the Northeastern and Western states to three-percent in the North Central states.

The 1962 nationwide crime trend was 13-percent above the average experience recorded during the three-year period 1959-1961. With the exception of murder and nonnegligent manslaughter, all offenses show increases over the previous three-year average, particularly the property crimes of larceny (\$50. and over), auto theft and burglary. These latter offenses, if only because of their sheer volume, are serious crime problems both for the local police and the community.

Generally, the highest crime rates are reported by those states experiencing the fastest growing population.

There were 113 law enforcement officers killed by felons during the three-year period 1960-1962. An analysis of the types of weapons used to kill them reveals that 109 officers were shot to death. In 86 of these incidents a revolver or automatic pistol was used. Shotguns and rifles were the instruments of death on 23 occasions. Knives were used as murder weapons in two of the cases.

Involved in these murders were 142 individuals, 80-percent of whom had records of prior arrests; 75-percent had been convicted on one or more occasions. Leniency in the form of probation or parole had been previously granted to 56-percent of the offenders, and 37-percent were on parole or probation at the time they murdered a law enforcement officer: not exactly law-abiding citizens!

It is interesting to note that the total number of murder victims by firearms in 1962 was 3,931—compared with 40,900 deaths in motor vehicle accidents.

When we look at the money losses through crimes of violence, it is impossible to submit accurate figures. Experienced estimates based on the data available to surety companies and similar institutions indicate, however, that the money losses through crimes of violence amount to less than 3-percent of the total annual crime losses of the nation. The losses which are suffered through fraud, in its various forms, are incredibly greater than those which occur from violence.

No well-informed person can deny that the crime situation is a very serious one; but it has always been a serious one. We cannot prove the statement by statistics, but the student of history will conclude that crimes of violence were much more prevalent in the Middle Ages and in early times than they are at the present time. Inefficient as it is in preventing crime, society is much better organized, has much better means of communication, and is much better prepared to detect and punish crimes of violence than it used to be. The days have passed when it is unsafe to pass through a city street at night without an armed guard. A trip from one city or town to another no longer involves serious elements of personal danger. And this improvement has come about coincidentally with and partly because of the development of firearms.

Pistols have been in common use for only three or four hundred years. They have been manufactured in large quantities only for the last one hundred years. *During that time personal safety has become the rule rather than the exception. We cannot avoid the conclusion that pistols are not a cause of crime.* Cain did not need a pistol to kill Abel. Brutus slew Caesar without a pistol. The Borgias eliminated their enemies without the aid of firearms. Robin Hood and his merry men were not dependent upon the handgun for the success of their ambushes.



which was invented about the middle of the fifteenth century. By this process the mechanical mixture was dampened, worked into grains, crushed to the requisite size, sieved for uniformity, and glazed by adding graphite in the corning mill to prevent deterioration from dampness.

For hundreds of years powder was commonly made by the individual for his own use. Those who made it frequently employed an interesting testing device known as an "éprouvettes," in which a small charge of powder was set off with a flintlock. This revolved a wheel against a spring and registered the strength of the powder. These "éprouvettes" are frequently to be found in the hands of collectors.

Smokeless powder, of course, is a more difficult chemical compound. As has been suggested, it can readily be procured from rifle or shotgun cartridges, but its use is by no means necessary to the criminal. Ordinary black powder served the world very well for hundreds of years and will easily supply the needs of any crook who experiences difficulty in providing himself with the more modern powders.

To sum up: laws which attempt to disarm criminals by making it impossible for them to procure pistols or ammunition are inevitably bound to fail. Instead of accomplishing the desirable object of disarming the crook, they can accomplish little in that direction. Such laws, however, will disarm the law-abiding citizen and tend to make him helpless against the raids of the criminal. The legitimate uses of the pistol vastly outnumber its illegitimate uses in the approximate proportion of 98 to 2. Laws which seek to abolish pistols, consequently, are not only impractical, unworkable, and unenforceable but are, in addition, harmful to society because they place the honest man at a distinct disadvantage in the face of crime. They inflict injury upon the honest part of society, without interfering to any appreciable extent with the dishonest and criminal element of society. Their result is exactly the opposite of that which is intended.

The Constitution

Before we take up the consideration of various statutory controls which have at one time or another been proposed or adopted, we shall refer to a constitutional provision which is believed by many laymen to afford general protection against laws intended to abolish or restrict the possession and use of pistols. This provision is the Second Amendment to the Constitution of the United States and reads as follows:

"A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

The first ten amendments to the Federal Constitution constitute what is generally termed "A Bill of Rights," and were adopted shortly after the adoption of the Constitution to relieve the minds of many who feared that, in creating a Federal Government, a new creature was being brought into existence which might disregard principles of

English liberty which had been established after long and bitter struggles. The Second Amendment, however (referring to the right of the people to keep and bear arms), does not afford protection against state firearms laws. The reader will recall that the original states thought of themselves as separate, complete, and independent sovereignties that voluntarily joined in a Federal Union. To this Federal Union or Government they each gave up under the Constitution certain rights and powers, but anything which was not definitely surrendered to the Federal Government was reserved to the states. This was explicitly recognized and stated in the Tenth Amendment, which declares:

"The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the states respectively or to the people."

Consequently, the Federal Government cannot pass laws applicable outside of Federal territory and concerning such ordinary matters as marriage and divorce, robbery or murder, or intrastate commerce. The provision regarding the bearing of arms contained in the Second Amendment applies only to the Federal Government, not to the states.

To carry the matter still further, we find that a number of state constitutions contain provisions similar to that found in the Second Amendment. (In New York State such a provision, while not contained in the Constitution, is found in a general statute known as the "Civil Rights Laws.") The question of the constitutionality of laws regulating pistols may frequently, therefore, be raised in the state courts. Indeed, it has been raised on a number of occasions. The decisions of the courts have generally been to the effect that laws regulating the possession or use of pistols were not unconstitutional but were a valid exercise of the "police power" of the state. The courts have been extremely reluctant to declare such statutes to be unreasonable. They have sometimes expressed grave doubts as to the wisdom of the legislation but have taken the position that the matter of wisdom was one of the legislature to determine. Constitutional provisions which set forth the right of citizens to keep and to bear arms will not protect us against vicious and undesirable statutes affecting pistols. Protection lies in an enlightened public sentiment and in intelligent legislative action. It is not to be found in the United States Constitution.

Scope of Federal Regulation

One often hears the statement that "we ought to have a Federal law against pistols." Such statements are made only by the uninformed. Apart from its power over the District of Columbia and federal territories, the National Government has no power under the Constitution to regulate the manufacture, sale, use or possession of pistols except as it may do so under its general power to regulate interstate or foreign or to tax commerce. It has otherwise no more power to pass a national pistol law than it has to pass a national burglary or murder law.



The Present Trend

Signs are not entirely lacking that public sentiment is becoming more enlightened, and this fact is certain to have its effect upon legislative action. We all know that novel nostrums are frequently foisted upon an unsuspecting or uninformed public. Time and experience, however, usually bring enlightenment. Much harm can be done while the lesson is being learned. So many times have "reformers" proved to be false guides that the very name of "reformer" has fallen into disrepute. "Reformers" are frequently fanatics who are constitutionally incapable of sound judgment, unable to see any but their own points of view, and intolerant of the opinions and rights of others. Unwilling to expend the time and effort necessary to convince by an appeal to reason, or unable to sustain their theses in a fair and open forum, they resort to the short cut of "a new law" and strive to silence by abuse those whose logic cannot be answered. Such, unfortunately, has been the course of many pistol "reformers," and our statute books bear all too many traces of their misguided efforts, while crime and criminals — their ostensible and professed enemies — flourish and grow fat. This result, which they profess to abhor, is due in part at least to the activities of these self-appointed saviors of society.

Signs, as we said, are not entirely lacking, however, of the reassertion of public intelligence. Public opinion appears at times to be awakening to the folly of disarming the law-abiding in the hope of preventing crime. One indication of this awakening is to be found in the not-infrequent refusals of legislatures to adopt extreme, absurd and drastic bills.

Another hopeful indication is to be found in the increasing irritability of "pistol prohibitionists." One constantly hears that the suppression of the pistol evil is prevented by rich and active "lobbies" which haunt the legislative halls. Such statements are not credited by anyone who has any knowledge of the facts, but they doubtless impress a certain class who are prepared to believe any statement, if only it is sensational. One may safely assert that no evidence can be produced of any extensive or organized lobbies in connection with pistol legislation other than those which have been organized by the "pistol prohibitionists" themselves.

Encouraging, indeed, is such evidence of the force of public sentiment aroused to action. Upon such force of public sentiment and good sense must we depend for our protection against the folly of the anti-pistol agitation.

Self-Evident Principles

In this study we should bear in mind certain principles which appear to be axiomatic and which we may state as follows:

1. A law which for any reason is incapable of accomplishing its object with reasonable success is harmful and undesirable.

2. A criminal statute which is intended to affect any considerable number of persons and which is not voluntarily obeyed by the great majority of that group is certain to fail. Laws depend chiefly for their effectiveness upon voluntary acquiescence.

3. Laws relating to pistols have but one legitimate general purpose, namely, to hinder or prevent the use of pistols in crimes of violence. (The legitimate and desirable uses of pistols have already been enumerated. They outnumber the improper uses in the approximate ratio of 98 to 2.)

4. A pistol law which is incapable of preventing the frequent use of pistols in crime, but which tends to prevent their use for self-defense or other desirable purposes, will inevitably defeat its own object. It will increase crime by decreasing the means for resisting crime.

The foregoing principles seem to be almost self-evident. But it is apparent that they are not appreciated, or that they are often overlooked. In the end, however, they cannot be ignored. Like the laws of nature they are almost inevitable.

State Regulation

We have now considered the pistol problem from what we may call the national point of view. We have seen that the Federal Government has no direct jurisdiction over the subject except in the District of Columbia and in other federal territory. It has no general police power upon which it may base regulatory legislation. It can act only indirectly through its constitutional power over the mails and over interstate and foreign commerce. Attempts to prevent the use of pistols in crimes of violence in these indirect ways will generally, from the very nature of the case, prove ineffective; they fail to take into account the fact that in the overwhelming majority of cases the acquisition, transportation, and use of pistols are legitimate and desirable.

The states alone, in our divided system of government, have power to legislate directly upon the subject. Local municipal ordinances derive their authority wholly from the state as the fountain head. We have come, therefore to the subject of state laws affecting pistols.

The Sullivan Act

The most drastic statute to be found in any state, as well as the worst from many standpoints, is found in New York and is commonly known as the Sullivan Law. It was originally enacted in 1911 and has been amended many times and, in many respects, almost always in the direction of greater severity and increased restriction. Indeed, it is the prototype of all restrictive pistol legislation in this country.

Its provisions, with respect to the city of New York, differ in detail from those relating to the rest of the state, and are considerably more onerous and offensive. This tendency toward severity and increased



restriction has been encouraged by the city authorities in spite of the fact that "fear of the Sullivan law is no deterrent to crime."

The outstanding provision of the Sullivan law is that no person may purchase, possess, or carry a firearm capable of being concealed upon the person without procuring a license or permit. Outside the city of New York such licenses may be granted by a judge or justice of a court of record and are generally stated to be good until revoked. Some judges require the approval of the local police authorities before granting permits. In some localities, it has been the practice, at comparatively frequent intervals, to revoke all permits, thus requiring holders to incur the trouble, expense, and risk of new applications. The only apparent reason for this procedure is to add to the local revenue. The mere possession of a pistol without a license is a crime. The unfortunate person whose license has expired or been revoked without cause in this way is obviously open to, and indeed is not infrequently in fact the subject of, early arrest and consequent criminal proceedings. On the other hand, in many rural parts the law is completely ignored in so far as enforcement is concerned and only an occasional individual troubles himself with the matter of obtaining a license.

A resident of the city of New York who desires a pistol permit first goes to his police station house for a blank application. After filling it out, giving a full personal description, references, and his reasons for desiring a permit, he swears to the statements before a notary and procures two small photographs of himself. He then returns to the station house, pays a substantial fee and submits to fingerprinting as though he were a felon.

If the applicant has unwisely stated that he wants a permit so that he may indulge in the innocent and desirable practice of target-shooting, he is likely to be told gruffly that that is not a good reason and that his application will be disapproved. If he explains that he has received anonymous letters threatening his life or the life of some member of his family, he may be informed that writers of anonymous letters are cowards and that in any case the police will protect him. *If he innocently states that he desires a pistol for the protection of his home and his family, he may receive a lecture to the effect that a pistol is useless for defense; that it is better to lose his watch than his life; that he probably could not hit a barn door even if he had a chance to shoot; that he and his family will be much safer without firearms; that nobody ought to have them; and that his application is not likely to be granted.* He will probably be asked whether he already possesses a pistol or revolver, and if he has, he may be told that he must bring it around at once and turn it over to the police as he is already subject to arrest for violation of the Sullivan Law. If he persists, however, and is fortunate, he may in the course of two to six weeks receive a notice that his application has been granted. He must then for the third time journey to the police station and obtain his permit bearing his picture, signature, description, and fingerprints. In the city of New York, permits may be granted

exclusively by the Police Department, and there is no appeal from a refusal, which may be based on the merest whim.

If the applicant has stated that he does not already own a pistol, the permit will bear a coupon, upon the presentation and removal of which he may purchase one from a dealer. But if he already owns a pistol, the coupon will be removed before the permit is delivered. Unhappy is the man who tries to explain that he wants to procure a second pistol. That any man can, under any circumstances, have need for more than one pistol is beyond the comprehension of the Police Department. In connection with the granting of a permit, the citizen is told that upon its expiration he must surrender his gun to the police. This polite method of confiscation without "due" or any other "process" or warrant of law is "standard practice."

All of the experiences detailed above have happened either to the writer or to his friends. This procedure, involving hundreds of times the trouble and humiliation incident to procuring an automobile permit, must be endured annually in spite of the well-known fact that the automobile is just as truly the "tool of the criminal" as is the pistol. The official attitude in New York is that no persons other than the military, officers of the law, and professional guards have any rights of any kind to the possession or use of pistols, and that licenses permitting them to own such firearms are great privileges, to be bestowed only in extraordinary cases. So far as any theory exists for the justification of the law, it is that the way to stop crimes involving the use of pistols is to disarm the entire population, except in a few favored cases.

Results of The Sullivan Law

Let us look at the results of the Sullivan law. Statistical data is difficult to obtain; however, the New York City Police Department's Report, for 1963, speaks for itself with respect to the ineffectiveness of this law in keeping pistols out of the hands of criminals.

The Department reports an 8.1 percent rise in homicides for 1963, compared with the previous year. Of the 549 homicides committed during 1963, guns were used in 138 cases; knives, sharp instruments and physical force accounted for the others.

Let us consider briefly why the Sullivan law has been such an abject failure: why it has increased rather than diminished crimes of violence in New York.

The folly of the law lies in the fact that to a great extent it disarms the decent and law-abiding citizen through its requirement of a license to purchase or possess a pistol. We must not be understood as asserting that the purchase of pistols should not be surrounded with safeguards. A license to purchase, however, places upon the citizen a burden of hardship which is an effective bar to his procuring the weapon for legitimate purposes in the case of all but the most determined person. This is proved by the fact that during the first year of the Sullivan law the purchase of pistols by legitimate buyers in



New York fell off by approximately 94 per cent. That such a result was not desirable is shown by the steady increase in homicides and other crimes of violence and the rapid rise in robbery — insurance rates since that time.

The worst feature of the Sullivan law, however, is the provision requiring a license to possess a pistol. Such a license provision in New York City reaches the acme of absurdity because it must be renewed annually. In other parts of the state it is slightly less troublesome because licenses may be granted for longer period. Mere failure to renew a license, to which the citizen has no right, and which is granted grudgingly, is a crime. Such a law is an insult to every American. This rule is probably as great a deterrent to the original purchase of the gun as is the purchase license provision itself.

It is a common thing in New York for a man to be arrested and charged with "violation of the Sullivan law" when, in connection with a fire or in any other accidental way, the police come across some ancient handgun in his house. It is quite certain that tens of thousands, perhaps hundreds of thousands, of good citizens are today in danger of arrest and conviction because of this situation. To disarm the honest people of a great American state and to deprive them of the means of self-protection and defense is a great wrong. To threaten them with jail if they possess the means of defending themselves, their families, or their property is a practice equally wrong.

The requirement of a license to possess a pistol is the most harmful provision of law which has ever been devised with reference to guns. Only slightly less harmful is the provision of a license to purchase. These provisions accomplish absolutely nothing in crime prevention: they disarm a law-abiding citizen; they increase crimes of violence by diminishing the means of resistance to crime. Those who advocate them are allies, unconsciously perhaps, of the underworld — of the thug, the gangster, and the assassin.

The License to Carry a Pistol

A provision found in the laws of many states is that of a license to carry a pistol concealed upon the person. Opinions may differ with respect to this point; indeed, many fair-minded people believe that this also is an unreasonable and undesirable provision of law. It is, however, and has been for a long time, a common statutory requirement. In the opinion of the writer, a license to carry is a reasonable and, on the whole, a desirable provision of law. It does not interfere in itself with the purchase or possession of a pistol in one's home or place of business, nor with its use for most of its many legitimate purposes. The practice of carrying a concealed weapon on the streets and in other public places is, in general, an undesirable practice. The real need for such use is comparatively uncommon, and a person who has a genuine reason to carry a pistol should be required to obtain a permit so to do. Such rule appears to be of distinct assistance to the police and to contribute toward public order and safety. The principle has received general approval in this country.

Fingerprinting

While fingerprinting is infallible for purposes of identification and might well be applied to bank depositors, automobile licensees, and many others, the fact remains that it is at the present time exclusively associated, in the minds of the public, with criminals and "rogues galleries." The almost universal feeling with respect to it is that of indignity. Perhaps this feeling ought not to exist, but we must take facts as we find them. Human feelings can not with propriety be disregarded when we are dealing with human beings. Feeling, not logic, usually controls society. At the present time, people feel that fingerprinting is an outrage and an insult.

The vast majority of the users of pistols are as honest, law-abiding, and reputable as any class of citizens to be found. To require them to be fingerprinted is to discourage the proper use of pistols for self-protection, the safety of property and other desirable purposes.

Firearms Registration

A number of reasons, pro and con, have been advanced concerning the question of the need for firearms registration. In general, we are opposed to this form of regulation principally because of the utter impossibility of getting criminals to register their guns.

Such a law discourages the ownership of firearms by reputable citizens by imposing administrative burdens, extra taxes and contacts with the police which the average person prefers to avoid.

Registration does not disarm criminals. Persons willing to risk the penalties for criminal activity (such as robbery, burglary, assault and even murder) worry little about the penalty for possessing an unregistered firearm. Thus, the burden of registration falls on the law-abiding citizen.

Registration is of little value in keeping firearms out of the hands of undesirable persons. The effective and proper method to prevent the possession of firearms by minors, mental incompetents, drug addicts or similar irresponsible individuals is a statute forbidding possession by such persons and prohibiting the sale or transfer of firearms to such persons.

Professional criminals operate largely with stolen firearms. In a small number of cases, the weapons are stolen from private owners. In most instances, the weapons are stolen from shipments in transit, from dealer's stocks, or from military and police authorities and Government arsenals. Since the weapons were stolen in the first place, a tracing of the records of a weapon used in the perpetration of a crime could only lead to the location of the theft.

Finally, registration is a departure from the concepts and principles of personal rights and liberties inherent in our Constitutional structure.



Honest Thinking Vs. Bunk

In the study which we have been making of the general subject of pistol legislation, we have necessarily been largely occupied with an analysis of the doctrines of those who say that pistols have no value except to the criminal and who have in one form or another advocated their general suppression. We are searching for the truth. The prospector who searches for gold must look for facts in the face. He must recognize the difference between gold and worthless rock or clay. Pious wishes will not make gold out of pebbles. And so it is in the search for truth. We must reject what is false and keep only that which is real.

We abhor dishonesty; most of all we abhor intellectual dishonesty; that insidious poison which corrupts the mind. We have no jails for intellectual crooks; we can only destroy them by exposing their crooked thinking. We despise bunk. We have tried to expose the bunk in the arguments and theories of the pistol prohibitionists. It does not help to say that "they mean well." The man who tackles any human problem needs more than "good intentions." He needs the ability and the will to think straight, and he must know the facts.

The fair-minded student of the pistol problem will come to certain general conclusions, among which are the following: (1) There is no pistol problem except where pistols are used in crime; (2) laws relating to pistols have one legitimate purpose and only one: to reach the criminal users; (3) pistols can not, to any great extent, be kept out of the hands of criminals, and they ought not be kept out of the hands of honest men; (4) comparatively little can be accomplished by pistol legislation in the way of preventing crime; and (5) the desirable objects which are attainable as a practical matter are, briefly, to keep a record of pistol transfers as an aid to the detection of crime, to make possession by criminals illegal, and to make it inexpedient for criminals to use pistols in crime by punishing such use severely. *These objects must be obtained without seriously interfering with the legitimate use of pistols by honest men. Such use should be encouraged because it is clearly in the public interest.*

Uniform State Legislation

It has been felt for many years that pistol laws should be substantially uniform throughout the states. Active work in this direction began a number of years ago, and after much study an act was prepared in 1922 and was offered to the legislatures of the various states. In substance, it was adopted in 1923 in California, North Dakota, and New Hampshire.

Realizing that the subject required further study and that the act might well be improved, the matter was, in 1923, brought by the United States Revolver Association to the attention of the National Conference of Commissioners on Uniform Laws. That body is composed of lawyers, judges, or teachers of law appointed by each of the

states, territories, insular possessions, and the District of Columbia. Its work consists of the study and drafting of uniform statutes on appropriate subjects, such as negotiable instruments, warehouse receipts, and many others. These acts after final completion by the Commission and approval by the American Bar Association are offered to the states and other jurisdictions for adoption.

The Conference decided to undertake the task of framing a uniform pistol law and appointed a subcommittee for that purpose. After a preliminary study the committee decided that the draft, already referred to, contained so much good material and was so far in advance of anything which had yet been done that it was adopted as the starting point.

The work of the Conference upon a pistol law was continued from 1923 until 1930. At each annual meeting of the Commissioners a report and revised draft of the act were presented and vigorously discussed in detail. The research of the subcommittee was exhaustive and resulted, among other things, in the collection of more complete information on the subject of pistol laws and comparative state legislation than has ever been assembled. It is not an exaggeration to say that the Conference has done vastly more scientific work and has given vastly more serious thought to the subject than any group that ever existed.

Even before the Conference completed its work, its tentative draft of a pistol act was in substance adopted in Indiana and Oregon, and various parts of its work were adopted in Massachusetts, Michigan, New Jersey, Rhode Island, and Hawaii. The last-named jurisdictions have, however, in one respect or another, fallen a victim to the bunk of the anti-pistol crowd.

In 1926, at its meeting in Denver, the Conference adopted a final form of the act; this was unanimously approved at the meeting of the American Bar Association the following week. Shortly afterwards, the New York Police Commissioner wrote a letter criticizing the act in certain respects; the Executive Committee withdrew it temporarily and referred the criticisms to the subcommittee for consideration. Practically all criticisms were found to be unsound; meantime, however, the subcommittee gave extensive consideration to the possible extension of the law to include machine guns and poisonous gases. It was ultimately decided to limit the act exclusively to pistols but to recommend the preparation of a further law upon collateral topics. The recommendation was approved. In the summer of 1930, a final form of pistol act was adopted. This was practically identical, except for minor formal changes, with the form adopted in 1926. It was again approved by the American Bar Association, and thus the work of the pistol subcommittee of the Conference came to an end. (The provisions of the act are fully set forth at the end of this booklet.)

The act does not attempt the impossible. It does not make the fatal mistake of disarming the law-abiding citizens of the community in the vain hope of keeping pistols out of the hands of criminals.



It does not place insuperable or intolerable obstacles in the way of the purchase and possession of hand guns by law-abiding citizens. It does not diminish the forces opposed to crime; consequently, it does not aid the criminal while masquerading as a crime-prevention statute. It does what can be done to reach the criminal by making it more difficult and dangerous than it now is for him to use pistols in the commission of a crime.

The principal provisions of the Uniform Act may be summarized as follows: The carrying of a pistol in a vehicle or concealed on the person is forbidden to all except law-enforcement officers and certain others, except upon the issuance of a license. No license is required for the purchase or possession of a pistol, so long as it is not carried beyond the limits of the owner's abode or place of business. A crime of violence committed by one armed with a pistol involves a further penalty in addition to that prescribed by the crime, and the fact that once charged with such a crime of violence is armed, without a license to carry, is in itself *prima facie* evidence of his intention to commit such crime of violence.

Forbidden is the delivery of pistols to convicts, drug addicts, habitual drunkards and incompetents, as well as to minors under the age of eighteen. The first class are forbidden to possess pistols.

Sales are regulated through the method of licensing the dealer. If such licenses are properly granted, dealers will be limited to selling only to reputable and responsible persons. A sale by a dealer may be made only after forty-eight hours have elapsed from the time the purchaser makes application. At the time of application, the purchaser must sign a statement containing appropriate information about himself (such as that he has never been convicted of a crime of violence) and describing the gun to be purchased. False statements are punishable under the act. A copy of this application is then promptly sent by the dealer to the local police authorities. If they know of any reason which disqualifies the purchaser to buy or possess a pistol under the terms of the statute, they immediately notify the seller. If the seller has knowledge of any such fact, or is placed on notice by the police of facts indicating that the purchaser is not entitled to buy under the terms of the act, then the seller is forbidden to complete the sale. If the police do not make prompt disclosure to the seller of reasons disqualifying the purchaser under the act, if any such reasons exist, or if the seller has no reason to believe that the purchaser is disqualified, then he is free to complete the sale. An important feature of this regulation is that the purchaser and the seller must each sign the application in the presence of the other, and the purchaser must be personally known to the seller. This imposes no greater hardship than is involved in the cashing of a bank check; nevertheless, the delay of forty-eight hours in completing the sale, taken together with the other requirements, obviously will tend to discourage the purchase of pistols by criminals, and will virtually prevent such purchases if the police are competent. Furthermore, the method employed will give to the police a record description

of each pistol purchased and its purchaser. This will sometimes be of value in tracing guns used in the perpetration of a crime. There is no limitation upon the number of pistols that may be purchased by any qualified person.

The pawning of pistols is forbidden. A penalty is imposed for altering or removing the identifying marks of the gun, and the possession of a pistol from which the identifying marks have been removed is *prima facie* evidence that the possessor has removed such marks.

We have avoided all reference to such other types of weapons because the chief outcry from the "reformer" has been directed at pistols and revolvers. We hope that this discussion may contribute to the general understanding of the problem and may aid in the passage of intelligent firearms legislation.

The Uniform Firearms Act

(Approved by the National Conference of Commissioners on Uniform State Laws, August, 1930. Approved by the American Bar Association, August, 1930.)

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.

SECTION 1. *Definitions.* "Pistols," 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).

"Persons," as used in this act, includes firm, partnership, association or corporation.

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.

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.

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.

SEC. 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 herein-after provided.

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 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.

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, 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).

SEC. 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.

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 (Secretary of State); the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

SEC. 10. *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 the 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 \$..... which fee shall be paid into the (..... Treasury).

SEC. 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.



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.

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. 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.

SEC. 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 day of 19.....

SEC. 16. *Exceptions.* This act shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

SEC. 17. *Penalties.* Any violation of any provision of this act constitutes an offense punishable by (a fine of not more than (\$.....) or imprisonment for not more than (.....) or both, or by imprisonment in the penitentiary for not less than (.....), nor more than (.....)).

SEC. 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.)

SEC. 19. *Short Title.* This act may be cited as the "Uniform Firearms Act."

SEC. 20. *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.

SEC. 21. *Effective Date.* This act shall take effect on the day of 19.....

SEC. 22. *Certain Acts Repealed.* All laws or parts of laws inconsistent herewith are hereby repealed.

(The Uniform Firearms Act was adopted in the 1930's in substantial form, with changes to suit particular circumstances, by five states and the District of Columbia. The States are Alabama, Indiana, Pennsylvania, South Dakota and Washington. Other jurisdictions have adopted several provisions in whole or in part of the Uniform Act as part of their laws on firearms.)



San Francisco Examiner

Monarch of the Baileys

REG. U. S. PAT. OFF.

THURSDAY

SAN FRANCISCO, JUNE 8, 1916—TWENTY-TWO PAGES.

THURSDAY

DS OF MEXICANS ATTACK U. S. CO

Name Hughes; Moosers Promise T. R.-Joh

LAME MANY'S HARDEN

SAN NEWS SERVICE
7.—The Imperial
er of the Zukunft.
nition Harden, the

responsible for the
uld have helped
and come to some
England.
n Bethmann-Holl-
uable. He expects
make peace based
nt situation on the
on't do that until
iced their cause is
ent as that can-
All belligerents
organized peace,
antee the absolute
everyone with an

FORT VAUX IS TAKEN; 700 PRISONERS

Paris Admits Communication Is
Cut Off and Fate of Garrison
Unknown to General Nivelle
British Lose Village of Hooge,
East of Ypres, When Front
Line of Trenches Is Pierced

Important Link in Defense

Jury of Fathers Selected for the Will Orpet Trial

Panel Completed in Marian Lam-
bert Murder Case After 3 Weeks
and Cost of \$40,000.

As finally composed the jury in-
cludes ten married men, nine of
whom have children.
A sigh of relief went up in the
courtroom when James Wilkerson,
senior counsel for the defense, said
at 2:30 o'clock this afternoon.

LEGISLATIVE INVENT SERVICE
national (800) 666-1817
barren of modern thought and as blind to modern

'HUGHESOR BUST,' SAY LEADERS OF G. O. P.

Leader, Even M
Than Candidate
What G. O. P. Ne
Says W. R. Hc

(By International News Service.)
CHICAGO, June 7.—At the opening day of the
convention it became clearly evident that what
can party needs even more than a candidate is
Indeed, if the proceedings of following days

most amazing showing of incompetency and feebleness which
ation has made since this nation began to make history.

Mistake at Baltimore

ARK took the floor at a
n of Congress long enough
of good American talk in

that the United States
bitration agreements upon
ations after the war.
the United States should
omote a lessening of arma-

ld not believe that any
llingly attack us and that
tried it would get licked.
ed about exclusion laws,

way. I would shut out the
ing."

tic Convention at Balti-
deliberately disregarded the
he majority of the Demo-
ud refused to nominate

have clearly proved that
more than the conven-

of wisdom and justice no
d be allowed to nominate
the Presidency. There
idential Primary to regis-
will, and a convention, if
ould have no power other
e popular will.

Lesson Preparedness

paredness parade staged
Fifth avenue, New York
oman's Peace Party was
numbers, but it certainly
y.

arrying baseball bats and
guns and bayonets lined
h in front of headquar-

t seeing the twelve boys
bayonets mistook the

Judge Would Restrict the Sale of Weapons

"THE EXAMINER'S" contention
that there should be the same re-
strictions on the sale of deadly
weapons that now govern the sale of
habit-forming drugs has received the in-
dorsement of a man whose position is
such that he is qualified to speak with
authority on the subject. Police Judge
Fitzpatrick yesterday declared that laws
should be passed making it impossible for
a person to buy a firearm without first
securing a permit from the Police Com-
mission.

The declaration of the magistrate was
made in consideration of a case before
him, a case which showed plainly the need
of regulation of the sale of deadly
weapons. A waiter discharged from em-
ployment sought out the man who had
dismissed him and killed him in a res-
taurant, where the victim was dining with
his wife. The murderer will doubtless
plead insanity.

What is the plea of a community con-
fronted with the charge of permitting
desperate and insane persons to buy re-
volvers at will?

The State has assumed the right to reg-
ulate the sale of habit-forming drugs. It
should regulate the sale of firearms on
the same ground, that public safety de-
mands restriction of the distribution of
weapons.

The Police Commission will issue no
more permits to citizens who want to
carry weapons, but the law has done noth-
ing to prevent the distribution of re-
volvers.

Judge Fitzpatrick will do well to carry
his remarks farther and to use his official
position to influence lawmakers to sup-
port the measure he has so wisely urged.

Stars and Stripes

Artist criticizes American women's
dress. Thinks it lacks *modesty*.

BY AR

THE bosses at Chicago h
And so, too, has the
For no one is decided how t
All fear that it will go

The Justice in seclusion is
And then his ample side
The Bosses at Chicago have
That they will have to h

SO all is most pathetic in
The gloom of Ninteen-
Oh, Penrose, Barnes and Mu
And Root and Lodge are
The delegates are tearful in
They weep and wait the
And all the Bosses have in
Of sad and sundry fierce

BUT, hark, what sound of
Oh, why the wanton
What chuckles come upon
It is the mirth of WILCO
"Ha ha, He he, Ha ha," again
"I'm free from all the
Let all of them get gaffed, it
Who has the laugh, laugh

"The Examiner"

To the Editor of "The Examiner":

SIR:—In the editorial of your great
per, the San Francisco "Examiner"
of 17th ult., we note with more than
dinary interest one article headed: "Cal-
ifornia Land Investigation And What
Revealed," a subject of greater impor-
ance and urgency than any other respect-
ing the need and well being of the com-
mon people in this State.

The monstrous land monopoly, a
nant of the feudal ages, is, as yet, a
shadowing every other evil that h
and retards the natural and due develop-
ment, progressiveness and prosperity
all California and its people. Indeed,
drives hundreds of thousands of its pe-
ples into hopeless dependence, while
forces multitudes, who long for great
freedom and homes of their own, to re-
main for time indefinite unwillingly un-
der the "wage yoke"!

Some fifty or sixty years ago the peop-
of California could more easily spare ti
millions of broad and fertile acres la-
ing now half waste in her beautiful va-
leys and hillsides, but since then the con-
ditions have changed; and so, that the
great surplus of land is now badly want-
and needed; thus for the many peoples w
strive for little homes adequate with the
little stock of means. As things are, it