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 Attorney General of California
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 Supervising Deputy Attorney General
 3 JANE REILLEY
 Deputy Attorney General
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 8 E-mail: Katrina.Uyehara@doj.ca.gov
 Attorneys for Defendant Rob Bonta, in his
 9 official capacity as Attorney General of the
 State of California

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
 12
 13
 14

15 **KNIFE RIGHTS, INC., ELIOT**
 16 **KAAGAN, JIM MILLER,**
 17 **GARRISON HAM, NORTH**
 18 **COUNTY SHOOTING CENTER,**
 19 **INC., and PWGG L.P.,**
 Plaintiffs,
 20
 21 **v.**
 22 **CALIFORNIA ATTORNEY**
 23 **GENERAL ROB BONTA,**
 Defendant.

3:23-cv-00474-JES-DDL

DECLARATION OF KATRINA
UYEHARA IN SUPPORT OF
DEFENDANT ATTORNEY
GENERAL ROB BONTA'S
MOTION FOR SUMMARY
JUDGMENT

Date: April 22, 2024
 Time: 10:00 a.m.
 Courtroom: 4B
 Judge: The Honorable James E.
 Simmons, Jr.
 Trial Date: None set
 Action Filed: March 15, 2023

1 I, Katrina Uyehara, hereby declare and state the following:

2 I am a Deputy Attorney General at the California Department of Justice and
3 serve as counsel to Defendant Rob Bonta, in his official capacity as Attorney
4 General of the State of California (“Defendant”), in the above-titled matter. I make
5 this declaration in support of Defendant’s Motion for Summary Judgment. Unless
6 otherwise stated, I have personal knowledge of the facts set forth herein and am
7 competent to testify thereto.

8 1. Attached as Exhibit 1 is a true and accurate copy of Legislative Intent for
9 Stats 1957 Ch. 355 (AB 202) issued on November 9, 2023.

10 2. Attached as Exhibit 2 is a true and accurate copy of Legislative Intent for
11 Stats 1963 Ch. 1677 (AB 3045) issued on November 9, 2023.

12 3. Attached as Exhibit 3 is a true and accurate copy of a sworn deposition of
13 Plaintiffs’ Rebuttal Expert Michael D. Janich, taken by myself on February 8, 2024.

14 4. Attached as Exhibit 4 is a true and accurate copy of a sworn deposition of
15 Plaintiffs’ Rebuttal Expert David T. Hardy, taken by myself on February 15, 2024.

16 5. Attached as Exhibit 5 is a true and accurate copy of Plaintiff Knife
17 Rights, Inc.’s Response to Defendant’s First Set of Interrogatories (Set One).

18
19 I declare under penalty of perjury under the laws of the United States of
20 America that the foregoing is true and correct.

21 Executed on March 6, 2024, at Sacramento, California.

22
23
24
25 /s/ Katrina Uyehara
26 KATRINA UYEHARA
27 Deputy Attorney General
28

EXHIBIT 1

ID # 6869

LEGISLATIVE INTENT

Requester: Katrina U.
Telephone:
City/Room: Sacramento

Date received: 11 Oct 2023
Needed by:
Completed: 9 Nov 2023

STATS: 1957
BILL: AB 202
Summary Digest: X

CHAPTER: 355
AUTHOR: Assembly Member Francis
Final History: X

CODE: Penal § 653(k)
Bill Forms: X

LEGISLATIVE COMMITTEES:

Assembly Committee: Judiciary
Senate Committee: Judiciary

GOVERNOR'S CHAPTERED BILL FILE (GCBF): Governor Goodwin Knight donated a file for AB 202 (1957) to the California State Archives.

AUTHOR'S FILE: The author of the bill, Assembly Member Francis, did not donate his legislative bill files to the State Archives.

NOTES:

Stats 1957 Ch. 355 (AB 202) makes it a misdemeanor for anyone to carry concealed upon his person, sell, offer for sale, expose for sale, loan, transfer, or give to any person a switch-blade knife having a blade over two inches in length.

There are very few materials available for bills from this era. Neither of the legislative committees that worked on this bill donated their files from 1957 to the California State Archives. There are no relevant author, agency or caucus files available from 1957. The only file available for this bill at the Archives is the Governor's Chaptered Bill File.

The pdf for this legislative history is text-searchable (press Ctrl and F to search with the pdf document).

By



Kara Weiland (916) 210-7636

Rev. 9-1-2011

The first section of this legislative history contains these items in the order listed:

- the code sections of interest
- the statute/chaptered version of the legislation
- the legislative counsel's summary digest of the statute
- the Senate or Assembly final history of the legislation
- versions of the legislative bill

This is the code section
as it was following the
passage of the bill.

**THE
PENAL CODE
OF THE
STATE OF CALIFORNIA**

APPROVED FEBRUARY 1872

**WITH AMENDMENTS AND ADDITIONS UP TO THE END
OF THE 1957 REGULAR SESSION OF THE
LEGISLATURE**

**COMPLETE
PEACE OFFICERS EDITION
WITH APPENDIX**

**Including
LAW FOR PRIVATE DETECTIVES
RULES OF EVIDENCE**

**NARCOTICS ACT
IMPORTANT SECTIONS FROM THE JUVENILE COURT LAW
THE CALIFORNIA VEHICLE CODE
AND THE ALCOHOLIC BEVERAGE CONTROL ACT**

**O. W. SMITH
Law Book Seller and Publisher
106 So. Broadway
Los Angeles 12, California**

iii

5/10/57
50
757

**Copyright 1957
By
OLIN W. SMITH**

**1957 Edition
Revised and Enlarged**

653h. Dictographs. Any person who, without consent of the owner, lessee, or occupant, installs or attempts to install or use a dictograph in any house, room, apartment, tenement, office, shop, warehouse, store, mill, barn, stable, or other building, tent, vessel, railroad car, vehicle, mine or any underground portion thereof, is guilty of a misdemeanor; provided, that nothing herein shall prevent the use and installation of dictographs by a regular salaried peace officer expressly authorized thereto by the head of his office or department or by a district attorney, when such use and installation are necessary in the performance of their duties in detecting crime and in the apprehension of criminals.—1941.

Ref. Fricke, C.E. page 92.

653i. Eavesdropping on person in custody and his attorneys, etc. Felony. Every person who, without permission from all parties to the conversation, eavesdrops on or records, by means of an electronic or other device, a conversation, or any portion thereof, between a person who is in the physical custody of a law enforcement officer or other public officer, or who is on the property of a law enforcement agency or other public agency, and such person's attorney, religious advisor, or licensed physician, is guilty of a felony; provided, however, the provisions of this section shall not apply to any employee of a public utility engaged in the business of providing service and facilities for telephone or telegraph communications while engaged in the construction, maintenance, conduct or operation of the service or facilities of such public utility who listens in to such conversation for the limited purpose of testing or servicing such equipment.—Stats. 1957, Chap. 1879.

653j. Appraisers of estates not to accept fee or reward. Any appraiser, appointed by virtue of section 1444 of the Code of Civil Procedure, who shall accept any fees, reward, or compensation other than that provided for by law, from any executor, administrator, trustee, legatee, next of kin or heir of any decedent, or from any other person, is guilty of a misdemeanor.—1899.

653k. Sale or possession of switch-blade knives. Every person who carries concealed upon his person, and every person who sells, offers for sale, exposes for sale, loans, transfers, or gives to any other person a switch-blade knife having a blade over two inches in length is guilty of a misdemeanor.

For the purposes of this section a "switch-blade knife" is a knife having the appearance of a pocket knife, and shall include a spring-blade knife, snap-blade knife, or any other similar type knife; the blade or blades of which are two or more inches long and which can be released automatically by a flick of a button, pressure on the handle, or other mechanical device, or is released by any type of mechanism whatsoever.—Stats. 1957, Chap. 355.

VOLUME 1

STATUTES OF CALIFORNIA

1956 AND 1957

CONSTITUTION OF 1879 AS AMENDED
MEASURES SUBMITTED TO VOTE OF ELECTORS,
1956 GENERAL ELECTION

GENERAL LAWS, AMENDMENTS TO CODES,
RESOLUTIONS, AND CONSTITUTIONAL
AMENDMENTS

PASSED AT

21149

THE 1956 REGULAR SESSION OF
THE LEGISLATURE

THE 1956 FIRST EXTRAORDINARY SESSION
OF THE LEGISLATURE

AND

THE 1957 REGULAR SESSION OF THE LEGISLATURE



CHAPTER 355

An act to add Section 653k to the Penal Code, relating to switch-blade knives with blades longer than two inches.

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

In effect
September
11, 1957

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

SECTION 1. Section 653k is added to the Penal Code, to read:

653k. Every person who carries concealed upon his person, and every person who sells, offers for sale, exposes for sale, loans, transfers, or gives to any other person a switch-blade knife having a blade over two inches in length is guilty of a misdemeanor.

For the purposes of this section a "switch-blade knife" is a knife having the appearance of a pocket knife, and shall include a spring-blade knife, snap-blade knife, or any other similar type knife; the blade or blades of which are two or more inches long and which can be released automatically by a flick of a button, pressure on the handle, or other mechanical device, or is released by any type of mechanism whatsoever.

CHAPTER 356

An act to add Section 20987 to the Government Code, relating to the State Employees' Retirement System and the compulsory age for retirement thereunder, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 8, 1957. Filed with Secretary of State May 9, 1957.]

In effect
immediately

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

SECTION 1. Section 20987 is added to the Government Code, to read:

20987. During the effective period of this section, the compulsory retirement provisions of this article relating to state miscellaneous members shall be inoperative. While this section is in effect its provisions shall supersede any existing provisions of law which are in conflict with the provisions of this section; but such provisions are not repealed by this section, and after this section is no longer effective shall have the same force as though this section had not been enacted.

This section shall remain in effect until the ninety-first day after final adjournment of the 1957 Regular Session of the Legislature, unless legislation is enacted at the 1957 Regular Session which authorizes the inclusion of members of the State Employees' Retirement System in the federal old age and survivors insurance program, and in such event this sec-

Termination
date

SUMMARY DIGEST

of

STATUTES ENACTED

and

Proposed Constitutional Amendments
Submitted to the Electors
Including
Table of Sections Affected

California Legislature

1957 Regular Session

LIBRARY
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SACRAMENTO



REFERENCE
For use in Library
only

J. A. Beek
Secretary of the Senate

Arthur A. Ohnimus
Chief Clerk of the Assembly

Compiled by
Ralph N. Kleps
Legislative Counsel

- A.B. 184 (Ch. 166). COOLIDGE (Departmental). Amends and adds various secs., R. & T. C., re bank and corporation taxes.

Makes changes establishing conformity with Federal 1954 Internal Revenue Code relative to income representing damages received from patent infringement suits, distributions under Bank Holding Company Act of 1956, and recognition of gain or loss in reorganizations in certain receivership and bankruptcy proceedings.

Makes various other technical and clarifying changes.

In effect immediately.

- A.B. 186 (Ch. 276). KELLY. Amends Sec. 1205, Ag. C., and Sec. 12601, Corp. C., re co-operatives.

Authorizes nonprofit co-operative associations formed under Agricultural Code and co-operative corporations formed under Corporations Code to elect a manager who is not a director to be a vice president.

- A.B. 189 (Ch. 489). ELLIOTT. Amends Secs. 161, 5251, 5258, W. & I. C., re eligibility for admittance to mental institutions.

Provides one year state residence required for admittance to state institution for mentally ill or mentally deficient shall not be lost by reason of military service, and that residence of minor child during such period of military service shall be determined either by residence of parent in service or by that of child.

- A.B. 201 (Ch. 440). McMILLAN. Amends Sec. 6562, B. & P. C., re practice of barbering.

Provides that diploma, certificate or certification issued by appropriate unit of any state public school or any elementary or secondary school in this or any other state establishing that individual has eighth grade education shall be accepted by State Board of Barber Examiners, rather than present provision that diploma or certificate issued by issuing authority of appropriate unit of California Public School System or by any state accredited elementary school establishing individual has eighth grade education or its equivalent shall be accepted by board.

Requires board to accept certification or certificate of equivalency issued by California elementary or secondary school establishing that person has equivalent of eighth grade education.

- A.B. 202 (Ch. 355). FRANCIS. Adds Sec. 653k, Pen. C., re switch-blade knives.

Makes it a misdemeanor for anyone to carry concealed upon his person, sell, offer for sale, expose for sale, loan, transfer, or give to any person a switch-blade knife having a blade over two inches in length.

- A.B. 203 (Ch. 1095). FRANCIS. Amends Sec. 3634, P. U. C., re accident liability protection for highway permit carriers.

Makes requirement that insurance policy or surety bond not be cancelable on less than 30 days' notice to Public Utilities Commission, inapplicable if carrier ceases operations with approval of commission.

- A.B. 207 (Ch. 216). PORTER. Adds Sec. 72053.5, Gov. C., re expenses of municipal court officers.

Provides for judge, commissioner, or clerk of municipal court, if his attendance at convention, school, conference or meeting is authorized by county supervisors, to be allowed fees necessarily incurred in connection with such attendance, and traveling expenses at same rate as authorized for county officers.

- A.B. 216 (Ch. 1096). PORTER. Adds Secs. 4126.5, 4280.1, and 4286, Ag. C., re unfair practices in marketing of milk and other dairy products.

Makes gift or offer of anything of value by producer or distributor for purpose of inducing person to become wholesale customer of any distributor an unfair practice. Requires mandatory provision to same effect in stabilization and marketing plans, and states that amendment shall not affect established plans provided such plans be conformed to amendment at earliest practicable date.

CALIFORNIA LEGISLATURE

AT SACRAMENTO

1957

ASSEMBLY FINAL HISTORY

SYNOPSIS OF
ASSEMBLY BILLS, CONSTITUTIONAL AMENDMENTS, CONCURRENT AND
JOINT RESOLUTIONS, AND HOUSE RESOLUTIONS

1957 REGULAR SESSION

DURATION OF SESSION

FIRST HALF—BEGAN MONDAY, JANUARY 7, AND ADJOURNED
FRIDAY, JANUARY 25, 1957

SECOND HALF—(AFTER CONSTITUTIONAL RECESS)—BEGAN MONDAY, MARCH 4,
AND ADJOURNED SINE DIE WEDNESDAY, JUNE 12, 1957

Legislative Days (Days Assembly Was in Session)	97 days
Length of Session Excluding Constitutional Recess	120 days
Calendar Days (January 7 to June 12, 1957)	157 days
Period of Constitutional Recess	37 days

Last Day for Signing Bills by Governor, July 17, 1957

Last Day for Filing Referendum, September 10, 1957

All Bills Approved by the Governor, Unless Otherwise Specifically Provided
For in the Bill, Become Effective September 11, 1957
(Constitution, Article IV, Section 1)

HON. L. H. LINCOLN
Speaker of the Assembly

HON. CHARLES J. CONRAD
Speaker pro Tempore of the Assembly

HON. RICHARD H. MCCOLLISTER
Majority Floor Leader

HON. WILLIAM A. MUNNELL
Minority Floor Leader

ARTHUR A. OHNIMUS
Chief Clerk

ETHEL E. BROCKELBANK
History Clerk

201—McMillan, Jan. 9. To Com. on Pub. H.

An act to amend Section 6562 of the Business and Professions Code, relating to the practice of barbering.

Jan. 9—Read first time. To print.

Jan. 11—From printer. To committee.

Mar. 28—From committee: Amend, and re-refer to Com. on Pub. H.

Mar. 29—Read second time, amended, to printer.

April 1—From printer. To engrossment.

April 2—Reported correctly engrossed. Re-referred to Com. on Pub. H.

April 4—From committee: Amend, and do pass as amended.

April 5—Read second time, amended, to printer. Ordered returned to second reading file.

April 8—From printer. To re-engrossment. Reported correctly re-engrossed. Read second time. To third reading.

April 9—Read third time, passed, title approved. To Senate.

April 9—In Senate. Read first time. To Com. on B. & P.

April 26—From committee: Amend, and do pass as amended.

April 29—Read second time, amended, to printer. From printer.

May 9—Read third time, passed, title approved. To Assembly.

May 10—In Assembly. Concurrence in Senate amendments pending.

May 11—Senate amendment concurred in. To enrollment.

May 13—Reported correctly enrolled. To Governor at 4 p.m.

May 19—Approved by Governor. Chapter 440.

202—Francis, Biddick, Busterud, Britschgi, and Hanna, Jan. 9. To Com. on Jud.

An act to add Section 653k to the Penal Code, relating to switch-blade knives with blades longer than two inches.

Jan. 9—Read first time. To print.

Jan. 11—From printer. To committee.

Mar. 12—From committee: Amend, and do pass as amended.

Mar. 13—Read second time, amended, to printer. Ordered returned to second reading file.

Mar. 14—From printer. To engrossment. Reported correctly engrossed. Read second time. To third reading.

Mar. 18—Read third time, amended, to printer.

Mar. 19—From printer. To re-engrossment. Reported correctly re-engrossed.

Mar. 20—Read third time, passed, title approved. To Senate.

Mar. 20—In Senate. Read first time. To Com. on Jud.

April 23—From committee: Amend, and do pass as amended.

April 24—Read second time, amended, to printer. From printer.

May 6—Read third time, passed, title approved. To Assembly.

May 7—In Assembly. Concurrence in Senate amendments pending.

May 8—Senate amendments concurred in. To enrollment. Reported correctly enrolled. To Governor at 2 p.m.

May 8—Approved by Governor. Chapter 355.

203—Francis, Jan. 9. To Com. on P. U. & C.

An act to amend Section 3634 of the Public Utilities Code, relating to highway carriers.

Jan. 9—Read first time. To print.

Jan. 11—From printer. To committee.

May 9—From committee: Do pass.

May 10—Read second time. To engrossment. Reported correctly engrossed. To third reading.

May 11—Read third time, passed, title approved. To Senate.

May 13—In Senate. Read first time. To Com. on Pub. U.

May 23—From committee: Amend, and do pass as amended.

May 24—Read second time, amended, to printer. From printer.

May 31—Read third time, passed, title approved. To Assembly.

May 31—In Assembly. Concurrence in Senate amendments pending.

June 3—Senate amendments concurred in. To enrollment.

June 4—Reported correctly enrolled. To Governor at 4 p.m.

July 2—Approved by Governor. Chapter 1095.

These are the
versions of the legislative bill

CALIFORNIA LEGISLATURE—1957 REGULAR SESSION

ASSEMBLY BILL

No. 202

Introduced by Messrs. Francis, Biddick, Busterud, Britschgi,
and Hanna

January 9, 1957

REFERRED TO COMMITTEE ON JUDICIARY

An act to add Section 653k to the Penal Code, relating to concealed switch-blade knives and knives with blades longer than three inches.

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

1 SECTION 1. Section 653k is added to the Penal Code, to
2 read:
3 653k. Every person who carries concealed upon his person
4 a switch-blade knife or any knife having a blade over three
5 inches in length is guilty of a misdemeanor.
6 For the purposes of this section a "switch-blade knife" is a
7 knife having the appearance of a pocket knife, and shall in-
8 clude a spring-blade knife, snap-blade knife, or any other
9 similar type knife; the blade or blades of which can be re-
10 leased automatically by a flick of a button, pressure on the
11 handle, or other mechanical device, or is released by any type
12 of mechanism whatsoever. The foregoing restrictions shall not
13 be deemed to prohibit the possession or control of ordinary
14 tools or equipment carried in good faith for the purpose of
15 legitimate work, trade or business or for the use in a legiti-
16 mate sport or recreation.

AMENDED IN ASSEMBLY MARCH 13, 1957

CALIFORNIA LEGISLATURE—1957 REGULAR SESSION

ASSEMBLY BILL

No. 202

Introduced by Messrs. Francis, Biddick, Busterud, Britschgi,
and Hanna

January 9, 1957

REFERRED TO COMMITTEE ON JUDICIARY

An act to add Section 653k to the Penal Code, relating to concealed switch-blade knives and knives with blades longer than three inches.

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

1 SECTION 1. Section 653k is added to the Penal Code, to
2 read:

3 653k. Every person who carries concealed upon his person
4 a switch-blade knife ~~or any knife having a blade over three~~
5 ~~inches in length~~ *having a blade over two inches in length* is
6 guilty of a misdemeanor.

7 For the purposes of this section a "switch-blade knife" is a
8 knife having the appearance of a pocket knife, and shall in-
9 clude a spring-blade knife, snap-blade knife, or any other
10 similar type knife; the blade or blades of which can be re-
11 leased automatically by a flick of a button, pressure on the
12 handle, or other mechanical device, or is released by any type
13 of mechanism whatsoever. ~~The foregoing restrictions shall not~~
14 ~~be deemed to prohibit the possession or control of ordinary~~
15 ~~tools or equipment carried in good faith for the purpose of~~
16 ~~legitimate work, trade or business or for the use in a legiti-~~
17 ~~mate sport or recreation.~~

AMENDED IN ASSEMBLY MARCH 18, 1957

AMENDED IN ASSEMBLY MARCH 13, 1957

CALIFORNIA LEGISLATURE—1957 REGULAR SESSION

ASSEMBLY BILL

No. 202

Introduced by Messrs. Francis, Biddick, Busterud, Britschgi,
and Hanna

January 9, 1957

REFERRED TO COMMITTEE ON JUDICIARY

An act to add Section 653k to the Penal Code, relating to concealed switch-blade knives and knives with blades longer than ~~three~~ TWO inches.

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

1 SECTION 1. Section 653k is added to the Penal Code, to
2 read:

3 653k. Every person who carries concealed upon his person,
4 and every person who sells, offers for sale, exposes for sale,
5 loans, transfers, or gives to any other person a switch-blade
6 knife having a blade over two inches in length is guilty of a
7 misdemeanor.

8 For the purposes of this section a "switch-blade knife" is a
9 knife having the appearance of a pocket knife, and shall in-
10 clude a spring-blade knife, snap-blade knife, or any other
11 similar type knife; the blade or blades of which are two or
12 more inches long and which can be released automatically by
13 a flick of a button, pressure on the handle, or other mechanical
14 device, or is released by any type of mechanism whatsoever.

AMENDED IN SENATE APRIL 24, 1957
AMENDED IN ASSEMBLY MARCH 18, 1957
AMENDED IN ASSEMBLY MARCH 13, 1957

CALIFORNIA LEGISLATURE—1957 REGULAR SESSION

ASSEMBLY BILL

No. 202

Introduced by Messrs. Francis, Biddick, Busterud, Britschgi,
and Hanna

January 9, 1957

REFERRED TO COMMITTEE ON JUDICIARY

*An act to add Section 653k to the Penal Code, relating to con-
cealed switch-blade knives and knives with blades longer
SWITCH-BLADE KNIVES WITH BLADES LONGER
than two inches.*

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

- 1 SECTION 1. Section 653k is added to the Penal Code, to
2 read:
3 653k. Every person who carries concealed upon his person,
4 and every person who sells, offers for sale, exposes for sale,
5 loans, transfers, or gives to any other person a switch-blade
6 knife having a blade over two inches in length is guilty of a
7 misdemeanor.
8 For the purposes of this section a "switch-blade knife" is a
9 knife having the appearance of a pocket knife, and shall in-
10 clude a spring-blade knife, snap-blade knife, or any other
11 similar type knife; the blade or blades of which are two or
12 more inches long and which can be released automatically by
13 a flick of a button, pressure on the handle, or other mechanical
14 device, or is released by any type of mechanism whatsoever.

The documents following this page were
photocopied from the
Governor's Chaptered Bill File
on this legislation.

RALPH N. KLEPS
LEGISLATIVE COUNSEL
CHARLES W. JOHNSON
CHIEF DEPUTY
ANGUS C. MORRISON
GEORGE H. MURPHY
PRINCIPAL DEPUTIES
OWEN K. KUNS
DEPUTY IN CHARGE
LOS ANGELES OFFICE

STATE OF CALIFORNIA
Office of Legislative Counsel

3021 STATE CAPITOL, SACRAMENTO 14
311 STATE BUILDING, LOS ANGELES 12

ALFRED S. ALLYN
TERRY L. BAUM
HAROLD E. BUNLER
BARBARA C. CALAIS
VIRGINIA COKE
BERNARD CIESLA
KENT L. DECHANDEAU
ROSELEY E. GEORGE
J. GOULD
ERNEST H. KUNH
STANLEY M. LOURIMORE
RYAN M. POLSTRA
EDWARD K. PURCELL
RAY H. WHITAKER
ROSE WOODS
DEPUTIES

May 9, 1957

ch 355
REPORT ON ASSEMBLY BILL NO. 202. FRANCIS.

SUMMARY: Adds Sec. 653k, Pen. C., re switch-blade knives.

Makes it a misdemeanor for anyone to carry concealed upon his person, sell, offer for sale, expose for sale, loan, transfer, or give to any person a switch-blade knife, as defined, having a blade over two inches in length.

FORM: Approved. TITLE: Approved.

CONSTITUTIONALITY: Approved.

Ralph N. Kleps
Legislative Counsel

By *Terry L. Baum*
Terry L. Baum
Deputy

TLB:mmm

To: Honorable Goodwin J. Knight
Governor of California

Bill Report

From: Office of the Attorney General

A.B. No. 202

By J. M. Sanderson
Deputy Attorney General

May 9, 1957.

We have examined the above bill and find no substantial
legal objection thereto.

Ch 355

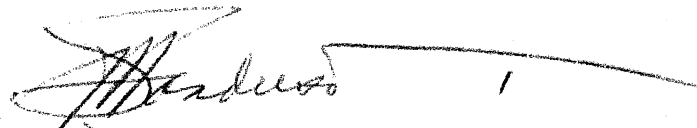
A handwritten signature, likely of J. M. Sanderson, is written in dark ink. The signature is stylized and cursive, with a long horizontal line extending to the right.

EXHIBIT 2

ID # 6870

LEGISLATIVE INTENT

Requester: Katrina U.
Telephone:
City/Room: Sacramento

Date received: 11 Oct 2023
Needed by:
Completed: 9 Nov 2023

STATS: 1963	CHAPTER: 1677	CODE: Penal § 12028
BILL: AB 3045	AUTHOR: Assembly Member Foran	
Summary Digest: X	Final History: X	Bill Forms: X

LEGISLATIVE COMMITTEES:

Assembly Committee: Criminal Procedure
Senate Committee: Finance & Governance

GOVERNOR'S CHAPTERED BILL FILE (GCBF): Governor Edmund G. Brown Sr. donated a file for AB 3045 (1963) to the California State Archives.

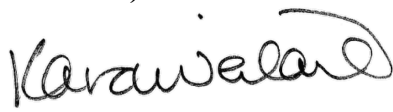
AUTHOR'S FILE: The author of the bill, Assembly Member Foran, did not donate his legislative bill files from this session to the State Archives.

NOTES:

Stats 1963 Ch. 1677 (AB 3045) amends several laws related to weapons.

There are very few materials available for bills from this era. Neither of the legislative committees that worked on this bill donated their files from 1963 to the California State Archives. There are no relevant author, agency or caucus files available from 1963. The only file available for this bill at the Archives is the Governor's Chaptered Bill File.

The pdf for this legislative history is text-searchable (press Ctrl and F to search with the pdf document).

By 
Kara Weiland (916) 210-7636

Rev. 9-1-2011

The first section of this legislative history contains these items in the order listed:

- the code sections of interest
- the statute/chaptered version of the legislation
- the legislative counsel's summary digest of the statute
- the Senate or Assembly final history of the legislation
- versions of the legislative bill

This is the code section
as it was following the
passage of the bill.

West's
ANNOTATED
CALIFORNIA CODES

PENAL CODE

Sections 1572 to End

*Official California
Penal Code
Classification*

SUPERSEDED

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Title 2

CONCEALED WEAPONS

§ 12028

collect such firearms not designed to fire, or incapable of firing fixed cartridges or fixed shot shells, or other firearms of obsolete ignition type for which ammunition is not readily available and which are generally recognized as collector's items, provided such firearm is kept in the trunk. If the vehicle is not equipped with a trunk, such firearm shall be kept in a locked container in an area of the vehicle other than the utility or glove compartment.

(Added by Stats.1953, c. 36, p. 655, § 1. Amended by Stats.1959, c. 1854, p. 4409, § 1; Stats.1963, c. 1677, p. 3262, § 1; Stats.1965, c. 281, p. 1281, § 2; Stats.1968, c. 1222, p. 2322, § 61; Stats.1969, c. 1012, p. 1982, § 1.)

Historical Note

The 1959 amendment exempted full-time paid peace officers of other states and the Federal Government who are carrying out official duties while in California.

The 1963 amendment, in subd. (a), inserted employees of State Department of Justice listed in section 817 who are designated as peace officers.

The 1965 amendment added subd. (h).

The 1968 amendment deleted the specific references to certain peace officers in subd.

(a) and replaced it with reference to peace officers "listed in section 830.1 to 830.2."

The 1969 amendment added the words "or subdivision (a) of Section 830.3" in subd. (a).

Derivation: Stats.1917, c. 145, p. 224, § 8; Stats.1923, c. 339, p. 697, § 6; Stats.1925, c. 323, p. 543, § 2; Stats.1949, c. 1306, p. 2291, § 1.

Cross References

Disarming prisoner, see § 846.

Humane officers, right to carry weapons, see Civil Code § 607f.

Machine guns, sale to or possession by police departments, sheriffs, city marshals and military and naval forces, see § 12201.

Peace officers' exemption from provisions of this chapter, see § 12002.

Tear gas weapons, official use by police departments and military and naval forces authorized, see § 12403.

Library References

Weapons C=11(1-3).

C.J.S. Weapons § 9.

§ 12028. Daggers or firearms as nuisance; surrender and destruction; restoration of stolen weapons to owner

(a) The unlawful concealed carrying upon the person or within the vehicle of the carrier of any of the weapons mentioned in Section 653k, 12020, or 12025 is a nuisance.

(b) A firearm of any nature used in the commission of a felony, or an attempt to commit a felony, is, upon a conviction of the defendant, a nuisance.

(c) Whenever a felony charge is reduced to a misdemeanor charge and a conviction is obtained based upon the unlawful use of a firearm, the weapon is a nuisance and shall be subject to destruction as provided in this section.

(d) Any weapon described in subdivision (a), or, upon conviction of defendant, any weapon described in subdivision (b), shall be sur-

§ 12028**CONTROL OF DEADLY WEAPONS**

Pt. 4

rendered to the magistrate before whom the person is taken, except that in any city or county the weapons shall be surrendered to the head of the police or sheriff's department. The officers to whom the weapons are 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 1st and 10th days of July, in each year, destroy the weapons or cause them to be destroyed to such extent that they shall be wholly and entirely ineffective and useless for the purpose for which they were manufactured. If any weapon has been stolen and is thereafter recovered from the thief or his transferee, it shall not be destroyed but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership.

(Added by Stats.1953, c. 36, p. 655, § 1. Amended by Stats.1963, c. 1677, p. 3263, § 2.)

Historical Note

The 1963 amendment substituted subds. (a) to (c) for a former first sentence which read: "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"; and designated the former second, third, and fourth sentences as subd. (d), substituting the introductory language "Any weapon described in subdivision (a), or, upon conviction of defendant, any weapon described in

subdivision (b), shall be surrendered" for "Any such weapons taken from the person or vehicle of a person unlawfully carrying the same are nuisances, and shall be surrendered", "head of the police or sheriff's department" for "police force or police department", and "1st and 10th days" for "first and tenth days", respectively.

Derivation: Stats.1917, c. 145, p. 221, § 4; Stats.1923, c. 339, p. 698, § 7.


Cross References

Firearms capable of being concealed upon the person, see § 12001.
Licenses to carry concealed weapons, see § 12050 et seq.
Public nuisances, see Civil Code § 3490 et seq.
Search of defendant in presence of magistrate and retention of weapons, see § 1542.
Switch-blade knives having blades longer than two inches, see § 653k.

Law Review Commentaries

Statutory modification of inverse condemnation: Deliberately inflicted injury or destruction, Arvo Van Alstyne. (1968) 20 Stan.L.Rev. 617.

Library References

Weapons  16.

C.J.S. Weapons § 25.

§ 12029. Blackjacks, etc., as nuisances; confiscation and destruction; preparation as evidence

Blackjacks, slungshots, billies, sandclubs, sandbags, metal knuckles, and sawed-off shotguns as defined in Section 12020 are nuisances. Such weapons shall be subject to confiscation and summary destruction whenever found within the State. Such weapons shall be destroyed in the same manner as other weapons described in Section 12028, except that upon the certification of a judge or of the district

This is the code section
as it was prior to the
passage of the bill.

DEERING'S
PENAL CODE

OF THE

STATE OF CALIFORNIA

ADOPTED FEBRUARY 14, 1872

WITH AMENDMENTS UP TO AND INCLUDING THOSE OF
THE 1959 REGULAR SESSION OF THE LEGISLATURE

REVISED BY
THE PUBLISHER'S EDITORIAL STAFF

SUPERSEDED

SAN FRANCISCO
BANCROFT-WHITNEY COMPANY
BENDER-MOSS COMPANY
1959

Ch 1, Art 2]

CONCEALED WEAPONS

§ 12028

states and the Federal Government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(b) The possession or transportation by any merchant of unloaded firearms as merchandise.

(c) Members of the Army, Navy, or Marine Corps of the United States, or the National Guard, when on duty, or organizations which are by law authorized to purchase or receive such weapons from the United States or this State.

(d) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their respective organizations.

(e) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this State.

(f) Members of any club or organization organized 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 chapter upon such target ranges, or while going to and from such ranges.

(g) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from such hunting or fishing expedition. [Added by Stats. 1953, ch. 36, § 1; Am. Stats. 1959, ch. 1854, § 1.]

Based on Stats. 1923, ch. 339, § 6, p. 697, as amended by Stats. 1925, ch. 323, § 2, p. 543; Stats. 1949, ch. 1306, § 1, p. 2291.

Right of peace officers to carry equipment for law enforcement: § 12002.

Right of peace officers of members of armed forces to purchase or possess machine guns: § 12201.

Right of peace officers and members of armed forces to purchase, possess, or transport tear gas weapons: § 12403.

Right of humane officer to carry weapon: CC § 607f.

Annotation: See 56 Am. Jur. 1003.

§ 12028. [Nuisances: Destruction of weapons.] 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 a person unlawfully carrying the same are nuisances, and shall be surrendered to the magistrate before whom the person is taken, except that in any city or county the weapons shall be surrendered to the head of the police force or police department. The officers to whom the weapons are 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 the weapons or cause them to be destroyed to such extent that

§ 12029

CRIMES AND CRIMINALS

[Pt 4, Tit 2]

they shall be wholly and entirely ineffective and useless for the purpose for which they were manufactured. If any weapon has been stolen and is thereafter recovered from the thief or his transferee, it shall not be destroyed but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership. [Added by Stats. 1953, ch. 36, § 1.]

Based on Stats. 1923, ch. 339, § 7, 1st, 2d sents., p. 698; Stats. 1917, ch. 145, § 4, p. 221.

Right for magistrate to direct defendant to be searched in his presence and retain weapon: § 1542.

Firearms deemed capable of being concealed on person: § 12001.

Public nuisances: CC §§ 3490-3495.

Annotation: See Cal. Jur.2d Nuisances § 81; 56 Am. Jur. 1004.

3 ALR2d 752 (forfeiture of weapon unlawfully carried, before trial of individual offender).

§ 12029. [Same: Blackjacks, slung shots, billies, sandclubs, sandbags, and metal knuckles.] Blackjacks, slung shots, billies, sandclubs, sandbags and metal knuckles are nuisances and shall be subject to confiscation and summary destruction whenever found within the State, except that upon the certification 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. [Added by Stats. 1953, ch. 36, § 1.]

Based on Stats. 1923, ch. 339, § 7, 3d sent., p. 698; Stats. 1917, ch. 145, § 4, p. 221.

Annotation: See Cal. Jur.2d Nuisances § 81.

3 ALR2d 752 (forfeiture of weapon unlawfully carried, before trial of individual offender).

§ 12030. [Delivery of firearms to military or naval agency in lieu of destruction.] The officer having custody of any firearms which may be useful to the State Guard, the Coast Guard Auxiliary or to any military or naval agency of the Federal or State Government may upon the authority of the legislative body of the city, city and county, or county by which he is employed and the approval of the Adjutant General of the State deliver such firearms to the commanding officer of a unit of the State Guard, the Coast Guard Auxiliary or any other military agency of the State or Federal Government in lieu of destruction as required by this chapter.

The officer delivering the firearms shall take a receipt for them containing a complete description thereof and shall keep the receipt on file in his office as a public record. [Added by Stats. 1953, ch. 36, § 1.]

Based on Stats. 1923, ch. 339, § 7a, as added by Stats. 1945, ch. 964, § 1, p. 1861.

Right of person making arrest to take weapons from person arrested and deliver them to magistrate: § 846.

Volume 2

STATUTES OF CALIFORNIA

1962 AND 1963

CONSTITUTION OF 1879 AS AMENDED
MEASURES SUBMITTED TO VOTE OF ELECTORS,
SPECIAL ELECTION, JUNE 5, 1962
GENERAL ELECTION, NOVEMBER 6, 1962

GENERAL LAWS, AMENDMENTS TO CODES, RESOLUTIONS,
AND CONSTITUTIONAL AMENDMENTS

PASSED AT
THE 1962 REGULAR SESSION OF
THE LEGISLATURE
THE 1962 FIRST, SECOND, AND THIRD EXTRAORDINARY
SESSIONS OF THE LEGISLATURE
THE 1963 REGULAR SESSION OF THE LEGISLATURE
AND
THE 1963 FIRST EXTRAORDINARY SESSION
OF THE LEGISLATURE



Compiled by
A. C. MORRISON
Legislative Counsel

notice to appear, within 45 days after he has, by appearance in court pursuant to a parking citation or otherwise, submitted himself to the jurisdiction of the court, or, in case the cause is to be tried again following a mistrial, an order granting a new trial from which an appeal is not taken, or an appeal from the inferior court, within 30 days after such mistrial has been declared, after entry of the order granting the new trial, or after the remittitur is filed in the trial court or, if the new trial is to be held in the superior court, within 30 days after the judgment on appeal becomes final; except that an action shall not be dismissed under this subdivision (1) if it is set for trial on a date beyond the prescribed period at the request of the defendant or with his consent, express or implied, and the defendant is brought to trial on the date so set for trial or within 10 days thereafter or (2) if it is not tried on the date set for trial because of the defendant's neglect or failure to appear, in which case he shall be deemed to have been arrested within the meaning of this subdivision on the date of his subsequent arrest on a bench warrant or his submission to the court.

If the defendant is not represented by counsel, he shall not be deemed under this section to have consented to the date for his trial unless the court has explained to him his rights under this section and the effect of his consent.

CHAPTER 1677

An act to amend Sections 12027, 12028, and 12029 of the Penal Code, relating to weapons.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. Section 12027 of the Penal Code is amended to read:

12027. Section 12025 does not apply to or affect any of the following:

(a) Sheriffs, constables, marshals, policemen, members of the California Highway Patrol, and employees of the State Department of Justice listed in Section 817 who are designated as peace officers, whether active or honorably retired, other duly appointed peace officers, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(b) The possession or transportation by any merchant of unloaded firearms as merchandise.

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(c) Members of the Army, Navy, or Marine Corps of the United States, or the National Guard, when on duty, or organizations which are by law authorized to purchase or receive such weapons from the United States or this State.

(d) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their respective organizations.

(e) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this State.

(f) Members of any club or organization organized 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 chapter upon such target ranges, or while going to and from such ranges.

(g) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from such hunting or fishing expedition.

SEC. 2. Section 12028 of said code is amended to read:

12028. (a) The unlawful concealed carrying upon the person or within the vehicle of the carrier of any of the weapons mentioned in Section 653k, 12020, or 12025 is a nuisance.

(b) A firearm of any nature used in the commission of a felony, or an attempt to commit a felony, is, upon a conviction of the defendant, a nuisance.

(c) Whenever a felony charge is reduced to a misdemeanor charge and a conviction is obtained based upon the unlawful use of a firearm, the weapon is a nuisance and shall be subject to destruction as provided in this section.

(d) Any weapon described in subdivision (a), or, upon conviction of defendant, any weapon described in subdivision (b), shall be surrendered to the magistrate before whom the person is taken, except that in any city or county the weapons shall be surrendered to the head of the police or sheriff's department. The officers to whom the weapons are 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 1st and 10th days of July, in each year, destroy the weapons or cause them to be destroyed to such extent that they shall be wholly and entirely ineffective and useless for the purpose for which they were manufactured. If any weapon has been stolen and is thereafter recovered from the thief or his transferee, it shall not be destroyed but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership.

SEC. 3. Section 12029 of said code is amended to read:

12029. Blackjacks, slungshots, billies, sandclubs, sandbags, metal knuckles, and sawed-off shotguns as defined in Sec-

tion 12020 are nuisances. Such weapons shall be subject to confiscation and summary destruction whenever found within the State. Such weapons shall be destroyed in the same manner as other weapons described in Section 12028, except that upon the certification 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.

CHAPTER 1678

An act relating to a California exhibit at the New York World's Fair and creating the World's Fair Exhibit Commission.

[Approved by Governor July 13, 1963. Filed with Secretary of State July 16, 1963.]

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

SECTION 1. The purpose of this act is to encourage the preparation and maintenance of a California exhibit at the New York World's Fair to be held in 1964-1965.

SEC. 2. There is hereby created in the state government the World's Fair Exhibit Commission, consisting of 10 members who shall be appointed by the Governor. The chairman shall be selected by the commission and shall hold office as chairman at the pleasure of the commission. Six members of the commission shall constitute a quorum for the transaction of business.

SEC. 3. All meetings of the commission shall be open and public, and all records of the commission shall be open to inspection by the public during regular office hours. Members of the commission shall serve without compensation or expenses.

SEC. 4. The commission shall take steps to encourage the creation of a nonprofit corporation to prepare and maintain, without expense to the State, an exhibit at the New York World's Fair of 1964 in the space allocated to the State of California at that fair. The purpose of the exhibit shall be to advertise the agricultural, horticultural, viticultural, mineral, industrial, commercial, climatic, educational, recreational, artistic, musical, cultural, and other resources or advantages of the State.

SEC. 5. The State of California shall not in any manner or under any circumstances be liable for any of the acts, doings or proceedings of any person, association or corporation with which the commission shall act, co-operate, or join to carry out the purposes of this act, nor for the services, salary, labor or wages of any officers, agents, servants or employees of such person, association or corporation, nor for any

CALIFORNIA LEGISLATURE
1963 Regular Session

SUMMARY DIGEST

of

STATUTES ENACTED

and

Proposed Constitutional Amendments
Submitted to the Electors
Including
Table of Sections Affected

1963 First Extraordinary Session
DIGEST OF LEGISLATION PASSED

REFERENCE
For use in Library
only



J. A. BEEK
Secretary of the Senate

ARTHUR A. OHNIMUS
Chief Clerk of the Assembly

Compiled by
A. C. MORRISON
Legislative Counsel

for temporary periods where church or religious organization has no suitable meeting place for such services, and requires board to charge church or religious organization for such use of the property amount at least sufficient to pay cost to district of supplies, utilities and salaries necessitated by such use.

A.B. 3030 (Ch. 1676). WAITE. Amends Sec. 1382, Pen.C., re dismissal of criminal actions.

Provides that court must, unless good cause to contrary shown, dismiss misdemeanor case in inferior court if, when defendant was not arrested and did not sign promise to appear, he is not brought to trial within 45 days after date when, by appearance pursuant to parking citation or otherwise, he submits himself to jurisdiction of court.

A.B. 3033 (Ch. 2002). DILLS. Amends Secs. 4835, 4842, 4871, 4879, P.U.C., re motor transportation brokers.

Provides that Public Utilities Commission shall not issue motor transportation broker's license if it determines that applicant is shipper, or agent or employee of shipper, or interested in or affiliated with shipper, if such shipper is user of transportation of kind proposed to be provided by applicant.

Provides that annual license fees shall be \$50, instead of \$5.

Authorizes commission to regulate rates, contracts and practices of motor transportation brokers.

Provides that any licensed broker who offers, pays or gives to any shipper any thing of value as inducement to receive any transportation of property from such shipper is guilty of a misdemeanor.

A.B. 3039 (Ch. 1314). BANE. Adds Sec. 460, Elec.C., re indexes of registration.

Provides that in any county in which tabulating equipment is used to produce indexes of registration, indexes shall be produced, on and after April 1, 1966, by street addresses, in numerical order, and furnished to persons, committees, and agencies as provided by law.

A.B. 3042 (Ch. 2003). BANE. Amends Sec. 2601, adds Ch. 5, Div. 5, Elec.C., re special elections.

Prohibits Governor from issuing proclamation calling special statewide election or special election to fill vacancy in congressional or legislative office more than 180 days before day of election.

Provides for holding of primary election on 4th Tuesday before day of special election to fill vacancy in congressional or legislative office, and provides that if any candidate receives majority vote at primary, special election shall not be held. Provides that if no candidate receives majority of votes at primary, candidate of each party receiving highest vote shall runoff at special election.

A.B. 3045 (Ch. 1677). FORAN. Amends Secs. 12027, 12028, 12029, Pen.C., re weapons.

Provides that provision making it a crime to carry concealed firearm capable of being concealed upon the person, does not apply to specified employees of State Department of Justice, who are designated as peace officers.

Classifies as nuisances, in addition to weapons now so classified, subject to remedies of seizure and destruction: (1) Unlawful concealed carrying of any weapon mentioned in Sec. 653k, Pen.C. (switchblade knives and similar weapons) and Sec. 12020, Pen.C. (blackjacks, etc., some, but not all of which are now covered); (2) a firearm of any nature used in commission of a felony, or attempt to commit a felony, upon the conviction of defendant; (3) firearm involved when felony charge is reduced to misdemeanor and conviction is obtained based upon the unlawful use of a firearm; (4) sawed-off shotguns as defined in Sec. 12020, Pen.C.

A.B. 3046 (Ch. 1678). CROWN. New act, re California exhibit at the New York World's Fair of 1964 and World's Fair Exhibit Commission.

Creates the World's Fair Exhibit Commission consisting of 10 members appointed by Governor, whose meetings and records are required to be open to the public and who are to serve without compensation or expenses. Requires commission to encourage creation of nonprofit corporation to prepare and maintain, without expense to State, exhibit at New York World's Fair of 1964, advertising all resources

CALIFORNIA LEGISLATURE

AT SACRAMENTO

1963

ASSEMBLY FINAL HISTORY

SYNOPSIS OF

ASSEMBLY BILLS, CONSTITUTIONAL AMENDMENTS, CONCURRENT AND
JOINT RESOLUTIONS, AND HOUSE RESOLUTIONS

1963 REGULAR SESSION

DURATION OF SESSION

Convened Monday, January 7, 1963
Adjourned Sine Die Friday, June 21, 1963
Legislative Days (Days Assembly Was in Session) 109 Days
Calendar Days (Exclusive of Saturdays and Sundays) 120 Days
Calendar Days (Including Saturdays and Sundays) 166 Days
Last Day for Signing Bills by Governor, July 26, 1963
Last Day for Filing Referendum, September 19, 1963
All Bills Approved by the Governor, Unless Otherwise Specifically Provided
For in the Bill, Become Effective September 20, 1963
(Constitution, Article IV, Section 1)

HON. JESSE W. UNRUH Speaker
HON. JEROME WALDIE Majority Floor Leader
HON. CARLOS BEE Speaker pro Tempore
HON. CHARLES J. CONRAD Minority Floor Leader

Compiled Under the Direction of
ARTHUR A. OHNIMUS
Chief Clerk

ETHEL E. BROCKELBANK
History Clerk

3044—Bane, Unruh, Waldie, Conrad, Bagley, Crown, Marks, and Mulford (Senators Dolwig, McCarthy, Burns, and O'Sullivan, coauthors), April 26. To Com. on G. O.

An act to add Chapter 2.1 (commencing with Section 8050) to Division 1 of Title 2 of the Government Code, relating to revision of the California Constitution.

April 26—Read first time. Held at desk

April 30—Referred to Com. on G. O. To printer.

May 2—From printer. To committee.

May 31—From committee: Amend, and do pass as amended.

→ June 3—Read second time, amended, to printer. Ordered returned to second reading file.

June 4—From printer. To engrossment. Reported correctly engrossed. Read second time. Re-referred to Com. on W. & M.

June 11—From committee: Do pass. To Consent Calendar. To engrossment. Reported correctly engrossed. Read second time. To Consent Calendar. From Consent Calendar. To third reading. Read third time, passed, title approved. To Senate.

June 12—In Senate. Read first time. To Com. on Rls.

→ June 18—From committee: Amend, and do pass as amended. Read second time, amended, to printer. From printer. To third reading.

June 19—Re-referred to Com. on Fin.

June 21—From committee: Do pass. Read second time. To third reading.

June 21—Died on File in Senate.

3045—Foran, April 26. To Com. on Crim. Pro.

Act act to amend Sections 12027, 12028, and 12029 of the Penal Code, relating to weapons.

April 26—Read first time. Held at desk

April 30—Referred to Com. on Crim. Pro. To printer.

May 3—From printer. To committee.

June 6—From committee: Do pass, as amended. To Consent Calendar.

— June 7—Read second time, amended, to printer. Ordered returned to second reading file.

June 9—From printer. To engrossment. Reported correctly engrossed. Read second time. To Consent Calendar.

June 11—Read third time, passed, title approved. To Senate.

June 11—In Senate. Read first time. To Com. on F. & G.

June 14—Withdrawn from Com. on F. & G. Re-referred to Com. on Jud.

June 17—From committee: Do pass. To Consent Calendar. Read second time. To Consent Calendar.

June 19—Read third time, passed, title approved. To Assembly.

June 20—In Assembly. To enrollment.

June 28—Reported correctly enrolled. To Governor at 1 p.m.

July 13—Approved by Governor. Chapter 1677.

BILL REPORT SHORT FORM *Marron*

These are the
versions of the legislative bill

CALIFORNIA LEGISLATURE, 1963 REGULAR (GENERAL) SESSION

ASSEMBLY BILL

No. 3045

Introduced by Assemblyman Foran

April 26, 1963

REFERRED TO COMMITTEE ON CRIMINAL PROCEDURE

An act to amend Sections 12028, 12029, and 12072 of the Penal Code, relating to weapons.

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

- 1 SECTION 1. Section 12028 of the Penal Code is amended to
2 read:
3 12028. (a) The unlawful concealed carrying upon the
4 person or within the vehicle of the carrier of any ~~dirk, dagger,~~
5 ~~pistol, revolver, or other firearm capable of being concealed~~
6 *upon the person, of the weapons mentioned in Section 12020 or*
7 *Section 12025 is a nuisance.*
8 (b) *A firearm of any nature used in the commission of a*
9 *felony, or an attempt to commit a felony, is, upon a conviction*
10 *of the defendant, a nuisance.*
11 (c) *Whenever a felony charge is reduced to a misdemeanor*
12 *charge and a conviction is obtained based upon the unlawful*
13 *use of a firearm, the weapon is a nuisance and shall be subject*
14 *to destruction as provided in this section. Any such weapons*
15 *taken from the person or vehicle of a person unlawfully carry-*
16 *ing the same are nuisances, and shall be surrendered*
17 (d) *Any weapon described in subdivision (a), or, upon con-*
18 *viction of defendant, any weapon described in subdivision (b),*
19 *shall be surrendered to the magistrate before whom the person*
20 *is taken, except that in any city or county the weapons shall be*

LEGISLATIVE COUNSEL'S DIGEST

A.B. 3045, as introduced, Foran (Crim. Pro.). Weapons.

Amends Secs. 12028, 12029, 12072, Pen.C.

Declares various classes of weapons to be nuisances and subject to surrender and destruction, namely; (1) Any of the weapons mentioned in Sec. 12020 or Sec. 12025, Pen.C., if unlawfully carried concealed, (2) any firearm used in commission of felony or attempt to commit felony if defendant convicted, (3) when felony charge reduced to misdemeanor and conviction obtained based on unlawful use of firearm, (4) sawed-off shotgun as defined in Sec. 12020, Pen.C.

Provides that possession of firearm capable of being concealed upon person by minor under 18 is unlawful (and misdemeanor).

A.B. 3045

— 2 —

1 surrendered to the head of the police ~~force~~ or ~~police~~ sheriff's
 2 department. The officers to whom the weapons are surrendered,
 3 except upon the certificate of a judge of a court of record, or
 4 of the district attorney of the county, that the preservation
 5 thereof is necessary or proper to the ends of justice, shall
 6 annually, between the 1st and 10th days of July, in each year,
 7 destroy the weapons or cause them to be destroyed to such
 8 extent that they shall be wholly and entirely ineffective and
 9 useless for the purpose for which they were manufactured. If
 10 any weapon has been stolen and is thereafter recovered from
 11 the thief or his transferee, it shall not be destroyed but shall
 12 be restored to the lawful owner, as soon as its use as evidence
 13 has been served, upon his identification of the weapon and
 14 proof of ownership.

15 SEC. 2. Section 12029 of said code is amended to read:

16 12029. Blackjacks, slungshots, billies, sandclubs, sand-
 17 bags, ~~and~~ metal knuckles, *and sawed-off shotguns as defined*
 18 *in Section 12020* are nuisances. ~~and~~ *Such weapons* shall be
 19 subject to confiscation and summary destruction whenever
 20 found within the State. *Such weapons shall be destroyed in*
 21 *the same manner as other weapons described in Section 12028,*
 22 *except that upon the certification of a judge or of the district*
 23 *attorney that the ends of justice will be subserved thereby,*
 24 *such weapon shall be preserved until the necessity for its use*
 25 *ceases.*

26 SEC. 3. Section 12072 of said code is amended to read:

27 12072. No person, corporation or dealer shall sell, deliver,
 28 or otherwise transfer any pistol, revolver, or other firearm
 29 capable of being concealed upon the person to any person
 30 whom he has cause to believe to be within any of the classes
 31 prohibited by Section 12021 from owning or possession such
 32 firearms, nor to any minor, under the age of 18 years. *Posses-*
 33 *sion of a firearm capable of being concealed upon the person*
 34 *by any minor under the age of 18 years is unlawful.* In no
 35 event shall any such firearm be delivered to the purchaser
 36 within three days of the application for the purchase thereof,
 37 and when delivered such firearm shall be securely wrapped and
 38 shall be unloaded. Where neither party to the transaction
 39 holds a dealer's license, no person shall sell or otherwise trans-
 40 fer any such firearm to any other person within this State who
 41 is not personally known to the vendor. Any violation of the
 42 provisions of this section is a misdemeanor.

The documents following this page were
photocopied from the

Governor's Chaptered Bill File

on this legislation.

BILL MEMORANDUM

Date: July 11, 1963

To: **GOVERNOR BROWN**

From: **PAUL D. WARD**

Assembly **BILL No.** 3045 By Foran

VOTE: **Senate** Unanimous


Assembly Unanimous

Provides that Section 12025, Penal Code, making it a crime to carry concealed a firearm capable of being concealed upon the person, does not apply to employees of the State Department of Justice listed in Section 817, Penal Code, who are designated as peace officers.

In addition to weapons now so classified, classifies as nuisances ~~enumerated~~ weapons in the bill and subjects them to remedy of seizure and destruction.

The Legislative Counsel and Attorney General have no constitutional or substantial legal objection to approval.

Approval is requested by Assemblyman Foran, author of the bill, and the District Attorney of Alameda County.


Recommendation: approve. (Brownwich)

ANGUS C. MORRISON
LEGISLATIVE COUNSEL
GEORGE H. MURPHY
CHIEF DEPUTY
BERNARD CZESLA
J. GOULD
PRINCIPAL DEPUTIES
EDWARD F. NOWAK
DEPUTY IN CHARGE
LOS ANGELES OFFICE



STATE OF CALIFORNIA
Office of Legislative Counsel

3021 STATE CAPITOL, SACRAMENTO 14
110 STATE BUILDING, LOS ANGELES 12

July 4, 1963

TERRY L. BAUM
BARBARA C. CALAIS
VIRGINIA COKER
KENT L. DECHAMBEAU
ROBERT A. GALGANI
LLOYD M. HARMON, JR.
ROSE M. JACOBSON
L. DOUGLAS KINNEY
OWEN K. KUNS
ERNEST H. KUNZI
STANLEY M. LOURIMORE
SHERWIN C. MACKENZIE, JR.
ANN M. MACKEY
ROSE OLIVER
JOHN R. PIERCE
EDWARD K. PURCELL
ALAN W. STRONG
TAKETSUGU TAKEI
RAY H. WHITAKER
DEPUTIES

REPORT ON ASSEMBLY BILL NO. 3045.

FORAN.

SUMMARY: Amends Secs. 12027, 12028, 12029, Pen. C.,
re weapons.

Provides that Sec. 12025, Pen. C., making it a crime to carry concealed a firearm capable of being concealed upon the person, does not apply to employees of the State Department of Justice listed in Sec. 817, Pen. C., who are designated as peace officers.

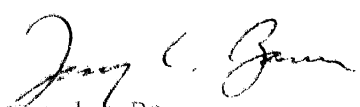
Classifies as nuisances, in addition to weapons now so classified, subject to remedies of seizure and destruction: (1) Unlawful concealed carrying of any weapon mentioned in Sec. 653k, Pen. C. (switchblade knives and similar weapons) and Sec. 12020, Pen. C., (blackjacks, etc., some, but not all of which are now covered); (2) a firearm of any nature used in the commission of a felony, or attempt to commit a felony, upon the conviction of defendant; (3) the firearm involved when felony charge is reduced to misdemeanor and conviction is obtained based upon the unlawful use of a firearm; (4) sawed-off shotguns as defined in Sec. 12020, Pen. C.

FORM: Approved.

TITLE: Approved.

CONSTITUTIONALITY: Approved.

A. C. Morrison
Legislative Counsel

By 
Terry L. Baum

Deputy Legislative Counsel

TJB:bw

To: Honcrable Edmund G. Brown
Governor of California

Bill Report

From: Office of the Attorney General

A. B. No. 3045

By MICHAEL R. MARRON
Deputy Attorney General

June 28 , 1963 .

We have examined the above bill and find no substantial
legal objection thereto.



MICHAEL R. MARRON
Deputy Attorney General

LAW OFFICE
444 CALIFORNIA STREET
SAN FRANCISCO 4, CALIFORNIA
TEL.: YUKON 1-6300

SACRAMENTO ADDRESS
STATE CAPITOL
ZONE 14

COMMITTEES
FINANCE AND INSURANCE
INDUSTRIAL RELATIONS
JUDICIARY
TRANSPORTATION AND
COMMERCE

Assembly California Legislature

JOHN FRANCIS FORAN
MEMBER OF ASSEMBLY, TWENTY-THIRD DISTRICT

June 21, 1963

Honorable Edmund G. Brown
Governor
State Capitol
Sacramento 14, California

My dear Governor:

The following is an explanation of AB 3045, which has been passed by the Assembly and the Senate:

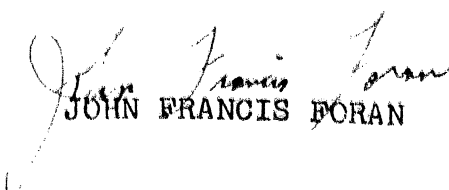
This bill, which was introduced at the request of Deputy Chief of Police Thomas Reddin of Los Angeles, does two things:

1. Provides for the destruction of firearms, black-jacks, switchblade knives, sawed-off shotguns, etc., which have been carried or used unlawfully, or the return of a stolen pistol or revolver to the rightful owner. This will be of great assistance to local law enforcement agencies in the proper disposal of weapons which have been obtained during the course of an arrest or investigation.

2. Gives to the peace officer personnel (Special Agents and Narcotic Agents) in the State Department of Justice the same right to carry a firearm concealed as now approved for sheriffs, constables, marshals, policemen and members of the California Highway Patrol.

The bill is non-controversial and unopposed, and I respectfully urge that you enact it into law.

Very truly yours,


JOHN FRANCIS FORAN

JFF/pl

J. F. COAKLEY
DISTRICT ATTORNEY

OFFICE OF
DISTRICT ATTORNEY
ALAMEDA COUNTY
COURT HOUSE
OAKLAND 12, CALIFORNIA
HIGHGATE 4-0507

R. ROBERT HUNTER
CHIEF ASSISTANT

July 3, 1963

Honorable Edmund G. Brown
Governor of California
State Capitol
Sacramento 14, California

Re: Assembly Bill 3045

Dear Governor Brown:

This letter is in response to your request dated July 1, 1963.

We would appreciate your signature on Assembly Bill 3045.

This proposal permits the carrying of concealable weapons by members of the Department of Justice who are peace officers.

It declares various classes of concealable weapons to be nuisances and, consequently, subject to surrender and destruction.

We took no action on this bill but agree with the bill in principle.

Thank you for your inquiry.

Very truly yours,

J. F. COAKLEY, Chairman
Law and Legislative Committees
District Attorneys' and Peace Officers'
Associations of the State of California

By Herbert E. Ellingwood
Herbert E. Ellingwood
Deputy District Attorney

HEE:DeM

cc - Mr. Arthur L. Alarcon

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

)
KNIFE RIGHTS, INC., ELIOT)
KAAGAN JIM MILLER, GARRISON)
HAM, NORTH COUNTY SHOOTING)
CENTER, INC., and PWGG L.P.,)
)
Plaintiffs,)
) CASE NO.
vs.) 3:23-CV-00474-JES-DDL
)
CALIFORNIA ATTORNEY GENERAL)
ROB BONTA,)
)
Defendant.)
_____)

VIDEOCONFERENCE DEPOSITION OF MICHAEL D. JANICH
Appearing Remotely From
FIRESTONE, COLORADO
Thursday, February 8, 2024
Volume I

Reported by:
SHURI GRAY
CSR No. 3786
Job No. 6449120
PAGES 1 to 88

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

)
KNIFE RIGHTS, INC., ELIOT)
KAAGAN JIM MILLER, GARRISON)
HAM, NORTH COUNTY SHOOTING)
CENTER, INC., and PWGG L.P.,)
)
Plaintiffs,)
) CASE NO.
vs.) 3:23-CV-00474-JES-DDL
)
CALIFORNIA ATTORNEY GENERAL)
ROB BONTA,)
)
Defendant.)
_____)

Videoconference Deposition of MICHAEL D. JANICH,
Volume I, taken on behalf of Defendant, all
participants attending remotely, beginning at 2:06 p.m.
and ending at 4:15 p.m. on Thursday, February 8, 2024,
before SHURI GRAY, Certified Shorthand Reporter
No. 3786.

1 APPEARANCES:

2
3 For Plaintiffs:

4 DILLON LAW GROUP APC

5 (Appearing via videoconference)

6 BY: JOHN W. DILLON, ESQ.

7 Gateway Road, Suite 105, No. 255

8 Carlsbad, California 92009

9 (760) 642-7150

10 jdillon@dillonlawgp.com

11
12 For Defendant:

13 ROB BONTA

14 ATTORNEY GENERAL OF CALIFORNIA

15 (Appearing via videoconference)

16 BY: KATRINA UYEHARA, DEPUTY ATTORNEY GENERAL

17 JANE REILLEY, DEPUTY ATTORNEY GENERAL

18 1300 I Street, Suite 125

19 Sacramento, California 94244-2550

20 (916) 210-7867

21 katrina.uyehara@doj.ca.gov

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DEPOSITION EXHIBITS

NUMBER	DESCRIPTION	IDENTIFIED
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Exhibit A	Complaint for Declaratory and Injunctive Relief	10
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Exhibit B	Rebuttal expert report	14
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Exhibit C	Interview with Michael Janich	37
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1 FIRESTONE, COLORADO; Thursday, February 8, 2024

2 2:06 p.m.

3
4 MICHAEL D. JANICH,

5 having been administered an oath, was examined and
6 testified as follows:

7 EXAMINATION

8 BY MS. UYEHARA:

9 Q Good morning. My name is Katrina Uyehara, and
10 I am a Deputy Attorney General with the California
11 Department of Justice. I'm joined by my colleague Jane
12 Reilley, who is also working on this case. We represent
13 the defendant California Attorney General Rob Bonta in
14 this lawsuit.

15 We are here regarding the case Knife Rights,
16 Inc., et al., versus California Attorney General Rob
17 Bonta. This is in the US District Court for the
18 Southern District of California, and the case number is
19 3:23-CV-00474.

20 Please state your full name for the record.

21 A Michael Duane Janich.

22 Q Have you ever taken a deposition before?

23 A Yes, I have.

24 Q How many times?

25 A Two times that I recall.

1 Q In which cases?

2 A One was testimony in front of a subcommittee of
3 Congress, and another was regarding a lawsuit against
4 Paladin Press, a former employer.

5 Q Were both times as an expert witness or as a
6 party?

7 A Both times were as a witness.

8 Q On which topics have you previously testified
9 as an expert witness for?

10 A One was with regard to the conduct of
11 operations investigating the losses of American POWs and
12 MIAs in Vietnam, Laos and Cambodia. And then the other
13 was regarding a lawsuit which was a sexual harassment
14 lawsuit filed against my former employer.

15 Q And only one of those testimonies were in
16 court; correct?

17 A It was a deposition, but it was -- I was not
18 called on the stand in court.

19 Q So I do not intend to ask you any trick
20 questions. If you do not understand a question, please
21 let me know, and I will repeat and/or clarify it. I say
22 this because if you answer a question, we will assume
23 that you understood it.

24 This is important because if for some reason
25 the answer to that question is used in trial, we are

1 with you versus a projectile weapon or something that
2 would be applied from a distance.

3 Q Is my understanding correct that it focuses on
4 unarmed defense tactics against someone coming at you
5 with an edged or impact weapon?

6 A That's correct.

7 Q What inspired you to create the self-defense
8 method?

9 A From the time that I started learning the
10 martial arts early on, the idea of facing somebody who
11 might be armed with a knife was one of the things that
12 was most concerning to me. So a large portion of my
13 martial arts study was focused on being able to be
14 prepared for that particular threat. And it's something
15 that has been a lifelong pursuit of mine.

16 After the attacks on September 11th, the fact
17 that edged weapons were used in the hijacking of the
18 planes that were used, I applied even more focus in my
19 training to develop the Counter-Blade Concepts system.

20 Q And why were you primarily concerned with the
21 threat of edged weapons in particular?

22 A It was just something that I felt was very
23 scary to me, something that I wanted to be prepared for.

24 Q Were you personally threatened with an edged
25 weapon before the creation of CBC?

1 A No, I was not.

2 Q In developing CBC, you analyzed hundreds of
3 criminal assaults with knives and other edged weapons;
4 is that correct?

5 A That is correct.

6 Q In your career, I assume you've also trained
7 many people who have had to defend themselves from
8 knives and other edged weapons; is that correct?

9 A Yes.

10 Q About how many people would you estimate you
11 have trained?

12 A Hundreds. I don't have an exact number.

13 Q Despite training hundreds of individuals, is it
14 correct that you have not been able to identify a single
15 incident in which a switchblade was used to threaten or
16 physically attack another person?

17 A Based on the research that I have done, that's
18 correct.

19 Q And that is based on your research and your
20 experience with training other individuals; correct?

21 A Yes.

22 Q Do you know of an instance when a switchblade
23 was used for self-defense specifically?

24 A No, I don't.

25 Q In your expert opinion, do you believe it's

1 important for a person to be trained in how to use a
2 knife for self-defense before attempting to use a knife
3 in a real-life self-defense situation?

4 A Yes.

5 Q What type of training do you believe is
6 necessary?

7 A I believe responsible training for the use of
8 any weapon, anyone who is going to carry a weapon in
9 self-defense, should have proper training to be able to
10 use that weapon effectively and safely.

11 Q And what kind of training do you believe is
12 necessary? Classroom training, drills, sparring?

13 A It needs to be hands-on training that is
14 relevant to the application of that weapon in
15 self-defense.

16 Q In paragraphs 31 and 32 of your rebuttal expert
17 report, you reference Mr. Escobar's statement that,
18 quote, bringing a folding knife into play under the
19 stress of a self-defense situation is difficult, end
20 quote; and that, quote, bringing a knife to bear in a
21 high-stress self-defense situation is difficult, end
22 quote.

23 Do you agree with both of these statements?
24 Yes or no.

25 A Yes.

1 Q Do you believe that wielding a knife can be
2 dangerous?

3 A To who?

4 Q In general. Is the action of wielding a knife,
5 can that be dangerous?

6 MR. DILLON: Objection. Vague and ambiguous.

7 THE WITNESS: You would have to clarify what
8 you mean by dangerous in that circumstance. If you're
9 using a knife for self-defense, the capability to use
10 the knife to stop the attacker is the entire point. So
11 from the attacker's point of view, then certainly there
12 would be danger involved. But dangerous in this
13 context, I'm not sure exactly what you mean.

14 BY MS. UYEHARA:

15 Q From a defender's point of view, wielding a
16 knife, can that be dangerous?

17 A Yes.

18 Q Can you explain why the quadricep is an
19 important target for knife defense?

20 A The quadriceps muscle is responsible for the
21 mechanical function of extending the knee. If that
22 muscle is severed, then the person loses the capability
23 to support weight on that leg, and it results in what I
24 call a mobility kill. Essentially you take the person's
25 mobility away. And when using a knife in self-defense,

1 again the context is primarily that you're defending
2 against a contact distant threat. By taking the
3 person's mobility, you can create distance and create
4 safety and therefore stop the threat decisively and keep
5 yourself safe.

6 Q Can you explain why the brachial nerve is
7 another important target for knife defense?

8 A The median and ulnar nerves I believe are what
9 you are referring to. The brachial nerve would be
10 different. So the median and ulnar nerves are the
11 nerves that are primarily responsible for the control of
12 the motor functions of the arm. By being able to sever
13 those nerves, what you do is you take away the arm's
14 capability to wield the weapon effectively, again
15 creating stopping power in a self-defense context.

16 Q Would you say that when using a knife for
17 self-defense, the target is the underlying muscles and
18 nerves of the attacker?

19 A It's one of the primary targets, yes.

20 Q What else would you consider to be a primary
21 target?

22 A In the Martial Blade Concepts system that I
23 teach, I have three levels of targeting. The first
24 would be the mechanical aspects of the body, which would
25 be muscles and connecting tendons. The second would be

1 the nerves that would allow again the person to wield a
2 weapon effectively, and then the third, which is an
3 ancillary effect, would be blood loss, so major blood
4 vessels which are typically co-located with the first
5 two.

6 Q And did you list those three in order of most
7 effective to least effective for self-defense?

8 A Yes.

9 Q Is it your opinion that knives are used for
10 self-defense?

11 A Yes.

12 Q Is it your opinion that when knives are used in
13 self-defense they're typically not used well?

14 A My opinion is that with proper training knives
15 can be used well. As far as a characterization that
16 they're typically not used well, that's inaccurate.

17 Q So you would deny ever making a statement to
18 that effect?

19 A Can you quote the specific statement that
20 you're referring to, please.

21 Q "When knives are used in self-defense, they
22 typically are not used well."

23 MR. DILLON: Objection. Lacks foundation.
24 Vague and ambiguous.

25 THE WITNESS: I'm not quite sure what context

1 that I made that statement.

2 BY MS. UYEHARA:

3 Q I'll introduce now Exhibit C. And I'll pull
4 that up on the screen.

5 (Deposition Exhibit C was marked
6 for identification by the court reporter.)

7 BY MS. UYEHARA:

8 Q Can you see this document on the screen?

9 A Yes.

10 Q And have you seen this document before?

11 A Yes.

12 Q When did you recall last seeing it?

13 A Just before this deposition.

14 Q And do you recall this interview?

15 A Yes, I do.

16 Q Now, I am going to search for a specific
17 portion to show you.

18 Here the person interviewing you said: "What
19 problems are in play when someone who defended him or
20 herself using a knife has to explain those actions in
21 court?"

22 You responded: "The biggest problem in the
23 application of the knife in this way is that it is very
24 rare. The court system more frequently sees people who
25 use knives feloniously in the commission of a crime, and

Page 37

1 if knives are used in self-defense, they are typically
2 not used well."

3 Do you recall making the statement?

4 A Yes, I do.

5 Q And do you agree with the statement?

6 A In that context, yes.

7 Q What is the basis for your statement that the
8 court system more frequently sees people who use knives
9 feloniously in the commission of a crime?

10 A When knives are typically -- when a situation
11 results in an incident being examined by the court,
12 typically it has to do with the felonious use of knives.
13 The use of knives in self-defense is much less common.

14 Q And what evidence did you use to formulate that
15 opinion? Did you review court records?

16 A That was based primarily on the experience that
17 I have had in training law enforcement officers. I have
18 also been involved in legal consultation for various
19 incidents involving knives, some of which were claimed
20 to be incidents of self-defense.

21 Q So you did not review any court records to
22 formulate that opinion?

23 A No, I didn't.

24 Q And then what is the basis for your statement
25 that if knives are used in self-defense, they are

1 typically not used well?

2 A What I mean by that is that it was -- the use
3 of a knife typically did not reflect proper training.

4 Q And what would you describe as proper training?

5 A Training that would allow you to use the knife
6 responsibly and ethically to be able to stop the threat,
7 consistent with the requirements of self-defense in
8 modern society.

9 Q And then in your 50 years of studying
10 self-defense and edged weapons, have you ever used a
11 knife against a person for self-defense?

12 A I've never had to injure another person with a
13 knife in self-defense.

14 Q Generally, do you believe criminals do not have
15 preferences for weapons that are culturally understood
16 to be inherently frightening?

17 MR. DILLON: Objection. Vague and ambiguous.

18 BY MS. UYEHARA:

19 Q You may answer the question.

20 A In the context I recall that -- that statement
21 being made by Mr. Escobar. Specifically that was his
22 assertion that that was a preference of criminals, and I
23 disagreed with that.

24 Q So you do not believe that criminals have
25 preferences for weapons that are culturally understood

1
2
3 I, the undersigned, a Certified Shorthand
4 Reporter of the State of California, do hereby certify:

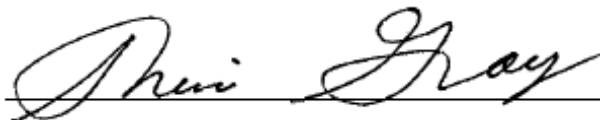
5 That the foregoing proceedings were taken before
6 me at the time and place herein set forth; that any
7 witnesses in the foregoing proceedings, prior to
8 testifying, were administered an oath; that a record of
9 the proceedings was made by me using machine shorthand
10 which was thereafter transcribed under my direction; that
11 the foregoing transcript is a true record of the testimony
12 given.

13 Further, that the foregoing pertains to the
14 original transcript of a deposition in a Federal Case.
15 Before completion of the proceedings, a review of the
16 transcript was not requested.

17 I further certify I am neither financially
18 interested in the action nor a relative or employee of any
19 attorney or any party to this action.

20 IN WITNESS WHEREOF, I have this dates subscribed
21 my name.

22 Dated: 2/15/24

23
24 

SHURI GRAY, RPR

25 CSR No. 3786

[& - actions]

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[activate - asked]

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[switchblade - time]

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[yojimbo - youtube]

yojimbo 24:20

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EXHIBIT 4

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3 KNIFE RIGHTS, INC., ELIOT)
4 KAAGAN, JIM MILLER, GARRISON)
5 HAM, NORTH COUNTY SHOOTING)
6 CENTER, INC., and PWGG L.P.,)
7)
8 Plaintiffs,)
9) CASE NO.
10 vs.) 3:23-cv-00474-JES-DDL
11)
12 CALIFORNIA ATTORNEY GENERAL)
13 ROB BONTA,)
14)
15 Defendants.)

16
17
18 REMOTE DEPOSITION UPON ORAL EXAMINATION OF
19 DAVID T. HARDY

20
21
22 FEBRUARY 15, 2024
23 10:09 A.M.

24 (All participants appeared remotely)

25
TAKEN AT THE INSTANCE OF THE DEFENDANTS

26
27
28 REPORTED BY:
29 MONNA J. NICKESON, RPR, CRR, CCR, CSR CA 14430
30 JOB: 6449173

APPEARANCES:

FOR THE PLAINTIFFS:

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Dillon Law Group, APC
2647 Gateway Road, Suite 105, No. 255
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FOR THE DEFENDANTS:

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Justice Attorney General
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I N D E X

KNIFE RIGHTS, ET AL. VS. CALIFORNIA ATTORNEY
 GENERAL ROB BONTA
 CASE NO. 3:23-cv-00474-JES-DDL
 FEBRUARY 15, 2024
 WITNESS: DAVID T. HARDY PAGE
 EXAMINATION BY MS. UYEHARA: 4

EXHIBITS

NUMBER	DESCRIPTION	PAGE
Exhibit 1	Complaint for Declaratory and Injunctive Relief	12
Exhibit 2	Knife Rights National Constitution Day Second Amendment Virtual Rally 2020	14
Exhibit 3	Of Arms and the Law	43
Exhibit 4	Gun Freedom Radio, Our Guests: David T. Hardy	49

1 BE IT REMEMBERED that on FEBRUARY
2 15, 2024, at 10:09 A.M., the remote
3 deposition of DAVID T. HARDY was taken
4 before Monna J. Nickeson, Certified
5 Realtime Reporter, Registered Professional
6 Reporter, Certified Livenote Reporter,
7 Certified Court Reporter (WA 3322),
8 Certified Shorthand Reporter (ID 1045), (OR
9 16-0441), (CA 14430), the following
10 proceedings took place:

11 DAVID T. HARDY
12 having been first duly sworn to tell the truth, the
13 whole truth, and nothing but the truth,
14 testified as follows:

15 EXAMINATION

16 BY MS. UYEHARA:

17 Q. Good morning, my name is Katrina 10:09
18 Uyehara, and I'm a deputy Attorney General with 10:09
19 the California Department of Justice. I'm 10:09
20 joined this morning by my colleague, Jane 10:09
21 Reilley, who is working on this case as well. 10:09
22 We represent the defendant California Attorney 10:09
23 General Rob Bonta in this lawsuit. 10:09

24 We are here regarding the case of 10:09
25 Knife Rights, Inc., et al., versus California 10:09

1 Attorney General Rob Bonta. This case is in 10:09
2 the U.S. District Court for the Southern 10:09
3 District of California. The case number is 10:09
4 3:23-CV-00474. 10:09

5 Can you please state your full name 10:10
6 for the record? 10:10

7 A. It's David Theo Hardy. 10:10

8 Q. Have you ever taken -- or have been 10:10
9 -- sorry -- a party of a deposition before? 10:10

10 A. Yep. I've been practicing law for 10:10
11 49 years, so I think that's safe to say. 10:10

12 Q. Have you ever been deposed before? 10:10

13 A. Yeah, oh, probably four or five 10:10
14 times. 10:10

15 Q. Do you recall which cases those were 10:10
16 in? 10:10

17 A. There was one up in Denver where I 10:10
18 gave courtroom testimony. And there was 10:10
19 another -- I'm afraid they all blend together 10:10
20 in my mind. Along the way -- oh, I was 10:10
21 deposed, like, 20 years ago on a civil case. 10:11

22 Q. Do you happen to know how many of 10:11
23 those times you acted as an expert witness? 10:11

24 A. The case in Denver and the other one 10:11
25 I was deposed on. And, actually, come to think 10:11

1 THE WITNESS: Oh, yes. 11:53

2 BY MS. UYEHARA: 11:53

3 Q. Can you explain why? 11:53

4 A. Well, they're like any other source, 11:53

5 you know, they're recounting what was, you 11:53

6 know, occurring with possibly some bias. 11:53

7 And also, they're important because 11:54

8 if you're discussing the popular understanding 11:54

9 of the Fourteenth Amendment or the Second 11:54

10 Amendment, the newspapers can reflect what 11:54

11 people of the time were reading and thus 11:54

12 believing to be true, whether or not it was. 11:54

13 So I think they have that relevance also. 11:54

14 Q. So if you have to state your -- the 11:54

15 issue you take most with about Professor 11:54

16 Spitzer's newspaper.com analysis? 11:54

17 MR. DILLON: Objection. Vague and 11:54

18 ambiguous. 11:54

19 THE WITNESS: I don't know if there 11:54

20 would be any one thing. Obviously, it's 11:54

21 quite difficult to report on -- to do 11:54

22 studies of crime prior to very much the 11:54

23 modern age. I mean, the FBI reports don't 11:54

24 start in until 1930s, and aren't really 11:55

25 reliable until the 1970s. 11:55

1 And so it's very hard to form a 11:55
2 picture of crime as a general proposition 11:55
3 much before the very modern period. 11:55
4 BY MS. UYEHARA: 11:55
5 Q. What is your understanding of police 11:55
6 records in the 19th century? 11:55
7 MR. DILLON: Objection. Vague and 11:55
8 ambiguous. 11:55
9 THE WITNESS: I suspect very few of 11:55
10 them survived, and probably vary from place 11:55
11 to place. But, I mean, you know, most of 11:56
12 that sort of thing, frankly, even up into 11:55
13 the modern age, tends to get discarded. 11:55
14 BY MS. UYEHARA: 11:56
15 Q. And would you agree that newspapers 11:56
16 provide a glimpse into society at a specific 11:56
17 time? 11:56
18 A. Oh, sure. 11:56
19 Q. And do you agree generally that some 11:56
20 local newspapers are available only digitally? 11:56
21 MR. DILLON: Objection. Vague and 11:56
22 ambiguous. 11:56
23 THE WITNESS: I don't know only -- 11:56
24 yeah. I don't know only digitally. I know 11:56
25 there are a number that are available that 11:56

1 way, and I suspect will have encountered 11:56
2 some that aren't. So yeah, it's -- maybe 11:56
3 there are some are that are only available 11:56
4 digitally, but I'm not familiar with those. 11:56
5 BY MS. UYEHARA: 11:56
6 Q. Would you agree that there are many 11:56
7 historical newspapers that are not accessible 11:56
8 online? 11:56
9 A. Oh, sure. Sure. 11:56
10 Q. And that many newspaper collections 11:56
11 are stored exclusively in print? 11:56
12 A. Yeah. 11:57
13 Q. And in microfilm as well? 11:57
14 A. Pardon? 11:57
15 Q. In microfilm as well? 11:57
16 A. Yeah. That's -- I don't know if 11:57
17 there are any in microfilm that are not 11:57
18 available digitally, but I wouldn't be 11:57
19 surprised if there were some. 11:57
20 Q. And would you agree that local 11:57
21 historical newspapers are less likely to be 11:57
22 preserved than national newspapers? 11:57
23 A. Of course, yes. I've done research 11:57
24 in that area, and in the Dred Scott case, 11:57
25 there's one local newspaper that, 11:57

1 unfortunately, like, three issues of it 11:57
2 survived over a period of five years, and none 11:57
3 of them was the issue I wanted. 11:57

4 But the one nice thing about it was, 11:57
5 apparently, back in the 19th century, people 11:57
6 didn't worry about copyright infringement a 11:57
7 whole lot. So one newspaper would steal it 11:58
8 from another newspaper, reprint the article in 11:58
9 its entirety, and that was okay so long as you 11:58
10 credited the other newspapers with it. 11:58

11 So often you can find stories that 11:58
12 come from newspapers that have long since 11:58
13 vanished, but they're recounted in a different 11:58
14 local newspaper. 11:58

15 Q. If you were tasked with trying to 11:58
16 get an estimate of switchblade crime in the 11:58
17 19th century, how would you go about your own 11:58
18 analysis? 11:58

19 MR. DILLON: Objection. Compound. 11:58
20 Vague and ambiguous. 11:58

21 THE WITNESS: Probably news reports, 11:58
22 recognizing the big limitations on that. 11:58
23 But probably news reports simply because 11:58
24 that's the best thing that's left. 11:58

25 BY MS. UYEHARA: 11:58

1 Q. And in Dr. Spitzer's report, do you 11:58
2 think he recognizes those limitations? 11:58
3 A. I think he recognizes them, yes. 11:58
4 Q. And earlier, you said one in five or 11:59
5 one in ten; if you had to choose one? 11:59
6 A. My memory seems to be more like one 11:59
7 in ten, but I might guess one in five to be 11:59
8 conservative. 11:59
9 Q. And what do you know about 11:59
10 newspapers.com? 11:59
11 A. It's a database. I tend to use 11:59
12 newspaperarchive.com. But newspapers.com is -- 11:59
13 I believe it's tied in with the government at 11:59
14 some level, and is just one of the two sources. 11:59
15 Q. Did you know that newspapers.com is 11:59
16 the largest online newspaper archive in the 11:59
17 world? 11:59
18 A. No, I didn't. I might switch over 11:59
19 from newspaper archive. 12:00
20 Q. And are you aware that 12:00
21 newspapers.com is constantly growing? 12:00
22 A. I wouldn't be surprised at all. 12:00
23 Q. And are you aware that it adds 12:00
24 millions of new pages every month? 12:00
25 A. I was not aware, no. 12:00

C E R T I F I C A T E

I, MONNA J. NICKESON, CCR, CSR, CLR, RPR,

CCR, the undersigned Certified Court Reporter,

authorized to administer oaths and affirmations in

and for the states of Washington (3322), Oregon

(16-0441), Idaho (1045), and California (14430), do

hereby certify:

That the sworn testimony and/or

proceedings, a transcript of which is attached, was

given before me at the time and place stated therein;

that the witness was duly sworn or affirmed to

testify to the truth; that the testimony and/or

proceedings were stenographically recorded by me and

transcribed under my supervision. That the foregoing

transcript contains a full, true, and accurate record

of all the testimony and/or proceedings occurring at

the time and place stated in the transcript.

That I am in no way related to any party to

the matter, nor to any counsel, nor do I have any

financial interest in the event of the cause.

IN WITNESS WHEREOF I have set my hand on

February 23, 2024.



MONNA J. NICKESON, CCR, CSR, CLR, RPR, CCR

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EXHIBIT 5

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9 *Attorney for Plaintiffs*

10 **UNITED STATES DISTRICT COURT**
11 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

12 KNIFE RIGHTS, INC., ELIOT
13 KAAGAN, JIM MILLER, GARRISON
14 HAM, NORTH COUNTY SHOOTING
15 CENTER, INC., and PWGG L.P.,

16 Plaintiffs,

17 vs.

18 CALIFORNIA ATTORNEY
19 GENERAL ROB BONTA, SAN
20 DIEGO COUNTY SHERIFF KELLY
21 MARTINEZ, AND SAN DIEGO
22 COUNTY DISTRICT ATTORNEY
23 SUMMER STEPHAN,

24 Defendants.

Case No. 3:23-cv-00474-JES-DDL

**PLAINTIFF KNIFE RIGHTS,
INC.'S RESPONSE TO
DEFENDANT'S FIRST SET OF
INTERROGATORIES (SET ONE)**

1 Propounding Party: Defendant Attorney General Rob Bonta

2 Responding Party: Plaintiff Knife Rights, Inc., through its Chairman,
3 Doug Ritter

4 Set No.: One

5 Plaintiff Knife Rights, Inc. responds to Defendant's First Set of Interrogatories
6 as follows:

7 **RESPONSES TO INTERROGATORIES**

8 **INTERROGATORY NO. 1:**

9 DESCRIBE in full and complete detail all harms or injuries that YOU contend
10 YOU have suffered as a result of California Penal Code sections 17235, 21510, and
11 21590's restrictions on SWITCHBLADE KNIVES.

12 **Response to Interrogatory No. 1:**

13 Responding Party objects to this Interrogatory as it seeks a legal conclusion
14 and calls for an expert witness opinion and Responding Party is a percipient witness.
15 Respondent also objects to this Interrogatory is compound, vague, unduly overbroad,
16 ambiguous, and seeks information neither relevant nor reasonably calculated to lead
17 to the discovery of admissible evidence regarding the phrase "all harms or injuries
18 that you contend you have suffered as a result of California Penal Code sections
19 17235, 21510, and 21590's restrictions on switchblade knives." Subject to and
20 without waiving these objections, Responding Party responds as follows:

21 Responding Party is a 501(c)(4) member advocacy organization incorporated
22 under the laws of Arizona with a primary place of business in Gilbert, Arizona.
23 Responding Party serves its members, supporters, and the public through efforts to
24 defend and advance the right to keep and bear bladed arms. Responding Party has
25 members and supporters in California, including in San Diego County, California.
26 The interests that Responding Party seeks to protect in this lawsuit are germane to the
27 organization's purposes. Namely, Responding Party has taken part in this lawsuit on
28

1 behalf of its members, including the Individual Plaintiffs herein. These members
 2 include peaceable, law-abiding individuals in California that wish to exercise their
 3 right to bear arms through the acquisition, possession, and carriage of automatically
 4 opening (“switchblade”) knives prohibited under Defendants’ enforcement of
 5 California Penal Code sections 17235, 21510, and 21590’s ban on automatically
 6 opening (“switchblade”) knives. Responding Party’s members wish and intend to
 7 acquire, possess, and carry an automatically opening (“switchblade”) knife with a
 8 blade length of two inches or more for lawful purposes, including but not limited to
 9 self-defense; and would do so but for the Defendants’ enforcement of the laws,
 10 policies, practices, and customs at issue in this case and their reasonable fear of arrest
 11 and prosecution for violation California’s “switchblade ban.”
 12

13 **INTERROGATORY NO. 2:**

14 Do YOU consider SWITCHBLADE KNIVES to be dangerous? Please
 15 EXPLAIN YOUR answer.
 16

17 **Response to Interrogatory No. 2:**

18 Responding Party objects to this Interrogatory as it seeks a legal conclusion
 19 and calls for an expert witness opinion and Responding Party is a percipient witness.
 20 Respondent also objects to this Interrogatory is compound, vague, unduly overbroad,
 21 ambiguous, and seeks information neither relevant nor reasonably calculated to lead
 22 to the discovery of admissible evidence regarding the what propounding party deems
 23 as “dangerous.” Subject to and without waiving these objections, Responding Party
 24 responds as follows:

25 Automatically opening (“switchblade”) knives are no more “dangerous” than
 26 many other folding knives, nor are they as “dangerous” as common kitchen cutlery
 27 and other fixed blade knives, all of which are perfectly legal to purchase, possess,
 28 acquire, carry, sell, offer for sale, loan, transfer, and gift in California.

1
2 **INTERROGATORY NO. 3:**

3 STATE ALL FACTS supporting your contention, as averred in the
4 COMPLAINT, that SWITCHBLADE KNIVES are arms in common use for lawful
5 self-defense.

6 **Response to Interrogatory No. 3:**

7 Responding Party objects to this Interrogatory as it seeks a legal conclusion
8 and calls for an expert witness opinion and Responding Party is a percipient witness.
9 Respondent also objects to this Interrogatory is compound, vague, unduly overbroad,
10 ambiguous, and seeks information neither relevant nor reasonably calculated to lead
11 to the discovery of admissible evidence regarding the phrase "in common use for
12 lawful self-defense." Subject to and without waiving these objections, Responding
13 Party responds as follows:

14 Like all knives, automatically opening ("switchblade") knives are "arms of
15 offence or defence" according to the *New York State Rifle & Pistol Ass'n v. Bruen*
16 decision. This is undeniable considering the plain text of the Second Amendment. As
17 such, the acquisition, possession, use, and carrying in public of these knives is
18 protected by the Second Amendment. Knives have been used as "arms" through the
19 ages and were commonly possessed and carried as arms for many lawful purposes
20 including but not limited to self-defense before, during, and after the Second
21 Amendment was originally enacted. These arms continue to be acquired, possessed,
22 used, and carried as arms for lawful purposes including self-defense today.

23 Responding Party knows from his own personal observation and his 29 years'
24 experience and involvement in and around the knife industry that automatically
25 opening ("switchblade") knives are commonly carried by many individuals, where it
26 is legal to do so in the vast majority of this Country, as arms for lawful purposes
27 including self-defense. Responding Party personally possesses and carries
28

1 automatically opening ("switchblade") knives for lawful purposes, including self-
 2 defense. Please also refer to Responding Party's response to Interrogatory No. 4
 3 below.

4
 5 **INTERROGATORY NO. 4:**

6 Please provide an estimate of the number of SWITCHBLADE KNIVES that
 7 are "in common use for lawful purposes" in the United States, as averred in
 8 paragraph 33 and 38 of the COMPLAINT, and STATE ALL FACTS supporting such
 9 an estimate.

10 **Response to Interrogatory No. 4:**

11 Responding Party objects to this Interrogatory as it seeks a legal conclusion
 12 and calls for an expert witness opinion and Responding Party is a percipient witness.
 13 Responding Party also objects to this Interrogatory as it is speculative, compound,
 14 vague, unduly overbroad, ambiguous, and seeks information neither relevant nor
 15 reasonably calculated to lead to the discovery of admissible evidence.

16 Subject to and without waiving these objections, Responding Party responds as
 17 follows: Responding Party would conservatively estimate that there are at least one
 18 million automatically opening ("switchblade") knives in common use for lawful
 19 purposes in the United States. Responding Party believes the actual number may be
 20 much higher due the facts outlined below.

21 Based on Responding Party's understanding of manufacturing and sales
 22 numbers of automatically opening ("switchblade") knives in the U.S. from the 1950s,
 23 approximately 1.2 million automatically opening ("switchblade") knives were sold
 24 each year. No doubt some of those 1.2 million annual sales went towards replacing
 25 lost or broken knives. However, the vast majority of these sales contributed to the
 26 already existing and massive numbers of these knives in lawful circulation
 27 throughout the United States. Moreover, based on the fact that Responding Party has
 28

1 attended most of the major knife shows in this Country for the past 16 years, it can be
2 plainly seen that a significant number of these knives from the 1950s are still in
3 circulation today.

4 Additionally, based on my 29 years' experience and involvement in and around
5 the knife industry and my frequent interactions with knife manufacturers, dealers, and
6 knife owners throughout the Country, modern automatically opening ("switchblade")
7 knives are commonly purchased in the tens to hundreds of thousands annually. I
8 would estimate that these numbers have been reached annually for the past few
9 decades and have been increasing in number every year as manufacturers sell more
10 and as more manufacturers enter the market producing automatically opening
11 ("switchblade") knives.

12 More automatically opening ("switchblade") knives are being produced, sold,
13 and carried today at least in part because the market is significantly larger as a result
14 of legislative efforts since 2010 that Responding Party has been significantly
15 involved in. The automatically opening ("switchblade") knives that are illegal to
16 possess in California (with blades 2-inches and over) are legal to possess now in 42
17 states. Since 2010, 19 states have repealed bans on possession (and carry) of
18 automatically opening ("switchblade") knives. These states include, Alaska,
19 Colorado, Illinois, Indiana, Kansas, Louisiana, Maine, Michigan, Missouri, Montana,
20 Nevada, New Hampshire, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas,
21 Virginia and Wisconsin.

22 Moreover, Knife Rights has taken part in supporting the enactment of Knife
23 Law Preemption in 12 states: Alaska, Arizona, Georgia, Kansas, New Hampshire,
24 Ohio, Oklahoma, Tennessee, Texas, Utah, West Virginia and Wisconsin. These
25 preemption laws have voided bans on automatically opening ("switchblade") knives
26 in over 175 towns and cities. Thus, automatically opening ("switchblade") knives are
27 legal in the vast majority of states today, it is clear that they are "in common use for
28 lawful purposes."

1 Finally, as automatically folding knives are merely a variation of folding
2 pocket knife, when you take into account that there are tens of millions of folding
3 pocket knives possessed, used, and carried throughout the United States, there is no
4 question that these arms are in common use for a wide variety of lawful purposes.

5
6
7 Respectfully submitted this 29th day of October 2023.

8 DILLON LAW GROUP, APC

9
10 /s/ John W. Dillon

11 John W. Dillon

12 Attorneys for Plaintiffs
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VERIFICATION

I, Doug Ritter, Chairman of Knife Rights, have read the foregoing "Plaintiffs Knife Rights, Inc.'s Response to Defendant's First Set of Interrogatories (Set One)" and believe, based on reasonable inquiry, that the answers contained therein are true and correct to the best of my own knowledge, information, and belief.

I verify under penalty of perjury under the laws of the United States that the foregoing is true and correct and that I executed this verification on October 27, 2023.

By: _____

Doug Ritter

CERTIFICATE OF SERVICE

Case Name: **Knife Rights, Inc., et al. v.
California Attorney General
Rob Bonta, et al.**

No. **3:23-cv-00474-JES-DDL**

I hereby certify that on March 6, 2024, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DECLARATION OF KATRINA UYEHARA IN SUPPORT OF DEFENDANT
ATTORNEY GENERAL ROB BONTA'S MOTION FOR SUMMARY JUDGMENT**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on March 6, 2024, at Sacramento, California.

Eileen A. Ennis
Declarant


Signature

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State of California*

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
12
13
14

15 **KNIFE RIGHTS, INC., ELIOT
KAAGAN, JIM MILLER,
16 GARRISON HAM, NORTH
COUNTY SHOOTING CENTER,
17 INC., and PWGG L.P.,**

18 Plaintiffs,

19 v.

20 **CALIFORNIA ATTORNEY
21 GENERAL ROB BONTA,**

22 Defendant.
23
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25
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3:23-cv-00474-JES-DDL

**EXPERT REPORT AND
DECLARATION OF BRENNAN
RIVAS**

Dept: 4B
Judge: The Honorable James E.
Simmons, Jr.

Action Filed: 3/15/2023

EXPERT REPORT AND DECLARATION OF BRENNAN RIVAS

I, Brennan Rivas, declare under penalty of perjury that the following is true and correct:

The California Department of Justice has asked me to provide an expert opinion in the above-captioned matter. My declaration and report below presents and explicates that opinion in detail. This report and declaration is based on my own personal knowledge and experience, and if I am called to testify as a witness, I could and would testify competently to the truth of the matters discussed in this report and declaration.

BACKGROUND AND QUALIFICATIONS

1. I am a professional historian and independent scholar. During the 2021-2022 academic year, I was the Lloyd Lewis Fellow in American History at The Newberry Library. From 2020 to 2021, I was a Bill & Rita Clements Fellow for the Study of Southwestern America within the Clements Center for Southwest Studies at Southern Methodist University. From 2019 to 2020, I was a Lecturer in American History at Texas Christian University (TCU). My educational background includes a Ph.D. in History from TCU, where my dissertation explored the development, evolution, and enforcement of gun and weapon policy in Texas from the era of Mexican independence to the 1930s.

2. I have studied historical laws restricting the carrying, sale, and possession of certain weapons. Part and parcel of that process is examining the historical justifications and purposes of these laws and seeking to understand how Americans from previous eras balanced weapon regulation in response to urgent societal problems with the right to bear arms for constitutionally protected, lawful purposes.

3. I have authored multiple publications on this topic, including a peer-reviewed article in the *Southwestern Historical Quarterly*, a chapter in an edited collection published in 2023 by Oxford University Press entitled *New Histories of Gun Rights and Regulation: Essays on the Place of Guns in American Law and*

1 *Society*, and a 2022 article, “Enforcement of Public Carry Restrictions: Texas as a
2 Case Study (June 2022), published in the *UC Davis Law Review*.

3 4. I am currently completing a book manuscript based upon my dissertation
4 research, which traces the development and implementation of weapon and firearm
5 policies in Texas across a century-long period. This manuscript has undergone the
6 first round of peer-review and is currently under contract with an academic press.

7 5. I have provided expert witness testimony in *Miller v. Bonta*, No. 19-cv-
8 01537 (S.D. Cal.); *Angelo v. District of Columbia*, No. 22-cv-01878 (D.D.C.);
9 *Duncan v. Bonta*, 17-cv-1017 (S.D. Cal.); *Brumback v. Ferguson*, No. 1:22-cv-
10 03093 (E.D. Wash.); *Christian v. Nigrelli*, No. 22-cv-00695 (W.D.N.Y.); *Frey v.*
11 *Nigrelli*, Case No. 21 Civ. 5334 (NSR) (S.D.N.Y.); *Sullivan v. Ferguson*, No. 3:22-
12 cv-5403 (W.D. Wash); *Siegel v. Platkin*, No. 22-cv-7463 (RMB) (AMD) (D.N.J.);
13 *NAGR v. Campbell*, No. 1:22-cv-11431-FDS (D. Mass.); *Oregon Firearms*
14 *Federation, Inc. v. Kotek*, No. 22-cv-01815-IM (D. Or.); *NSSF v. Jennings*, No. 22-
15 cv-01499-RGA (D. Del.); *Jones v. Bonta*, No. 3:19-cv-01226-L-AHG (S.D. Cal.);
16 *Weise v. Bonta*, No. 2:17-cv-00903-WBS-KJN (E.D. Cal.); *Nguyen v. Bonta*, No.
17 3:20-cv-02470-WQH-BGS (S.D. Cal.); *Rupp v. Bonta*, No. 8:17-cv-00746-JLS-
18 JDE (C.D. Cal.); *May v. Bonta*, No. 8:23-cv-01696 (C.D. Cal.); *Carralero v. Bonta*,
19 No. 8:23-cv-01798 (C.D. Cal.); *Baird v. Bonta*, No. 2:19-cv-00617-KJM-AC (E.D.
20 Cal.); *Nichols v. Bonta*, No. 3:11-cv-09916-SJO-SS (C.D. Cal.); *Wolford v. Lopez*,
21 No. 1:23-cv-00265-LEK-WRP (D. Haw.); *Kipke v. Moore*, No. 1:23-cv-01293-
22 GRL (D. Mar.); *State of Ohio v. City of Columbus*, No. 22-cv-00657 (Com. Pleas,
23 Fairfield County, OH); *Rocky Mountain Gun Owners v. Polis*, No. 23-cv-01077-
24 JLK (D. Col.); and *Schoenthal v. Raoul*, No. 3:22-cv-50326 (N.D. Ill.).

25 6. A true and correct copy of my current curriculum vitae is attached as
26 **Exhibit 1** to this declaration.

RETENTION AND COMPENSATION

7. I am being compensated for services performed in the above-entitled case at an hourly rate of \$200/hour for research, \$250/hour for document preparation, and \$350/hour for deposition and trial testimony. My compensation is not contingent on the results of my expert analysis or the substance of my opinions or any testimony in this matter.

BASIS FOR OPINION AND MATERIALS CONSIDERED

8. Counsel for Defendant provided me with the operative Complaint in this matter, copies of the relevant statutes being challenged, and other case-related documents pertinent to this matter. Other than these documents, my report is based on my own independent research.

9. In my report, I cite to a variety of scholarly articles, laws, cases, popular and learned commentaries, and various other related materials on which I based my opinions. For this report and declaration, I also consulted numerous publications related to the history of knife manufacture in the United States.

OPINIONS

I. DEFINING DEADLY WEAPONS

10. Over the course of the nineteenth century, the technology and availability of weapons changed profoundly. It is therefore unsurprising that nineteenth-century Americans regulated weapons through state laws and local ordinances. A fundamental feature of their regulatory approach was to distinguish between two types of weapons: arms suitable for militia service or hunting, versus concealable weapons associated with interpersonal violence and known as *deadly weapons*.¹

¹ There are some exceptions to this tendency, such as sales restrictions that applies to all firearms rather than just pistols, or certain sensitive place laws that prohibited all firearms in addition to deadly weapons. *See* Ohio 1880 at 78-90, **Exhibit 2**, establishing a minimum age for the sale of “any air-gun, musket, rifle-gun, shot-gun, revolver, pistol, or other firearm, of any kind or description whatever, or ammunition for the same.” *See also* John A. Hockaday, et al, *Revised Statutes of the State of Missouri* (Jefferson City: Carter & Regan, State Printers, 1879), 224 § 1274, **Exhibit 3**, prohibiting the carrying of “any firearms, bowie-

1 11. In the decentralized, agricultural environments that characterized early
2 American life, hunting knives, rifles, muskets, and shotguns were important tools
3 present in most rural homes. Men used these arms for militia service and for the
4 occasions when they were required to participate in local policing efforts through
5 the *posse comitatus*; but otherwise, they would have much more frequently used
6 such weapons for hunting—be it killing predatory animals, driving birds away from
7 their crops, or hunting for meat. Firearms borne for these purposes were carried
8 openly, by a shoulder strap or attached to a saddle. Various accoutrements
9 necessary for them to function, such as powder flasks, were also visible. Rifles,
10 muskets, and shotguns that could not readily be concealed on a person were not
11 likely to be used in the commission of crimes, especially crimes of passion that
12 resulted in murder or manslaughter. Those offenses were much more likely to be
13 committed with bare hands, blunt instruments, or other types of deadly weapons
14 such as concealable knives and pistols.²

15 12. A series of socio-economic and political factors caused Americans of the
16 nineteenth century to be more likely to publicly carry and use deadly weapons such
17 as dirks, bowie knives, and pocket pistols. Rates of homicide, violence, and crime
18 were rising in many parts of the country, and the lethality of weapons rose in
19 tandem. The greater prevalence of deadly weapons in public spaces, and the bloody
20 consequences, prompted American people across the country to turn to weapon
21 regulations as a solution. These regulations tended to focus upon readily
22 concealable “deadly weapons” like knives and pistols rather than the firearms used
23 for militia and hunting purposes. Deadly weapons were associated with crime and

24 _____
25 knife, dirk, dagger, slung-shot, or other deadly weapon” at “public assemblages.”
26 Nonetheless, this distinction between deadly weapons and militia or hunting
weapons was foundational to nineteenth-century regulatory policies.

27 ² Guns were used in less than half of the murders of unrelated adults, and less
28 than ten percent of martial murders during the seventeenth and eighteenth centuries.
See Randolph Roth, *American Homicide* (Cambridge: Belknap Press of Harvard
University Press, 2009), 115.

1 needless bloodshed, and the people habitually carrying them were presumed to be
2 ruffians, burglars, and assassins—those ready to settle personal difficulties with
3 blood rather than by reason and law.

4 13. The other feature shared by deadly weapons was their suitability for
5 concealment, and in fact, deadly weapons were often referred to as “concealed
6 weapons” for the straightforward reason that they were designed to be carried
7 concealed.³ An 1886 law journal synthesized this point by saying:

8 A statute making it indictable for one to carry concealed about his person any
9 ‘pistol, bowie-knife, razor, or other deadly weapon of the like kind,’
10 embraces a butcher’s knife. The words ‘other deadly weapon of the like kind’
11 imply similarity in the deadly character of weapons, such as can be
conveniently concealed about one’s person, to be used as a weapon of
offence and defense.⁴

12 II. LARGE KNIVES

13 14. For much of the nineteenth century, the carrying of large knives posed a
14 serious threat to American communities. Even though the revolver was patented in
15 1836, it did not circulate in numbers sufficient to saturate the American consumer
16 market until the latter 1800s. Prior to the mid- to late nineteenth century when
17 revolvers began to circulate, handguns were single-shot devices useful only as a
18 small club after their lone round had been fired. Fighting knives, on the other hand,
19 worked in both dry and wet conditions and never needed to be reloaded. There were
20 so many different styles and names of knives that Americans sometimes struggled
21 to distinguish them from one another. To make matters even more complicated,

23 ³ For example, see “What They Think of It: The State Press on the Carrying
24 of Concealed Weapons,” *Daily Constitution* (Atlanta, Georgia), April 11, 1879, 4, **Exhibit 4**; and “Concealed Weapons: What Is Thought of the Practice by the Press
25 of the State,” *Daily Constitution* (Atlanta, Georgia), March 27, 1879, 1, **Exhibit 5**.
The articles quote numerous other newspapers from Georgia which condemn
26 carrying deadly weapons in terms that associate going armed and carrying deadly
weapons with the habit of carrying concealed weapons.

27 ⁴ “Concealed Weapons,” *Criminal Law Magazine and Reporter* 8, no. 4
(October 1886), 410, **Exhibit 6**. This was quoted in *State v. Erwin*, 91 N. C. 545
28 (1884).

1 these definitions might vary geographically, change over time, and were not set in
2 stone during the nineteenth century.⁵

3 15. One of the most common terms for these knives in the eighteenth and
4 early nineteenth centuries was *dirk*. The “dirk knife” originated in Scotland as a
5 knife carried into battle or for martial ornamentation by soldiers. It has come to be
6 identified as having a straight blade.⁶ A variation of this knife, known as the naval
7 dirk, tended to be curved for a brief period during the late eighteenth and early
8 nineteenth centuries.⁷

9 16. Dirks were Scottish variations of European daggers, which connoted
10 double-edged blades and could vary in length. Some daggers lent themselves to
11 concealment while others were quite large and designed for defensive use in a
12 swordfight.⁸ Stiletto knives—which were slender, sharply tapered blades—also
13 evolved from the dagger. These knives have historically been considered weapons
14 because they are designed for stabbing and are not conducive for hunting or other
15 purposes.⁹

17 ⁵ Worthen, *Arkansas Made*, I:267-268. See also *Haynes v. State*, 24 Tenn.
18 120 (1844), in which the case revolved around whether carrying a so-called
19 “Mexican pirate knife” was indictable under a law pertaining to bowie knives,
20 Arkansas toothpicks and “any knife or weapon that shall in form, shape or size
21 resemble” them. The defendant was indicted and convicted for carrying a knife
22 *resembling* a bowie, and the appellate court upheld the conviction as within the
23 spirit and meaning of the law. See also 1838 Tenn. ch. 137, **Exhibit 7** (discussed
24 below at Paragraph 32 and accompanying notations).

25 ⁶ Harold Leslie Peterson, *American Knives: The First History and*
26 *Collectors’ Guide* (New York: Scribner, 1958), 19 (“The blade was straight,
27 single-edged and triangular in cross section.”).

28 ⁷ Peterson, *American Knives*, 96-101 (Curved blade supplanted straight
blades around the year 1800, but were subsequently replaced by a straight-bladed
standard naval model known as the “model of 1869.”).

⁸ On European daggers, see Chris McNab, ed., *Knives and Swords: A Visual*
History (New York: DK Publishing, 2010), 76-83, 156-165. The quillon dagger, in
which the user’s hand was protected by large quillons protruding between the
handle and the blade, was an old design. A modification emerged in the early
modern period by which the quillons faced forward and could be used to parry
sword thrusts from an enemy. This “left-hand dagger” was called a *maingauche*.

⁹ On knives as weapons, including stilettos, see Norman Strung, *An*
Encyclopedia of Knives (Philadelphia: J. B. Lippincott Company, 1976), 94-100.

1 **A. Hunting Knives, Bowie Knives, and Arkansas Toothpicks**

2 17. In North America, hunting knives were popular among both Europeans
3 and Native Americans. Colonial and later traders, like the Hudson's Bay Company,
4 included large knives in their transactions with Indigenous groups. Cartouche
5 knives were long and single-bladed, similar to a butcher knife. Buffalo knives had a
6 clipped tip, meaning that they had double-sided blades only near the tip.¹⁰ The
7 secondary edge, known as the *swedge*, allows the blade to penetrate flesh more
8 effectively. This style of knife blade allowed hunters to deliver an efficient death
9 blow to wounded large game, like buffalo.¹¹

10 18. Bowie knives and Arkansas toothpicks, which became the best-known of
11 the nineteenth-century fighting knives, derived from the older blade types discussed
12 above. The bowie knife took its name from a man named Jim Bowie who was born
13 in Kentucky in 1796 and died at the Alamo during the Texas Revolution in 1836.¹²
14 He began carrying a large hunting knife in a leather scabbard in 1826, after an
15 enemy tried to assassinate him in the street.¹³ The following year, Bowie used it to
16 great effect in a duel that turned into a melee and became the subject of nationwide
17 news coverage.¹⁴ His death at the Alamo cemented the legend of his namesake
18 knife, which became one of the most widely denounced deadly weapons of the
19 antebellum nineteenth century. Though the shape and length of the original bowie
20 knife remains a mystery, the term came to describe a large knife with clipped

21 ¹⁰ On cartouche and buffalo knives in the Indian trade, see James A. Hanson
22 et al, *The Encyclopedia of Trade Goods: Volume 2: Gun Accessories and Hand*
23 *Weapons of the Fur Trade* (Chadron, NE: Museum of the Fur Trade, 2021), 176-
186.

24 ¹¹ Hanson et al, *Encyclopedia of Trade Goods*, II: 176-186; on swedges, see
Strung, *An Encyclopedia of Knives*, 59-61.

25 ¹² William R. Williamson, "Bowie, James," *Handbook of Texas Online*,
accessed February 25, 2023, [https://www.tshaonline.org/handbook/entries/](https://www.tshaonline.org/handbook/entries/bowiejames)
bowiejames. Published by the Texas State Historical Association.

26 ¹³ Clifford Hopewell, *James Bowie, Texas Fighting Man: A Biography*
(Austin: Eakin Press, 1994), 25-30.

27 ¹⁴ "Terrible Recontre," *Niles' Register* (Baltimore, Maryland), November 17,
1827, 182: [https://archive.org/details/sim_niles-national-register_1827-11-](https://archive.org/details/sim_niles-national-register_1827-11-17_33_844/page/182/mode/tup)
28 [17_33_844/page/182/mode/tup](https://archive.org/details/sim_niles-national-register_1827-11-17_33_844/page/182/mode/tup).

blade—one with a sharpened swedge that made it more lethal. Bowie knives had long blades, often measuring 8 to 12 inches, and the point of the knife was generally aligned with the handle to make it a more effective weapon.¹⁵ The phrase “Arkansas toothpick” could be used interchangeably with “bowie knife” during the nineteenth century, but when used today it generally refers to a knife that was generally similar to a bowie but double-edged and tapered.¹⁶

19. Fighting knives did exist prior to the 1830s, and the exact styling of the original Bowie knife remains unknown, but Bowie’s life story became a vehicle for Americans to discuss and address the growing problem of knife-violence. As rates of violence rose during the nineteenth century, people were more likely to carry and use large knives; the increased presence of knives—even if ostensibly carried for personal defense—had the regrettable consequence of exacerbating the problem.¹⁷ This was especially notable in southern areas, where bowie knives were quite common and known to be associated with needless bloodshed.¹⁸

¹⁵ On bowie knives having tips aligned with their handles, see Strung, *An Encyclopedia of Knives*, 96.

¹⁶ For more information on the mysterious origins of the bowie knife, see Peterson, *American Knives*, 26-27; Sid Latham, *Knives and Knifemakers* (New York: Winchester Press, 1973), 104-112. On the interchangeable use of “bowie knife” and “Arkansas toothpick” during the nineteenth century, see Peterson, *American Knives*, 59. For an explanation of these knife styles as understood by modern collectors, see Strung, *An Encyclopedia of Knives*, 95-97.

¹⁷ See “Another Victim of the Bowie Knife,” *Cheraw Gazette* (Cheraw, South Carolina), September 6, 1837, 3: <https://chroniclingamerica.loc.gov/lccn/sn88084121/1837-09-06/ed-1/seq-3/>.

¹⁸ For examples, see “Carrying Concealed Weapons,” *Daily Picayune* (New Orleans, Louisiana), July 25, 1840, **Exhibit 8** (denouncing those who “go habitually armed, making an arsenal of their persons” and that “where offence is given or injury sustained, even the code of *honor* has laid down other means of redress than an instant appeal to the Bowie knife,” and questioning “incessantly carrying concealed weapons.”); “The Bowie Knife,” *Southern Argus* (Columbus, Mississippi), June 7, 1842, **Exhibit 9** (“The small dagger worn in former times, has given place to this more formidable invention, and the Bowie knife, throughout the West, is now the most common weapon of attack or defence.”); and “Bowie Knife,” *The Slave’s Friend* 3, no. 2 (1838), 17, **Exhibit 10** (“People in slave states often carry such knives about them,” and “When they get angry they draw the knife, and sometimes *stab one another!*”).

1 **B. Folding Knives and Pocketknives**

2 20. Folding knives are inherently weaker than fixed-blade weapons. In fixed-
3 blade knives, the steel which forms the blade extends into the handle to provide
4 strength and stability. This is referred to as the *tang*. In order to fold into the handle,
5 folding blades cannot have a long tang. Instead, a *bolster* must support the hinge
6 that connects the base of the blade to the handle. This style has been more useful for
7 pocketknives and penknives that are small, lightweight, and utilitarian for everyday
8 purposes.¹⁹

9 21. In addition to their weakness in comparison to fixed blades, folding
10 blades are significantly more complex to design, craft, and assemble. There are
11 more component parts, and they have to enable efficient movement of the blade and
12 the spring. The spring of a folding knife is a metal piece that uses tension to assist
13 the blade in staying either open or closed rather than slipping open or shut based
14 upon movement, gravity, etc. This is a safety feature that prevents the knife from
15 sliding open within a pocket or collapsing shut during use.²⁰ Prior to
16 industrialization and mass production, specialized cutlers handmade blades and
17 springs that had to fit and function in harmony together. This process required the
18 specialized knowledge and tools of properly trained craftsmen.²¹

19 22. Some large folding knives were produced during the nineteenth century,
20 including some folding bowie knives. One example from the mid-nineteenth
21 century features a 6 3/8-inch blade that does not fit entirely within the handle when
22 folded shut. The folded knife was inserted within a metal-tipped leather scabbard,
23 which protected the user from the portion of the blade that extended beyond the

24 ¹⁹ On the design features and relative weakness of folding blades, see Strung,
25 *An Encyclopedia of Knives*, 25-27, 99-100. On the various types of folding knives
and their historical uses, see Peterson, *American Knives*, 129-142.

26 ²⁰ On the design and complexity of folding blades, see Latham, *Knives and*
27 *Knifemakers*, 94-96; Strung, *An Encyclopedia of Knives*, 25-27, 38-39. See also
"Understanding Bias Toward Closure and Knife Mechanisms," *American Knife and*
28 *Tool Institute*, <https://www.akti.org/resources/additional-definitions/>.

²¹ Peterson, *American Knives*, 146.

1 handle when folded. Such a knife was likely defined as a bowie knife in the
 2 nineteenth century as a result of its blade size rather than classified separately based
 3 upon its folding style. Even today, this blade is described as “[a]n English folding
 4 bowie knife.”²² An 1820 Alabama law taxed various deadly weapons like dirks,
 5 pistols, and sword canes, and included within that list any “dirk knife with a spring
 6 to prevent it from shutting.”²³ Based upon blade length and overall size, folding
 7 knives could be categorized into dirks, bowies, etc. versus pocket knives.²⁴ These
 8 folding knives might use springs to lock the blade into an open or closed position,
 9 but they were not automatic opening knives, and those sharing essential features
 10 with fighting knives were likely to be regulated as such.

11 C. The Manufacturing of Knives

12 23. From the medieval period through much of the nineteenth century, the
 13 center of knife-making in the Anglophone world was Sheffield, England. The
 14 cutlery trade was divided into smiths, strikers, grinders, and hafters who hammered,
 15 tempered, sharpened, and polished knives in a time-consuming craftwork process
 16 that remained largely unchanged until the nineteenth century. Sheffield workers
 17 were so well-known for the quality of their products and their specialized
 18 knowledge that American smiths and cutlers struggled to turn out knives of a
 19 comparable quality. Though American smiths and cutlers produced knives, imports
 20 from Sheffield dominated the knife market until the approximately the mid-
 21 nineteenth century.²⁵

22 ²² Frederick John Stevens, *Fighting Knives: An Illustrated Guide to Fighting*
 23 *Knives and Military Survival Weapons of the World* (New York: Arco Publishing
 Company, 1980), pictured 10-11.

24 ²³ 1820 Ala. 10, § 3, **Exhibit 11** (“for every dirk, one dollar: for every sword
 cane, one dollar; for every pocket or side pistol, one dollar: for every dirk knife
 with a spring to prevent it from shutting, one dollar,”).

25 ²⁴ Some nineteenth-century laws specifically distinguished between regulated
 26 knives and pocket knives, further indicating that knives were classified based upon
 blade length and overall size rather than folding style versus fixed-blade. For
 27 example, see 1846 Fla., ch. 75, **Exhibit 12** (cited below, see Paragraph 28 and
 accompanying notations).

28 ²⁵ On the Sheffield process and dominance of Sheffield knives in the early

1 24. Industrialization in the nineteenth century dramatically altered the
 2 method of making knives and transformed the cutlers' trade from one of highly
 3 skilled craftsmen to a mechanized process that employed less skilled workers. In
 4 the United States, the path to mechanization went through the John Russell
 5 Manufacturing Company of Deerfield, Massachusetts. Facing significant
 6 competition from Sheffield manufacturers and a consumer bias in favor of
 7 Sheffield-made products, Russell turned to steam and water power to streamline
 8 knife-making. Eventually, he "set up a true assembly-line production."²⁶
 9 Competitors embracing new methods of mechanized, mass production emerged,
 10 and the trade oriented itself primarily around New England.²⁷

11 25. Russell and his American competitors struggled to find workers with the
 12 proper training. He recruited Sheffield cutlers to share trade secrets about tempering
 13 and other aspects of the industry. Beginning in the 1840s, the company
 14 manufactured a useful outdoor knife that was popular among western trappers,
 15 travelers, and mountain-men called the Green River knife. This "ruggedly
 16 constructed hunting knife" featured a blade of 8¾ inches and unadorned wood
 17 handle. Green River knives "were often shipped dull so that individual owners
 18 could sharpen them as they wished."²⁸ The success of this knife burnished the
 19 reputation of Russell Manufacturing, and the company eventually produced a full
 20 array of cutlery for dining, cooking, and other purposes. This included a series of
 21 hunting knives, some of which featured clipped blades, swedges, and other
 22 characteristics of fighting knives.²⁹

23 United States, see Peterson, *American Knives*, 143-147; Robert L. Merriam et al,
 24 *The History of the John Russell Cutlery Company: An Illustrated Story of the*
Famous Green River Knives (Bete Press, 1976), 6-7.

25 ²⁶ On the innovations of John Russell, and quotation, see Peterson, *American*
Knives, 148.

26 ²⁷ Peterson, *American Knives*, 148-149.

27 ²⁸ Merriam et al, *John Russell Cutlery*, 13. The intended purpose of a knife
 could dictate the way in which the edge would need to be sharpened, especially for
 knives used in skinning animal hides.

28 ²⁹ A complete reprinting of the company's 1884 catalog can be found in

D. Switchblade Manufacture in the United States

26. Switchblade knives were, for the most part, a product of the industrial revolution and were not produced in significant numbers prior to the turn of the twentieth century. Though well-trained European craftsmen appear to have made a handful of “spring-fired folding blade” knives in the latter eighteenth century, the rarity of these devices shows that they were not produced in numbers at all comparable to regular folding blades or fixed blades.³⁰ Mechanization and interchangeable parts made the manufacture of delicate componentry achievable on a scale never seen before. In the United States, the first patent for a switchblade knife was issued in 1877, and production did not begin in noteworthy numbers until approximately the 1890s.³¹

27. These early switchblades swung open from a folded position, and many were essentially automatic-opening pocketknives.³² The stiletto-style dagger was not unheard of in the United States, but the sturdier and more popular bowie knife overshadowed it as a weapon of choice for those going armed, and therefore as an object of societal concern.³³ It appears as though Italian stiletto-style switchblades

Merriam et al., *John Russell Cutlery*, with hunting knives, sheath knives, skinning knives, and fish scaling knives on pp. 105-109, and barlows and pocket knives on pp. 116-118.

³⁰ In the published works about switchblades that I was able to locate and consult for this report, the earliest recorded switchblade is dated to the latter 1700s. According to Zinser et al., “The first spring-fired blade that can be authenticated appeared in Europe, probably Italy, in the late eighteenth century, with knifemakers in other countries, especially France and England, not far behind.” Mark Erickson says: “The origins of the switchblade knife go back much farther than one might imagine. I know that they were being manufactured in England in the mid 1800s and France and Italy were making them well before that. I am very confident that they were brought to this country from Europe by the mid 1800s, and quite possibly before that.” These statements show that few examples of automatic opening knives dated prior to the nineteenth century exist, with even fewer examples in the United States than in Europe. See Tim Zinser et al., *Switch Blades of Italy* (Nashville: Turner, 2003), 7-9, quotation at 7; Mark Erickson, *Antique American Switchblades: Identification and Value Guide* (Iola, WI: Krause Publications, 2004), 6.

³¹ Erickson, *Antique American Switchblades*, 22-24.

³² On the size and styling of early switchblade knives produced in the United States, see Erickson, *Antique American Switchblades*, 25-143.

³³ Some nineteenth-century regulations specifically named *stiletto* knives. See 1821 Tenn. ch. 13, **Exhibit 13** (“a dirk, sword cane, French knife, Spanish

1 became much more widely available in the twentieth century, largely as a result of
 2 soldiers' exposure to European-made weapons during World War II.³⁴ The relative
 3 rarity of automatic opening knives meant that restrictions from that period generally
 4 did not specifically name automatic-opening knives. But nineteenth-century
 5 Americans did regulate the knives that posed a societal danger—especially fighting
 6 knives like bowies and dirks—and these regulations applied to what few automatic-
 7 opening dirks and bowie knives existed at that time just as much as the more
 8 common fixed-blade versions.

9 **III. KNIFE REGULATIONS IN THE NINETEENTH CENTURY**

10 28. The response on the part of Americans confronting knife-violence was
 11 the regulation of such weapons. Because fighting knives were associated with
 12 personal rather than militia use, and they were readily concealable beneath a coat or
 13 within a waistband, they fell under regulations pertaining to deadly weapons.
 14 Americans restricted the presence of deadly weapons in public spaces through
 15 various mechanisms, including public carry laws. In 1801, a Tennessee law
 16 prohibiting “privately” carrying “any dirk, large knife, pistol or any other dangerous
 17 weapon.”³⁵ Similar laws existed in numerous states during the antebellum
 18 nineteenth century, including: Kentucky, which restricted the carrying of “a pocket
 19 pistol, dirk, large knife, or sword in a cane,”³⁶; Louisiana, which prohibited “any
 20 concealed weapon, such as a dirk, dagger, knife, pistol, or any other deadly
 21 weapon,”³⁷; Indiana, which restricted “any dirk, pistol, sword in cane, or any other
 22 unlawful weapon,”³⁸; and Mississippi, which restricted the carrying of “any pistols,

23 stiletto, belt or pocket pistols. . .”).

24 ³⁴ Zinser et al, *Switch Blades of Italy*, 5 (“Considering that both the term
 25 [switchblade] and the knife [Italian stiletto] arrived in this country almost
 26 simultaneously in the years after World War II, it is perhaps not surprising that the
 27 two are essentially synonymous.”).

28 ³⁵ Tenn. 1801 ch. 22 § 6, **Exhibit 14**.

³⁶ 1812 Ken., ch. 89, **Exhibit 15**.

³⁷ 1813 La., ch. 5, **Exhibit 16**.

³⁸ 1819 Ind., ch. 23, **Exhibit 17**.

1 dirk or other such offensive weapons.”³⁹ Laws enacted later used the specific phrase
 2 “bowie knife,” such as Virginia, which regulated the carrying of “any pistol, dirk,
 3 bowie knife, or any other weapon of the like kind, from the use of which the death
 4 of any person might probably ensue,”⁴⁰; and Alabama, whose laws pertained to “a
 5 bowie knife, or knife or instrument of the like kind or description, by whatever
 6 name called, dirk or any other deadly weapon, pistol or any species of fire arms, or
 7 air gun.”⁴¹ The state of Florida did not use the term “bowie knife,” but
 8 distinguished restricted knives from regular pocket knives; an 1846 law regulated
 9 the public carrying of “any dirk, pistol or other arm or weapon, except a common
 10 pocket knife.”⁴²

11 29. Deadly weapon laws curtailing the carrying of large knives in public
 12 spaces were not the only regulations adopted by nineteenth-century Americans.
 13 Some states taxed their possession while others prohibited their sale. Alabama,
 14 North Carolina, and Mississippi taxed the personal possession of certain weapons,
 15 including large knives like dirks and bowies.⁴³ In some instances, these taxes were
 16 relegated to such knives that had actually been worn or carried in public, but that
 17 was not universally the case.⁴⁴ The rates themselves could be quite high. For
 18 instance, Alabama’s 1866 tax upon pistols, revolvers, and knives such as bowie
 19 knives was \$2 and provided no exceptions.⁴⁵ The immediate postbellum South was
 20

21
 22 ³⁹ 1821 Miss., ch. 49, **Exhibit 18**.

⁴⁰ 1838 Vir., ch. 101, **Exhibit 19**.

⁴¹ 1840 Ala., ch. 7, **Exhibit 20**.

⁴² 1846 Fla., ch. 75, **Exhibit 12**.

24 ⁴³ 1820 Ala. 10, § 3, **Exhibit 11**; 1838 Fla. 36, **Exhibit 21**; 1844 Miss. ch. 8,
 25 Art. 16, § 1, **Exhibit 22**; 1850 N. C. ch. 121, § 5, **Exhibit 23**; 1851 Ala. ch. 1, § 1,
 26 **Exhibit 24**; 1856 N. C. ch. 34, § 23 (4), **Exhibit 25**; 1858 N. C. ch. 25, § 27 (15),
 27 **Exhibit 26**; 1866 Ala. ch. 260, § 2 (10), **Exhibit 27**; A. J. Walker, ed., *Revised*
 28 *Code of Alabama* (Montgomery: Reid & Screws, 1867), 169, **Exhibit 28**. The
 Mississippi tax was repealed in 1861. See 1861 Miss. ch. 125, **Exhibit 29**.

⁴⁴ 1856 N. C. ch. 34, § 23 (4), **Exhibit 25**; 1858 N. C. ch. 25, § 27 (15),
Exhibit 26.

⁴⁵ 1866 Ala. ch. 260 § 2 (10), **Exhibit 27**.

1 a tremendously cash-poor society, so this tax—which amounts to approximately
2 \$38 today—was quite high.⁴⁶

3 30. Florida Territory presents an apt illustration of how taxes could be used
4 in conjunction with carry restrictions to create a comprehensive deadly weapon
5 policy. In 1835, the territorial government enacted a public carry law with a steep
6 fine of \$50 to \$500 for violations and an exemption for “carrying arms openly,
7 outside of all their clothes.”⁴⁷ Unsatisfied with the policy—which appears to have
8 resulted in widespread open-carry of deadly weapons—leaders established a new
9 series of prohibitive taxes designed to further reduce the presence of deadly
10 weapons in public. This 1838 enactment held that anyone who chose “to vend
11 dirks, pocket pistols, sword canes, or bowie knives” had to first pay an annual tax
12 of \$200, “and all persons carrying said weapons openly shall pay . . . a tax of ten
13 dollars annually.”⁴⁸ In 2023 dollars, the annual occupation tax would amount to
14 approximately \$6,300, and the annual open carry tax would amount to
15 approximately \$320.⁴⁹ In a sparsely populated, rural environment, these taxes were
16 clearly designed to discourage trade in and public carry of deadly weapons. The
17 architects of the statute saw it as intrinsically connected to the previously enacted
18 concealed carry restriction—as a way of more effectively reducing the number of
19 weapons carried in public spaces.⁵⁰ Later in the nineteenth century, municipalities
20

21
22 ⁴⁶ See: <https://www.in2013dollars.com/us/inflation/1866?amount=2>

23 ⁴⁷ John P. Duval, Compilation of the Public Acts of the Legislative Council
of the Territory of Florida, Passed Prior to 1840 Page 423, Image 425 (1839)
available at The Making of Modern Law: Primary Sources.

24 ⁴⁸ 1838 Fla., ch. 24. This tax is not included within the Duke Repository,
indicating that that database captures only a portion of the occupation and personal
25 taxes in force, even at the state/territorial level, during the nineteenth century. More
research remains to be done on the subject.

26 ⁴⁹ The amounts reach \$319.14 and \$6,382.73. See: <https://www.in2013dollars.com/us/inflation/1838?amount=200>.

27 ⁵⁰ The title of the 1838 tax was “An Act in addition to An Act, (approved
January 30, 1835,) entitled An Act to prevent any person in this Territory from
28 carrying arms secretly.”

1 Jesup, Georgia and Cedartown, Georgia also imposed personal taxes on the value of
2 residents' dirks and bowie knives.⁵¹

3 31. Jurisdictions also levied occupation taxes upon dealers in deadly
4 weapons, including large knives. Alabama, Georgia, and Mississippi did so in
5 revenue bills, meaning that they were reenacted time and time again.⁵² A tax of
6 \$100 per year upon dealers in pistols, toy pistols, shooting cartridges, dirks, and
7 bowie knives was included in Georgia revenue bills in 1884, 1886, 1888, 1890,
8 1892, and 1894.⁵³ Alabama's occupation tax applied to dealers in pistols, bowie
9 knives, and dirks (and sometimes firearm cartridges). The policy first emerged in
10 1876 and built upon a previous policy of taxing personal possession of deadly
11 weapons.⁵⁴ The personal taxes, which appear to have been used through the 1860s,

12 ⁵¹ The municipal charters of Jesup, Georgia and Cedartown, Georgia assessed
13 taxes based upon a questionnaire that included the prompt, "What is the value of
14 your guns, pistols, bowie knives and such articles?" 1888 Ga. ch. 103, "Amending
15 Charter of Jesup," § 46, Art. 30, **Exhibit 30**; 1889 Ga., ch. 640, "New Charter for
16 Cedartown," § 36, Art. 30, **Exhibit 31**.

17 ⁵² The town of Leicester, North Carolina also assessed "privilege taxes" upon
18 "professions, callings, trades, occupations, and all other business carried on in said
19 town," which appears to have included the sale of pistols, dirks, bowie knives, and
20 sword canes. The organization of the article makes it somewhat unclear whether the
21 tax upon these items was assessed based upon personal possession or trade. See
22 1891 N. C., ch. 327, "An Act to charter the town of Leicester in the county of
23 Buncombe, North Carolina," § 44, **Exhibit 32**.

24 ⁵³ For the purposes of this report, I did not extend research beyond the year
25 1900. It is possible that this revenue requirement continued in Georgia beyond
26 1894, but additional research would be required to confirm that. See 1884 Ga., ch.
27 52 "For Support of State Government, 1885-86," § 2, Art. 18, **Exhibit 33**; 1886
28 Ga., 14 "General Tax Act for 1887 and 1888," § 2, Art. 18, **Exhibit 34**; 1888 Ga.,
ch. 123 "General Tax Act for 1889 and 1890," § 2, Art. 17, **Exhibit 35**; 1890 Ga.,
ch. 131 "General Tax Act," § 2, Art. 16, **Exhibit 36**; 1892 Ga., ch. 133 "General
Tax Act," § 2, Art. 16, **Exhibit 37**; 1894 Ga., ch. 151 "General Tax Act for 1895
and 1896," § 2, Art. 16, **Exhibit 38**. The Georgia occupation tax appears to have
started in 1882 with an annual tax of \$25 per place of business, which was
subsequently raised to \$100. See 1882 Ga. ch. 18, "For Support of State
Government, 1883-84," § 2, Art. 18, **Exhibit 39**.

⁵⁴ See: Wade Keyes et al, eds., *Code of Alabama 1876* (Montgomery: Barrett
& Brown, printers for the State, 1877), 292, **Exhibit 40**; 1886 Ala., ch. 3, § 5 (17),
Exhibit 41; Robert C. Brickell et al, eds., *Code of Alabama* (Nashville: Marshall &
Bruce), 194; William L. Martin, ed., *Code of Alabama* (Atlanta: Foote & Davies,
1897), 1137 and accompanying notation, **Exhibit 42**; 1898 Ala. ch. 903, § 16, (66),
Exhibit 43. The presence of these taxes in state statutes pertaining to taxation and
licensing indicates that they are annual taxes that remained in force unless modified
or repealed. On Alabama personal taxes, see above at Paragraph 29 and

specifically exempted “regular dealers holding them for sale.”⁵⁵ The occupation taxes, however, applied to all dealers “whether principal stock in trade or not.”⁵⁶ Shortly afterward, a group of hardware merchants faced charges for selling pistols without paying the tax and obtaining the proper paperwork. The state supreme court upheld the occupation tax as applying to any business that sold any of the enumerated weapons without obtaining the required license.⁵⁷ Alabama law allowed municipalities to levy local taxes upon any occupation that the state already taxed, meaning that additional local taxes may have applied in towns and cities across the state.⁵⁸

32. The state of Tennessee went so far as to prohibit the sale of certain kinds of knives during the nineteenth century. An 1838 law criminalized “any merchant, pedlar, jeweller, confectioner, grocery keeper, or other person or persons whatsoever” who “shall sell or offer to sell, or shall bring into this State, for the purpose of selling, giving or disposing of in any manner whatsoever, any Bowie knife or knives, or Arkansas tooth picks, or any knife or weapon that shall in form, shape or size resemble a Bowie knife or Arkansas tooth pick.”⁵⁹ The law was suspended⁶⁰ during the Civil War, but Tennessee did not abandon sales prohibitions as a form of weapon regulation. In 1879 the state prohibited the sale of pocket pistols altogether—as did Arkansas in 1881.⁶¹

accompanying notation; see also below, n. 51.

⁵⁵ 1866 Ala. ch. 260, § 2 (10), **Exhibit 27**; A. J. Walker, ed., *Revised Code of Alabama* (Montgomery: Reid & Screws, 1867), 169, **Exhibit 28**.

⁵⁶ *Code of Alabama 1876*, 292; 1886 Ala., ch. 3, § 5 (17), **Exhibit 41**.

⁵⁷ *Porter & Co. v. State*, 58 Ala. 66 (1877).

⁵⁸ Robert C. Brickell et al., eds., *Code of Alabama* (Nashville: Marshall & Bruce, 1887), 191 n 11 (Describing an amendment to Section 499 to read in part “but no city (except Mobile, Montgomery, Marion, Brewton, Cullman and Selma), or town, or county shall assess, levy or collect any license tax on any business or occupation, upon which the state does not assess, levy, or collect such license tax.”), **Exhibit 44**.

⁵⁹ 1838 Tenn. ch. 137, **Exhibit 7**.

⁶⁰ 1862 Tenn. ch. 23, **Exhibit 45**.

⁶¹ 1879 Tenn. ch. 96, **Exhibit 46**; Ark. 1881 ch. 96 §3, **Exhibit 47**.

CONCLUSIONS

33. Switchblade knives were not available in significant numbers in the United States until the closing years of the nineteenth century at the earliest. Though there are few or no examples of nineteenth-century restrictions that specifically name “switchblades,” the absence of such specific regulations is the result of an absence of such knives rather than an unwillingness to regulate dangerous fighting knives. To the contrary, the knives to which nineteenth-century Americans were exposed and which concerned them—like bowie knives, dirks, daggers, and Arkansas toothpicks—were subject to regulation. These regulations took the form of public carry restrictions, personal taxes, occupation taxes, and sales restrictions.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 19, 2023, at Fort Worth, Texas.

Brennan Rivas

Dr. Brennan Rivas

EXHIBIT 1

Brennan Gardner Rivas

Curriculum Vitae · Oct 2023

Employment

Lloyd Lewis Fellow in American History, The Newberry Library, 2021-2022
Bill & Rita Clements Fellow for the Study of Southwestern America, Southern Methodist University, Clements Center for Southwest Studies, 2020-2021
Lecturer in American History (full-time), Texas Christian University, Department of History, 2019-2020

Education

Ph.D., History, Texas Christian University, 2019
Thesis: “The Deadly Weapon Laws of Texas: Regulating Guns, Knives, & Knuckles in the Lone Star State, 1836-1930”
Advisor: Gregg Cantrell
M.A., History, Texas Christian University, 2013
Thesis: “Texas Antitrust Law: Formulation and Enforcement, 1889-1903”
B.A. with Honors, History, Oklahoma State University, 2010

Publications

Refereed Journal Articles

“An Unequal Right to Bear Arms: State Weapons Laws and White Supremacy in Texas, 1836-1900,” *Southwestern Historical Quarterly* 121 (Jan 2018): 284-303.

Law Articles

“Strange Bedfellows: Racism and Gun Rights in American History and Current Scholarship” in Joseph Blocher and Jake Charles, eds., *New Histories of Gun Rights and Regulation: Essays on the Place of Guns in American Law and Society* (New York: Oxford University Press, 2023)

“Enforcement of Public Carry Restrictions: Texas as a Case Study,” *U.C. Davis Law Review* (May 2022)

“The Problem with Assumptions: Reassessing the Historical Gun Policies of Arkansas and Tennessee,” *Second Thoughts*, Duke Center for Firearms Law (Jan 2022)

Short Pieces

“Reflections on the American Gun Control Culture,” *The Panorama: Expansive Views from the Journal of the Early Republic*, October 17, 2023.

“Charles F. Cooley,” in *Wanted in America: Posters Collected by the Fort Worth Police Department, 1898-1903*, edited by LeAnna Schooley and Tom Kellam. Fort Worth: TCU Press, 2019.

Review of David R. Berman, *George Hunt: Arizona’s Crusading Seven-Term Governor*, in *Southwestern Historical Quarterly* 114, no. 3 (January 2016): 327-329.

Public History

“In the Past, Americans Confronted Gun Violence by Taking Action,” *Washington Post: Made by History Blog* (Jun 2022)

- ~ Op-ed showcasing open-mindedness of 19th century Americans about experimenting with new gun control measures

“The Origin of Public Carry Laws in Texas,” *Texas Gun Sense Blog* (Feb 2021)

“Texas Gun Laws,” Online Primary Source Collection, hosted by Omeka

- ~ Online collection featuring primary sources from my research; feature exhibit titled “Crafting a Public Carry Law”

“The Deadly Weapon Laws of Texas,” Preserving Our Past: Community History Workshop, Center for Texas Studies at TCU (Nov 2020)

- ~ Public lecture featuring special insights for genealogical researchers

“The Deadly Weapon Laws of Texas,” Graduate/Undergraduate Public History Seminar, Tarleton State University (Sept 2020)

- ~ Research presentation focusing on interpretation of county court records

“When Texas Was the National Leader in Gun Control: How the Land of Gunslinger Mythology Regulated Weapons to Reduce Violence,” *Washington Post: Made by History Blog* (Sept 2019)

- ~ Op-ed highlighting long history of weapon regulation in Texas

Fellowships and Awards

Firearm Issues Research Grant, 2023-2024

- ~ Awarded by the Harvard Injury Control Research Center, from grant funding from the Robert Wood Johnson Foundation, for research related to firearm issues

Lloyd Lewis Fellowship in American History, 2021-2022

- ~ Awarded by the Newberry Library to scholars using its collection to research topics in American history

Bill & Rita Clements Fellowship for the Study of Southwestern America, 2020-2021

- ~ Awarded by the SMU Clements Center for Southwest Studies to two scholars of Texas, the Southwest, or the U.S.-Mexico borderlands who are developing first books

The Benjamin W. Schmidt Memorial Scholarship, 2018-2019

- ~ Awarded by the TCU Department of History to a PhD candidate who shows exceptional professional promise; highest departmental prize for graduate students

Texas Christian University Department of History, Shinko and Thomas McDonald Research Prize in Texas History, 2019, 2017

- ~ Awarded by the TCU Department of History to a graduate student with the best research on antebellum Texas history

Works in Progress

The Revolver Must Go: The Rise and Fall of a Gun Control Movement in Texas

Aim: Scholarly monograph exploring the rise of a gun control movement in nineteenth-century Texas and the regulatory strategies which it embraced. Widespread acceptance of strict, ambitious gun control laws in the “Wild West” belies current assumptions about Texas and challenges the reigning interpretation of the Second Amendment as a guarantor of expansive gun rights.

Status: Editing manuscript

“Going Armed: The Law and Culture of Carrying Deadly Weapons in the Nineteenth Century”
 Aim: Scholarly article uncovering the ways in which nineteenth-century gun-toters carried their
 deadly weapons, and why they generally did so concealed.
 Status: Writing in progress

University Teaching Experience

Instructor of Record

Lecturer in American History, Texas Christian University 2019-2020
 “American History to 1877: Social Movements & the Politics of Slavery” (HIST 10603)
 “American History since 1877: The Quest for Equality” (HIST 10613)
 “History of Texas: A Transnational Look at the American Southwest” (HIST 40743)

Graduate Student Instructor

Teaching Assistant, Texas Christian University 2017-2018
 American History to 1877 (HIST 10603)
 American History since 1877 (HIST 10613)

Teaching Interests

American History, Legal History, Southwestern Borderlands, Civil War Era, American West,
 Gilded Age & Progressive Era, Women’s History

Conference Presentations & Invited Talks

Panelist, “Use and Abuse of History in Second Amendment Litigation,” and “Going Armed:
 Nineteenth Century Views on Open Carry,” Current Perspectives on the History of Guns
 and Society, Wesleyan University, Middletown, Connecticut, October 2023
 “Masculinity, Honor-Violence, and Gun Reform in the Early U.S.,” Race, Gender, and Firearms
 in the Early Republic, Society for Historians of the Early American Republic Annual
 Meeting, Philadelphia, Pennsylvania, July 2023
 “Second Amendment Panel—Issues in Cases Post-*Bruen*,” Strategic Litigation Convening: Anti-
 Democracy Efforts and Political Violence Post-*Bruen*, Institute for Constitutional Advocacy
 and Protection, Georgetown Law, Washington, D. C., June 2023
 “A Case for More Case Studies,” Originalism, the Supreme Court, Gun Laws, and History, Late-
 Breaking Roundtable, American Historical Association Annual Meeting, Philadelphia,
 Pennsylvania, January 2023
 “Military Disarmament Orders and the Role of Reconstruction Historiography after *Bruen*,”
 Current Perspectives on the History of Guns and Society Symposium, Wesleyan University,
 Middletown, Connecticut, October 2022
 “Reassessing Assumptions about Historical Arkansas and Tennessee Handgun Regulations,”
 Race and Guns Roundtable, Duke Center for Firearms Law, Durham, North Carolina,
 November 2021
 “Enforcement of Public Carry Restrictions: Texas as a Case Study,” The Second Amendment at
 the Supreme Court: 700 Years of History and the Modern Effects of Guns in Public, Davis,
 California, October 2021
 “Race & Guns,” Newberry Library Colloquium, Chicago, Illinois, October 2021
 “Unlawful Carrying: Enforcing the Pistol Law in Texas, 1870-1920,” Texas State Historical
 Association Annual Meeting, Corpus Christi, Texas, February 2019

“Regulating Deadly Weapons in Nineteenth-Century Texas,” Invited Lecturer, Los Bexareños Hispanic Genealogical and Historical Conference, San Antonio, Texas, September 2018
 “Impregnable Citadels of Capital: American Monopolies in the British Radical Press,” Southern Conference on British Studies Annual Meeting, St. Pete Beach, Florida, November 2016
 “Dating Violence in Texas: Why the State Family Code Obstructs Accurate Reporting about Sexual Assault,” TCU Women & Gender Studies Research Symposium, 2015

Service

Invited Guest, “How to Make the Most of Your Time in Graduate School,” Dept. of History Orientation Day, 2020

- ~ Advise incoming graduate students on strategies for success in the PhD program, emphasizing importance of intellectual development

Panelist, “Everything You Wanted to Know about TCU but Were Too Afraid to Ask,” Dept. of History Orientation Day, 2016

- ~ Provide honest and confidential information to prospective graduate students

Graduate Student Mentor, 2015

- ~ Informal departmental program designed to ease the transition for incoming graduate students

Second Amendment Subject Matter Expert

Duncan et al v. Bonta, California, Case No. 17-1017-BEN-JLB, S.D. Cal.

Miller et al v. Bonta, California, Case No. 3:19-cv-01537-BEN-JLB, S.D. Cal.

Angelo et al v. District of Columbia et al, Washington, D.C., Civ. Act. No. 1:22-cv-01878-RDM, D. D.C.

Hanson et al v. District of Columbia et al, Washington, D.C., Civ. Act. No. 1:22-cv-02256-RC, D. D.C.

Christian et al v. Nigrelli et al, New York, No. 22-cv-00695 (JLS), W.D. N.Y.

Frey et al v. Nigrelli et al, New York, Case No. 21 Civ. 5334 (NSR), S.D. N.Y.

Brumback et al v. Ferguson et al, Washington, No. 1:22-cv-03093-MKD, E.D. Wash.

Sullivan et al v. Ferguson et al, Washington, Case No. 3:22-cv-5403, W.D. Wash.

Siegel v. Platkin, New Jersey, No. 22-CV-7463 (RMB) (AMD), D. N.J.

NAGR v. Campbell, Massachusetts, No. 1:22-cv-11431-FDS, D. Mass.

Oregon Firearms Federation, Inc. v. Kotek, Oregon, No. 2:22-cv-01815-IM, D. Ore.

NSSF v. Jennings, Delaware, No. 22-cv-01499-RGA, D. Del.

Chavez v. Bonta, California, No. 3:19-cv-01226-L-AHG, S.D. Cal. (f/k/a *Jones v. Bonta*)

Nguyen v. Bonta, California, No. 3:20-cv-02470-WQH-BGS, S.D. Cal.

Baird v. Bonta, California, No. 2:19-cv-00617-KJM-AC, E.D. Cal.

Nichols v. Bonta, California, No. 3:11-cv-09916-SJO-SS, C.D. Cal.

Wiese v. Bonta, California, No. 2:17-cv-00903-WBS-KJN, E.D. Cal.

Rocky Mountain Gun Owners v. Polis, Colorado, No. 23-cv-01077-JLK, D. Col.

Wolford v. Lopez, Hawaii, No. 1:23-cv-00265-LEK-WRP, D. Haw.

Novotny v. Moore, Maryland, No. 1:23-cv-01295-GRL, D. Mary.

Kipke v. Moore, Maryland, No. 1:23-cv-01293-GRL, D. Mary.

Ohio v. Columbus, Ohio, No. 2022-cv-00657, Ct. Com. Pleas, Fairfield Cty, Ohio

Professional Memberships

Society for Historians of the Gilded Age and Progressive Era

Texas State Historical Association

Southern Historical Association

American Historical Association

EXHIBIT 2

conformity to law; or, with the consent and approbation of the probate court, in productive real estate within this state, the title to which shall be taken in the name of the guardian as such; and to manage such investments, and when deemed proper, change the same into any other investment of the above classes; but no real estate so purchased shall be sold by the guardian, except with the consent and approbation of the probate court; and if said guardian fail to loan or invest the money of his ward within such reasonable time, he shall account on settlement for such money and interest thereon, calculated with annual rests; and also to settle and adjust, when necessary or desirable, the assets which he may receive, in kind, from an executor or administrator, as may be most advantageous to his wards, but before such settlement and adjustment shall be valid and binding, it shall be approved by the probate court, and such approval entered on its journal; and with the like approval, to hold the assets as received from the executor or administrator, or what may be received in the settlement and adjustment of said assets.

Eighth—To obey and perform all orders and judgments of the proper courts touching the guardianship.

SEC. 3. That sections six thousand one hundred and eighty-nine and six thousand two hundred and sixty-nine be and the same are hereby repealed.

Repeals.

SEC. 4. This act shall take effect and be in force from and after its passage.

THOS. A. COWGILL,
Speaker of the House of Representatives.
R. G. RICHARDS,
President pro tem. of the Senate.

Passed March 25, 1880.

[Senate Bill No. 1.]

AN ACT

Supplementary to chapter eight (8), title one (1), part four (4), of the revised statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to chapter 8, title 1, part 4, of the revised statutes with sectional number as herein provided:

Section 6986a. That whoever sells, barter, or gives away to any minor under the age of fourteen years, any air-gun, musket, rifle-gun, shot-gun, revolver, pistol, or other fire-arm, of any kind or description whatever, or ammunition for the same, or whoever being the owner, or having charge or control of any such air-gun, musket, rifle-gun, shot-gun, revolver, pistol or other fire-arm knowingly permits the same to be used by such minor, shall be deemed guilty of a misdemeanor, and

Penalty for
selling or
giving, etc.,
fire-arms to
minors.

60

upon conviction thereof shall be fined in any sum not exceeding one hundred dollars, or be imprisoned in jail not exceeding thirty days or both.

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

THOS. A. COWGILL,
Speaker of the House of Representatives.
R. G. RICHARDS,
President pro tem. of the Senate.

Passed March 25, 1880.

[Substitute for House Bill No. 72.]

AN ACT

To amend section 3897 of the revised statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three thousand eight hundred and ninety-seven of the revised statutes be so amended to read as follows:

Board of education in city districts of the first class; how constituted.

Section 3897. In city districts of the first class, the board of education shall consist of two members for each ward, except in districts organized under a law providing for one member only for each ward, in which districts the board may at any time, by a vote of a majority of its members, provide that thereafter each ward shall be represented by two members, and thereupon proceed to choose one additional member for each ward, to serve until the next annual election for city officers, and until the election and qualification of his successor; and each member of the board shall be an elector of the ward for which he is elected or appointed: provided, that in city districts of the first class, having a population, according to the last federal census, of one hundred and fifty thousand and over, the board of education shall consist of thirty-seven members, twelve of whom shall be elected at the April election of the current year, to hold office as follows: The four members who receive the highest number of votes for three years, the four who receive the next highest number of votes for two years, the four who receive the next highest number of votes for one year: and thereafter there shall be elected, annually, four members to serve for three years. In case of a tie vote the choice of terms shall be determined by lot. And the remaining twenty-five members shall consist of those members of the board of education elected at the April election in 1879, and whose terms of office do not expire until April, 1881; that, beginning with the April election of 1881, one member shall be elected from each ward of said cities; and such of said members as shall have been elected by wards having an odd numerical

EXHIBIT 3

SEC. 1271. *Abandonment of children.*—If any father or mother of any child under the age of six years, or any other person to whom such child shall have been confided, shall expose such child in a street, field or other place, with intent wholly to abandon it, he or she shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding five years, or in the county jail not less than six months. (G. S. 781, § 39.)

SEC. 1272. *Mistreatment of apprentices.*—If any master or mistress of an apprentice or other person having the legal care and control of any infant, shall, without lawful excuse, refuse or neglect to provide for such apprentice or infant, necessary food, clothing or lodging, or shall unlawfully and purposely assault such apprentice or infant, whereby his life shall be endangered, or his health shall have been or shall be likely to be permanently injured, the person so offending shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding three years, or by imprisonment in the county jail not exceeding one year, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment. (New section.)

SEC. 1273. *Abandonment of wife or child.*—If any man shall, without good cause, abandon or desert his wife, or abandon his child or children under the age of twelve years born in lawful wedlock, and shall fail, neglect or refuse to maintain and provide for such wife, child or children, he shall, upon conviction, be punished by imprisonment in the county jail not more than one year, or by a fine of not less than fifty, nor more than one thousand dollars, or by both such fine and imprisonment. No other evidence shall be required to prove that such husband was married to such wife, or is the father of such child or children, than would be necessary to prove such fact or facts in a civil action. (Laws 1867, p. 112, amended—*m*.)

SEC. 1274. *Carrying deadly weapons, etc.*—If any person shall carry concealed, upon or about his person, any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, literary or social purposes, or to any election precinct, on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose, other than for militia drill or meetings called under the militia law of this state, having upon or about his person any kind of firearms, bowie-knife, dirk, dagger, slung-shot, or other deadly weapon, or shall, in the presence of one or more persons, exhibit any such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall, directly or indirectly, sell or deliver, loan or barter to any minor, any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than five nor more than one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment. (Laws 1874, p. 43; laws 1875, p. 50, and laws 1877, p. 240, amended.)

SEC. 1275. *Above section not to apply to certain officers.*—The next preceding section shall not apply to police officers, nor to any officer or person whose duty it is to execute process or warrants, or to suppress breaches of the peace, or make arrests, nor to persons moving or traveling peaceably through this state, and it shall a good defense to the charge of carrying such weapon, if the defendant shall show that he has been threatened with great bodily harm, or had good reason to carry the same in the necessary defense of his person, home or property. (New section.)

SEC. 1276. *Fire arms not to be discharged near court house.*—Hereafter it shall be unlawful for any person in this state, except he be a sheriff or other officer in the discharge of official duty, to discharge or fire off any

(*m*) Wife held to be a competent witness to prove fact of abandonment. 43 Mo. 429. The fact that the defendant has brought suit for divorce is no defense. 52 Mo. 172.

gun, pistol or fire arms of any description, in the immediate vicinity of any court house, church or building used for school or college purposes. (Laws 1879, p. 90, § 1.)

SEC. 1277. *Punishment.*—Any person, guilty of a violation of the preceding section, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than five dollars nor more than twenty dollars, or by imprisonment in the county jail not exceeding twenty days. (Laws 1879, p. 91, § 2.)

SEC. 1278. *Immediate vicinity defined.*—The term immediate vicinity, as used in this article, shall be construed and held to mean a distance not exceeding two hundred yards. (Laws 1879, p. 91, § 3.)

SEC. 1279. *Intoxicated stage driver.*—Every person who, whilst actually employed in driving any stage, coach, wagon, omnibus, hack or other vehicle, shall be intoxicated to such a degree as to endanger the safety of any person therein, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by fine not less than twenty nor more than one hundred dollars. (G. S. 814, § 31.)

SEC. 1280. *Intoxicated pilot or engineer.*—Every person who, whilst actually employed in discharging the duties of a pilot or engineer on any steamboat, or of a conductor or engineer on railroad cars, shall be intoxicated to such a degree as to endanger the safety of such steamboat or cars, or of any person or passenger therein, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding three years, or in the county jail not exceeding one year, or by fine not exceeding one thousand dollars. (G. S. 814, § 32.)

SEC. 1281. *Drunken conductor, whilst in charge of train.*—If any person shall, while in charge of a locomotive engine running upon the railroad of any such corporation, or while acting as the conductor of a car, or train of cars, on any such railroad, be intoxicated, he shall be deemed guilty of a misdemeanor. (G. S. p. 342, § 40.)

SEC. 1282. *Punishment for certain offenses.*—Every person who shall be convicted of murder in either degree, or manslaughter in the first degree, or who shall be convicted and sentenced to the penitentiary for any of the offenses specified in sections twelve hundred and fifty-three, twelve hundred and fifty-four, twelve hundred and fifty-five, twelve hundred and fifty-six, twelve hundred and fifty-seven, twelve hundred and fifty-eight, twelve hundred and fifty-nine, twelve hundred and sixty, twelve hundred and sixty-one, twelve hundred and sixty-two and twelve hundred and sixty-six, shall be forever disqualified from voting at any election, or holding any office of honor, trust or profit under the laws of this state, or of any city, or town thereof, or sitting as a juror in any case. (G. S. 782, § 40, am'd.)

ARTICLE III.

OFFENSES AGAINST PUBLIC AND PRIVATE PROPERTY.

SECTION

1283. Arson in first degree.
1284. Dwelling house, defined.
1285. Arson in second degree.
1286. Building containing public records.
1287. Arson in third degree.
1288. Burning brewery, etc.
1289. Burning boat or vessel.
1290. Arson in fourth degree.
1291. Punishment for arson.
1292. Burglary in first degree.
1293. Burglary in second degree.
1294. Burglary, second degree, continued.
1295. Burglary, second degree, continued.

SECTION

1296. Burglary, second degree, continued.
1297. Burglary, second degree, continued.
1298. Burglary, second degree, continued.
1299. What breaking not burglary.
1300. Burglary in first and second degrees, how punished.
1301. Burglary and larceny.
1302. Robbery in first degree.
1303. Robbery in second degree.
1304. Robbery in third degree.
1305. Robbery, how punished.
1306. Attempt to blackmail, how punished.
1307. Grand larceny defined.

EXHIBIT 4

EXHIBIT 5

It is the duty of the State to protect the public and the individual. The State has a most salutary and beneficial effect. Sometimes, because of the lack of this strong, powerful sentiment, we are of the opinion that murder is the safest crime a man can commit. Often the worst brutal deed is, the plea of insanity is more forcibly made. Death on the gallows will stop much of this insanity, and also the carrying of weapons.

HARTVELL SEX: The root of the evil should be reached. The axe should be laid at the very root of the tree. The facilities for disseminating these dangerous instruments should be diminished, and, if it can be done constitutionally, the sale or advertisement of these dangerous weapons should be restricted, as well as the carrying of them punished. Then the young bloods would cool off before they had time to send off to get their instruments of death and if they would fight, they could use just such arms as God and nature has supplied them with. And ere long human blood would flow less freely, and the business of the courts would be considerably diminished.

GAZETTEVILLE SECRETARY: The way to prevent the recurrence of murders is, first, fine every man who is caught with a pistol or bowie-knife concealed about his person \$1,000 if he is rich, and \$500 if he is poor, or one day on the chain-gang for every dollar of delinquent fine. Second, hang by the neck until he is dead, dead, dead, every man who commits the crime of murder; and don't bring quite so much about the skill of attorneys when they, through fraud, strategy and big fees, or money used in other ways, manage to let one after another cold-blooded murderer go scot-free. This is the way to put a stop to bloodshed upon the merest pretense or provocation in Georgia, and there is no other way to rid the state of blustering, murderous, cowardly bullies.

"FABLES" IN HARTVELL SEX: Let the good honest citizens of every county form vigilance committees and hang judges, lawyers, preachers, farmers, or any one else found with a pistol in their pocket. The time has come for a desperate remedy for a desperate disease. After the war, the klu klux were a necessity and did much good in keeping down lawless, murderous villains—the only trouble, they held on a little too long. But in sixty days the pistol "toters" can be sprung up in every county. If a boy fifteen years old should be caught with a pistol, hang him; for pigs will make hogs. This thing has to be stopped before prosperity, morality, or genuine religion can ever have the ascendancy in this demoralized country.

DARKE EXPLANATION: It was not alone the corruption of rulers that bowed imperial Rome to the dust and made her people, as Tacitus termed it, "fit only to fill their bellies with lunks and turn on their backs to die," but it was a debased public sentiment that accomplished the work. And so it will be with us. A degenerated feeling prompts people to carry concealed weapons until a wild dog on the street will be the signal for a hundred pistols to flash in the air from pockets long accustomed to their company. This popular contempt for the law in this enlightened country and century is surely an evil worthy of the closest attention. It is a foul blot upon the escutcheon of our state, and should be dealt with promptly, summarily, and frowned down by law-abiding people everywhere.

CONCEALED WEAPONS.

What is Thought of the Practice by the Press of the State.

VALDOSTA TIMES: The Alston tragedy has put the press to discussing the habit of carrying concealed weapons. It is a cowardly practice, and unbecoming a man who pretends to honor and bravery. Our observation has been that cowards alone strut around with pistols in their pockets.

FRANKLIN REGISTER: Since the murder of Colonel Bob Alston, the press of the state is heavily down on the carrying of concealed weapons. It should be, and if there is any law by which this dangerous and cowardly practice can be suppressed, it should be enacted and enforced.

SALAMANCA BECOMES: In the Gibson trial it was a clear case of voluntary manslaughter. If we only had a law allowing two thirds of the jury to bring in a verdict, we would have fewer trials, and more speedy justice. Jurymen do sit upon juries, and no oath with them is sacred.

SALAMANCA NEWS: Several brutal murders which have occurred in various portions of the state within the past few months have started the friends of law and order and increased all good citizens with the necessity for a more certain and rigid enforcement of the criminal laws, and it is to be hoped that public sentiment will be brought to bear in such a manner as will secure that result.

MONTICELLO WEEKLY: There is no protection for the law-abiding portion of the community against the "pistol totes," except in the enforcement of the laws made to fit just such cases, and a grand juryman who will not assist in getting a "true bill" against every person violating this law should have his name withdrawn from the jury-box. It is the duty of every good citizen to aid in putting down the nefarious practice of carrying concealed weapons.

CONVICTON STAR: Public opinion must frown it down, and every citizen must keep a watchful eye on all suspicious persons and report to the proper officers every infringement of the law that comes within their knowledge. When you do this, no one will be foolhardy enough to brave public opinion, besides laying himself liable to the heavy penalties of the law. Let every good citizen do his duty in this matter and the evil and pernicious practice of carrying concealed deadly weapons may soon be entirely broken up.

ELBERTON GAZETTE: In the unsettled portion of the country where desperadoes abound, and on the poorly protected Texas border, it is proper that men should arm themselves to defend person and property, but in a civilized country it is no act of bravery or gallantry for a man to carry a deadly weapon concealed about his person. The man who does so takes the first step in the commission of a crime, and the sooner our laws are slapped in that direction the sooner will the pernicious habit be broken up.

CONVICTS' REGISTER: A law badly executed, or not at all, is worse than no law.

EXHIBIT 6

manner should be abused, the party would be liable to indictment at common law."

IV. DANGEROUS AND DEADLY WEAPONS.

A statute making it indictable for one to carry concealed about his person any "pistol, bowie-knife, razor, or other deadly weapon of like kind," embraces a butcher's knife. The words "other deadly weapon of like kind" imply similarity in the deadly character of weapons, such as can be conveniently concealed about one's person, to be used as a weapon of offence and defence.¹

V. DEFECTIVE WEAPONS.

1. *No justification or excuse.*—One who carries concealed about his person all the pieces of a pistol, which could readily be put together so as to make an effective weapon, is guilty of carrying concealed weapons, though at the time he carried them concealed the pieces were separated and incapable of use as a fire-arm until put together.²

In *Atwood v. State*,³ it was held that carrying a pistol, the tubes of which were battered, and the lock so out of order that it could not be discharged by the trigger, is within the act, and the court say, "Until the pistol has lost so many of its parts that it has ceased to be a fire-arm, and is incapable of use as such, carrying it concealed, in the absence of the exculpatory circumstances mentioned in the statute, is an indictable offence. A fire-arm is a weapon acting by the force of gunpowder, and a pistol is a small, light fire-arm. The pistol earliest in use was a matchlock arm, and yet a fire-arm, the lock containing a match for firing it. This was succeeded by the 'flint and steel' lock, and this by the percussion lock. The manner in which the weapon can be fired does not enter into its definition, however it may affect its value and utility. The 'flint and steel' lock had not entirely disappeared when the first statute against carrying concealed weapons was enacted. Carrying such a pistol concealed, though it was without a flint, or other appliance by which it could be fired, was, and

¹ *State v. Erwin*, 91 N. C. 545.

² *Hutchinson v. State*, 62 Ala. 8; S. C., 34 Am. Rep. 1.

³ 53 Ala. 508.

EXHIBIT 7

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

JOHN COCKE,

Speaker of the House of Representatives.

TERRY H. CAHAL,

Speaker of the Senate.

Passed January 18th, 1836.

CHAPTER CXXXVII.

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

Knives not to be
sold or given
away

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

Not to be worn

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

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

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

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

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

JOHN COCKE,

Speaker of the House of Representatives.

TERRY H. CAHAL,

Speaker of the Senate.

Passed January 27th, 1838.

EXHIBIT 8

Carrying Concealed Weapons.

When Cæsar was advised by his friends to be more cautious of the security of his person, and not to walk among the people without arms or any one to defend him, he always replied to the admonitions, "He that lives in fear of death every moment feels its tortures; I will die but once."

Why brave men—citizens whose duty it is to cultivate the arts of peace, should go habitually armed, making an arsenal of their persons, has always appeared to us an inscrutable mystery—we could never divine it. We see but two horns to the dilemma—such a man is momentarily afraid of his own life, and his mind is therefore eternally on the rack, or, he but pants for an opportunity to act the assassin, and is therefore little better than a fiend in human form, to be despised by the truly brave man and to be abhorred by the man governed by religious principles. It is not characteristic of brave nations to carry concealed weapons, nor is it, so far as our observation has extended, indicative of brave men.—Concealed weapons are the insignia of the footpad, the burglar and the mercenary bravo; and by the man unconscious of wrong and fearless of danger they never should be worn. It is as unmanly to inflict a wanton injury, as it is not to resent a premeditated offence; and he who would do the one or submit to the other is but a cowardly poltroon who deserves to be scouted from society; but where offence is given or injury sustained, even the code of *honor* has laid down other means of redress than an instant appeal to the Bowie knife.

The South is accounted chivalrous, truly chivalrous, and well has she earned that proud distinction. Her sons never faltered in the charge, nor retreated before the enemy, but were always first to do battle for their rights—last to lay down their arms while these rights were withheld from them. Now the question which Southrons should ask themselves is, "Will the habit of incessantly carrying concealed weapons about our persons preserve to us that brave and chivalrous character which we have gained in many a well fought field—or rather, is it not calculated to degrade us and sink us down to the level of Spanish brigands or piratical assassins?" To this last interrogatory the breast of every brave American must beat a responsive *yes*. We do hope to see the time when every man who carries concealed weapons will be looked upon in the degraded light of a loafer, or worse—we wish to see the potential voice of public opinion frown the system down, for "it is more honored in the breach than the observance;" and with Cæsar we believe that "he who lives in fear of death every moment feels its tortures."

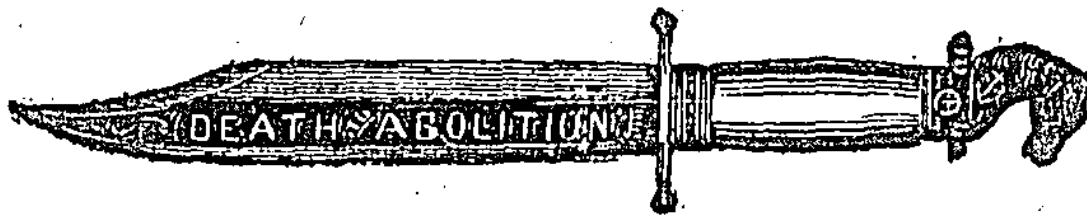
EXHIBIT 9

EXHIBIT 10

THE
SLAVE'S FRIEND.

VOL. III. No. II.

WHOLE No. 26.



BOWIE KNIFE.

These horrid weapons are usually called *Bowie* knives. They were invented by a man who lived in the state of Louisiana. His name was Buie. It is a French name, and is pronounced *Bóo-e*. Afterwards he went to 'Texas, and was killed there in battle.

People in slave states often carry such knives about them. When they get angry they draw the knife, and sometimes *stab one another* !

A man who keeps a shop in Broadway, New York city, sells Bowie knives.

EXHIBIT 11

poll tax : for all pleasure carriages, two per centum, on every hundred dollars of their estimated value, to be ascertained by the oath of the party giving in the same to the assessor : for every horse kept exclusively for the saddle or pleasure carriage, one dollar : for every race horse, five dollars : for every public race tract, twenty dollars : for every stud horse or jack-ass, the amount for which said stud or jack may stand by the season : for every head of neat cattle, (oxen used in the yoke excepted) which may be owned by any one man, over and above twenty-five head, four cents : for every billiard table kept for play, two hundred dollars : for each licence granted to hawkers or pedlars, fifty dollars for each county in which they trade, to be paid to the clerk of the court at the time of taking out the same : on all goods sold at auction, other than those which are exempted by law, two per centum on the amount of sale : on every practising attorney, five dollars : on every practising physician, five dollars : for every gold watch kept for use one dollar : for every silver or other watch kept for use, fifty cents : and for every clock kept for use, one dollar : for money loaned at interest, twenty-five cents for every hundred dollars : for every dirk, one dollar : for every sword cane, one dollar : for every pocket or side pistol, one dollar : for every dirk knife with a spring to prevent it from shutting, one dollar : and on the sale of every pack of playing cards, an additional tax of one dollar.

Pleasure carriage.
Horse for saddle or carriage.
Racehorse
Race tract
Studs and Jacks.
Cattle.
Billiard tables.
Pedlars.
Auctions.
Attornies.
Physicians
Watchers.
Clocks.
Money at interest.
Dirks.
Cards.

Sec. 4. *And be it further enacted*, That on every original writ, and subpoena in chancery, there shall be paid at the time of taking out the same, to the clerks of the circuit courts in each and every county, the sum of fifty cents, and on every writ of error and appeal one dollar : and it shall be the duty of the clerks aforesaid, respectively to make a return of the same, and pay over the money thus collected to the tax collectors of their respective counties, on or before the day on which the said tax collectors may be required to settle their accounts, with the Treasury of this State.

Sec. 5. *And be it further enacted*, That for every tavern license in any city or town, there shall be paid as tax twenty dollars : for keeping a house of public entertainment in any city or town without retailing spirituous liquors, ten dollars : on every retailer of spirituous liquors in any city or town, twenty-five dollars : on every retailer of spirituous liquors in the country, or on the road or highways, without keeping accommodations for man and horse, fifteen dollars : and on all houses of public entertainment on the roads and highways, retailing spirituous liquors, ten dollars, which tax shall be paid to the clerk issuing the license, and by him immediately to the tax collectors, and the clerk shall receive for his services the fees heretofore allowed for issuing licenses : and no county tax shall be paid on licenses except such as may be levied by the county court of such county.

Tax on tavern licenses and retailers.

Sec. 6. *And be it further enacted*, That on all shares of Bank stock in any bank in the state, held by any individual, partnership, or body corporate, there shall be levied and collected yearly a revenue at the rate of fifty cents on each share of one hundred dollars : *Provided nevertheless*, that if any bank in this state shall refuse to pay specie for their notes after the first day of July next, then and in that case, there shall be levied and collected an additional tax of fifty cents on each share held as aforesaid in any bank or banks so refusing to pay specie for their notes : And the President and Directors or Cashier, on making out their last dividend for each preceding year shall return the

Bank stock taxable.

When to pay over.

EXHIBIT 12

1846.

Proviso.

Repeal.

lowing manner, and not otherwise, that is to say—In all criminal prosecutions, the Solicitor's fee shall be taxed in the bill of costs and collected by the Sheriff with the other costs of the case, and be by him paid over to the Solicitor: *Provided*, That in all instances where said fee or any part thereof cannot be so collected, and it shall so appear by the return of the Sheriff, then the same shall be a charge upon the Treasury of the State.

SEC. 2. *Be it further enacted*, That all acts or parts of acts conflicting with the provisions of this act, be, and the same are hereby repealed.

[Passed the Senate, December 22, 1846. Passed the House of Representatives, December 26, 1846. Approved, December 29, 1846.]

CHAPTER 75.—[No. 5.]

AN ACT amendatory of the Criminal Laws now in force in this State.

Punishment of
certain offend-
ers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That hereafter, if any person shall be convicted, whether upon indictment now pending or hereafter to be presented, of any of the offences, the punishment of which under the provisions of an act approved, February 27th, 1839, entitled, an act to amend an act entitled, an act relating to crimes and misdemeanors, approved, February 10th, 1832, is prescribed to be a fine not exceeding fifteen hundred dollars nor less than two hundred dollars, and imprisonment not exceeding six months, nor less than thirty days, at the discretion of the court, he shall be fined in any sum not exceeding fifteen hundred dollars and not less than ten dollars, and imprisoned for any time not exceeding six months and not less than one month, at the discretion of the court.

Selling liquor
to slaves.

Trading with
slaves.

SEC. 2. *Be it further enacted*, That if any person or persons shall either himself or by his servant, or agent, sell or barter to any slave or slaves, any vinous or spirituous liquors of any description, without an express license in writing from the person having control of said slave or slaves authorising said slave to purchase the same, or buy or barter with any slave or slaves any article whatever, without license as aforesaid, he, she, or they so offending, on conviction thereof before the Circuit court, shall be fined in a sum not less than twenty-five dollars nor more than two hundred dollars, or imprisoned not exceeding three months, at the discretion of the Judge.

Carrying arms
secretly.

SEC. 3. *Be it further enacted*, That hereafter it shall not be lawful for any person in this State to carry arms of any kind whatsoever secretly, on or about their person, and if any dirk, pistol or other arm or weapon, except a common pocket knife, shall be seen or known to be secreted upon the person of any one in this State, such person so offending, shall on conviction, be fined not exceeding five hundred dollars and not less than five dollars, or imprisoned not exceeding six months and not less than ten days, at the discretion of

Criminal Laws. Criminal Cases. Chancery. CHAP. 75—76—77.

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the court: *Provided, however,* That this law shall not be so construed as to prevent any person from carrying arms openly, outside of all their clothes; and it shall be the duty of the Judges of the Circuit courts in this State to give the matter contained in this act in special charge to the Grand Juries in the several counties in this State, at every session of the courts.

1840.

SEC. 4. *Be it further enacted,* That all laws or parts of laws, so far as the same conflict with the foregoing section, be and the same are hereby repealed: *Provided, however,* That no conviction or sentence already rendered or pronounced under the acts referred to in the preceding sections, shall be in anywise affected by this act.

[Passed the House of Representatives, January 5, 1847. Passed the Senate, January 6, 1847. Approved, January 6, 1847.]

CHAPTER 76.—[No. 6.]

AN ACT relative to Costs in Criminal cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That in all cases of a conviction for crimes or misdemeanors under the laws of this State, the costs of prosecution shall be included and entered up in the judgment rendered against the convicted person, unless the jury trying the cause expressly find otherwise.

Costs of prosecution.

SEC. 2. *Be it further enacted,* That in all cases not capital, when it shall be made to appear from due proof made in open court, that the person convicted is wholly unable to pay costs, and that the judgment has in other respects been complied with, the court before which such person was convicted shall have power to discharge him or her without the payment of costs.

When party unable to pay costs.

SEC. 3. *Be it further enacted,* That no defendant in a criminal prosecution who shall be acquitted or discharged therefrom, shall be liable for any costs or fees of the court, or of any Justice of the Peace, or any ministerial officer, or for any charge of subsistence while detained in custody.

When defendant not liable for costs.

[Passed the House of Representatives, December 19, 1846. Passed the Senate, December 26, 1846. Approved, December 29, 1846.]

CHAPTER 77.—[No. 7.]

AN ACT to amend the several acts relative to proceedings in Chancery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened,* That it shall be the duty of the defendant, unless the time shall be otherwise enlarged for cause shown by a Judge of the court, upon motion for that purpose, to file his plea, demurrer or answer to the bill in the Clerk's office, on the rule day next succeeding that of entering his

Plea, demurrer, answer when filed.

EXHIBIT 13

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equity in this state, where any person or persons may be surrendered by his or their bail in discharge of themselves, it shall and may be lawful for the person or persons so surrendered to take the benefit of the prison rules of the county, under the same rules, regulations, and restrictions prescribed for the benefit of defendants arrested and in custody under a writ of *capias ad satisfaciendum*. take the benefit of prison rules.

JAMES FENTRESS,

Speaker of the House of Representatives;

W. HALL,

Speaker of the Senate, *pro tem*;

October 18, 1821.

CHAPTER XII.

An Act prescribing certain duties of Sheriffs in this state.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter it shall not be lawful for any sheriff within this state to appoint more than two deputies within the county for which he shall have been appointed sheriff, nor shall it be lawful for a Justice of the Peace to act as deputy sheriff during his continuance in office: *Provided* nothing herein shall be so construed as to apply to, or prohibit special deputations on urgent occasions, and deputations for the purpose of holding elections. Sheriff to appoint not more than two deputies. No Justice to be a deputy.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, *pro tem*.

October 19, 1821.

CHAPTER XIII.

An Act to prevent the wearing of dangerous and unlawful weapons.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, each and every person so degrading himself, by carrying a dirk, sword cane, French knife, Spanish stiletto, belt or pocket pistols, either public or private, shall pay a fine of five dollars for every such offence, which may be recovered by warrant before any Justice of the Peace, in the name of the county and for its use, in which the offence may have been committed; and it shall be the duty of a Justice to issue a warrant on the application on oath of any Fine for carrying weapons.

Exception
as to travel-
lers and the
strop of a shot
pouch.

person applying ; and that it shall be the duty of every Judge, Justice of the Peace, Sheriff, Coroner and Constable within this state to see that this act shall have its full effect : *Provided nevertheless*, That nothing herein contained shall affect any person that may carry a knife of any size in a conspicuous manner on the strop of a shot pouch, or any person that may be on a journey to any place out of his county or state.

JAMES FENTRESS,

Speaker of the House of Representatives:

W. HALL,

Speaker of the Senate, *pro tempore*

October 19, 1821.

CHAPTER XIV.

An Act directing the proceedings in cases of forcible entry and detainer.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*. That no person or persons shall enter upon or into any lands, tenements or other possessions, and detain or hold the same but where entry is given by law, and then only in a peaceable manner.

What shall
be a forcible
entry and de-
tainer.

SEC. 2. *Be it enacted*, That if any person shall enter upon or into any lands, tenements, or other possessions and detain and hold the same with force or strong hand, or with weapons, or by breaking open the doors, windows or other part of a house whether any person be in it or not, or by any kind of violence whatsoever, or by threatening to kill, maim, or beat the party in possession, or by such words, circumstances or actions as have a natural tendency to excite fear or apprehension of danger, or by putting out of doors or carrying away the goods of the party in possession, or by entering peaceably, and then turning by force or frightening by threats or other circumstances of terror, the party out of possession, in such case every person so offending shall be deemed guilty of a forcible entry and detainer, within the meaning of this act.

Whatever
makes an en-
try forcible,
makes a de-
tainer forci-
ble.

SEC. 3. *Be it enacted*, That no person who shall lawfully or peaceably enter upon, or into any lands, tenements, or other possessions, shall hold or keep the same unlawfully, and with force or strong hand, or weapons, or violence, or menaces, or terrifying words, circumstances or actions aforesaid, and it is

EXHIBIT 14

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grants, deeds, or mesne conveyances not being proved and registered within this state, it shall and may be lawful for such person or persons to prove and register his, her, or their grants, deeds or mesne conveyances.

Sec. 2. *Be it enacted*, That this act shall be in force until the end of the next stated session of the general assembly.

C H A P. XXI.

AN ACT to amend an act, entitled, "An act to ascertain the boundaries of land, and for perpetuating testimony.—PASSED NOVEMBER 6, 1801;

BE it enacted by the General Assembly of the State of Tennessee, That all the privileges, benefits, and advantages arising under or accruing to others, by virtue of an act, entitled, "An act to ascertain the boundaries of land, and for perpetuating testimony, passed at Knoxville in the year 1799, shall extend to the citizens resident south of French Broad and Holston, and between the rivers Big Pigeon and Tennessee, holding or claiming, or that may hold or claim land by right of occupancy, so far as may respect their rights to, or the conditional or boundary lines of their respective claims or rights of occupancy and pre-emption in that tract of country, any thing in the proviso to the fourth section of said recited act to the contrary notwithstanding.

C H A P. XXII.

AN ACT for the restraint of idle and disorderly persons.—PASSED NOVEMBER 13, 1801.

WHEREAS it becomes necessary for the welfare of the community, to suppress wandering, disorderly and idle persons:

Section 1. *BE it enacted by the General Assembly of the State of Tennessee*, That any person or persons who have no apparent means of subsistence, or neglect applying themselves to some honest calling for the support of themselves and families, every person so offending, who shall be found sauntering about neglecting his business, and endeavoring to maintain himself by gaming or other undue means, it shall and may be lawful for any justice of the peace of the county wherein such person may be found, on due proof made, to issue his warrant for such offending person, and cause him to be brought before said justice, who is hereby empowered, on conviction, to demand security for his good behaviour, and in case of refusal or neglect, to commit him to the goal of the county, for any term not exceeding five days, at the expiration of which time he shall be set at liberty if nothing criminal appears against him, the said offender paying all charges arising from such imprisonment; and if such person shall be guilty of the like offence from and after the space of thirty days, he, so offending, shall be deemed a vagrant, and be subject to one month's imprisonment, with all costs accruing thereon, which if he neglects or refuses to pay, he may be continued in prison until the next court of the county, who may proceed to try the said offender, and if found guilty by a verdict of a jury of good and lawful men, said court may proceed to hire the offender for any space of time not exceeding six months, to make satisfaction for all costs, but if such person or persons so offending, be of ill fame, so that he or they cannot be hired for the costs, nor give sufficient security for the same and his future good behaviour, in that case it shall and may be lawful for the said court to cause the offender to receive not exceeding thirty nine lashes, on his bare back, after which he shall be set at liberty, and the costs arising thereon shall become a county charge; which punishment may

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be inflicted as often as the person may be guilty, allowing thirty days between the punishment and the offence.

Sec. 2. *Be it enacted*, That it shall not be lawful for any person or persons of ill fame or suspicious character, to remove him or themselves from one county to another in this state, without first obtaining a certificate from some justice of the peace of said county or captain of his company, setting forth his intention in removing, whether to settle in said county, or if travelling, to set forth his business and destination, and if such traveller should be desirous to stay in any county longer than ten days, he shall first apply to some justice of said county for leave, and obtain a certificate for that purpose, setting forth the time of his permission, and if such person shall be found loitering in said county after the expiration of his permit, or fail to obtain the same agreeable to the true intent and meaning of this act, such person or persons so offending, may be apprehended by any person or persons, and carried before some justice of the peace, who may enquire into his character and business; and fine him at his discretion, not exceeding ten dollars; but if said traveller shall be found on examination, to be a person of ill fame, and there is reason to suspect he is loitering in said county for evil purpose, attempting to acquire a living by gambling, or other bad practices, such justice shall have power to commit any person of like character, until he shall find good and sufficient security for his good behaviour, for any time not exceeding ten days, and said justice of the peace or court of the county shall proceed against such offender, in the same manner as is heretofore prescribed for vagrants.

Sec. 3. *Be it enacted*, That all and every keeper or keepers, exhibitor or exhibitors, of either of the gaming tables commonly called A. B. C. or E. O. tables, or faro bank, or of any other gaming cloth table, or bank of the same, or like kind, under any denomination whatever, shall be deemed and treated as a vagrant, and moreover it shall be the duty of any judge or justice of the peace, by warrant under his hand, to order such gaming table or cloth to be seized and publicly burned or destroyed; said warrant shall be directed to some one constable within the county, whose duty it shall be, forthwith to execute the same: *Provided*, That nothing herein contained, shall be so construed as to extend to billiard tables.

Sec. 4. *Be it enacted*, That it shall not be lawful for any house keeper to harbor any idle person of the character aforesaid, for any longer time than is heretofore specified, under the penalty of twenty dollars for every such offence, to be recovered by warrant before any justice of the peace of the county where the offence is committed.

Sec. 5. *Be it enacted*, That it shall be the duty of each justice of the peace, on information being made on oath to him or them, that there is a person or persons of the aforesaid description, loitering in his or their county, then and in that case he or they shall issue his or their warrant against such person or persons agreeable to this act: *And provided*, he or they shall neglect or refuse so to do, it shall be deemed a misdemeanor in office, for which he or they shall be impeachable, and on conviction be removed from office.

Sec. 6. *Be it enacted*, That if any person or persons shall publicly ride or go armed to the terror of the people, or privately carry any dirk, large knife, pistol or any other dangerous weapon, to the fear or terror of any person, it shall be the duty of any judge or justice, on his

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own view, or upon the information of any other person on oath, to bind such person or persons to their good behaviour, and if he or they fail to find securities, commit him or them to goal, and if such person or persons shall continue so to offend, he or they shall not only forfeit their recognizance, but be liable to an indictment, and be punished as for a breach of the peace, or riot at common law.

Sec 7. *Be it enacted*, That if any person or persons shall unlawfully cut out or disable the tongue, put out an eye, slit a nose, bite or cut off a nose, ear or lip, or cut off or disable any limb or member, or stab any person whatsoever, in doing so, to maim, wound or disfigure in any of the manners before mentioned, such person or persons so offending, their counsellors, aiders and abettors, knowing of, and privy to the offence, shall be and are hereby declared to be felons, and shall suffer as in case of felony: *Provided nevertheless*, he or they shall be entitled to benefit of clergy, and be further liable to an action of damages to the party injured.

Sec 8. *Be it enacted*, That all fines inflicted by this act, shall be one half to him that will sue for the same, and the other half to the use of the county.

Sec. 9. *Be it enacted*, That all laws and parts of laws, which come within the meaning and purview of this act, are hereby repealed.

C H A P. XXIII.

AN ACT to authorise the several county courts of pleas and quarter sessions to remit and mitigate fines and forfeitures on recognizances as therein mentioned — (PASSED OCTOBER 12, 1851.)

Section 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the several courts of pleas and quarter sessions in this State, shall have power to remit or mitigate all fines by them inflicted, and all forfeitures on recognizances, previous to entering final judgment thereon: *Provided*, a majority, or any number not less than nine of the justices of said county be present when such remittance or mitigation shall be made.

Sec 2. *Be it enacted*, That so much of any other act as comes within the purview and meaning of this act is hereby repealed.

C H A P. XXV.

AN ACT concerning administrations granted on the estates of persons dying intestate, therein mentioned — (PASSED NOVEMBER 10, 1851.)

WHEREAS heretofore the courts of pleas and quarter sessions, during the being of the temporary government called Franklin, granted administrations on the estates of persons who died intestate, and have issued letters of administration accordingly, in virtue and by authority of which, the persons so administering, have proceeded to administer upon the goods and chattels, rights and credits of their intestates respectively: And whereas it will contribute to the peace and quiet of families, that administrations on such estates, so as aforesaid granted, be deemed and declared valid,

Sec 1. *BE it enacted by the General Assembly of the State of Tennessee*, That all administrations granted by any of the said courts of pleas and quarter sessions, and letters of administration by any of the aforesaid courts issued, on the estate or estates of any person who died intestate, and all proceedings in virtue of such letters of administration had and done, of, and concerning any such estate, agreeably to, and in conformi-

EXHIBIT 15

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Governor to accept of the services of any volunteer company or companies (not exceeding three thousand as aforesaid) who shall tender their services within such time, and for such term, not exceeding six months, as the Governor in his discretion, shall proclaim and appoint. And the Governor shall designate and commission for that purpose, all officers necessary and proper for the command of such volunteers.

Volunteers to receive money in advance
 Sec. 3. *Be it further enacted*, That all volunteer officers, non-commissioned officers, musicians and privates, whose service may be tendered and accepted under the provisions of this act, shall, at such place or places of rendezvous as the Governor shall appoint within this state, be entitled to receive in advance, the sum of ten dollars, to be taken and considered as a part of their pay.

Forces when raised how to be disposed of
 Sec. 4. *Be it further enacted*, That the forces to be raised and organized, as provided by this act, shall be disposed of according to the discretion of their Governor (that discretion subject only to the requisitions of the general government) and shall be liable to be marched to any place, and engaged in the service of the U. States, as the exigencies of the present war may, in the opinion of the executive, require.

The Governor authorized to draw money from the treasury or borrow from banks
 Sec. 5. *Be it further enacted*, That the governor of this commonwealth, for the purpose of carrying into effect the third section of this act, shall be authorized to draw from the Treasury of this state, any sums of money that may be necessary therefor; or in case of deficiency in the public funds, to borrow from any Bank or individuals, upon the best terms he can obtain such additional sums as may be necessary for the purpose aforesaid.

Sec. 6. *Be it further enacted*, That the powers vested in the Governor by the first and second sections of this act, shall be exercised and carried into effect by him to such extent, and in such a manner and time, as his own discretion and the emergency of public affairs may dictate.

CHAP. LXXXIX.

AN ACT to prevent persons in this Commonwealth from wearing concealed Arms, except in certain cases.

Approved, February 3, 1813.

Sec. 1. *BE it enacted by the general assembly of the commonwealth of Kentucky*, That any person in this commonwealth, who shall hereafter wear a pocket pistol, dirk, large knife, or sword in a cane, concealed as a weapon, unless when travelling on a journey, shall be fined in any sum, not less than one hundred dollars; which

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may be recovered in any court having jurisdiction of like sums, by action of debt, or on the presentment of a grand jury—and a prosecutor in such presentment shall not be necessary. One half of such fine shall be to the use of the informer, and the other to the use of this commonwealth.

This act shall commence and be in force, from and after the first day of June.

CHAP. XC.

AN ACT to amend the Militia Law.

Approved February 3, 1813.

Sec. 1. **B**E it enacted by the General Assembly of the Commonwealth of Kentucky, That if any non-commissioned officer, musician or private, failing to march, or furnishing an able bodied substitute in his place, when ordered and lawfully called on, or leaving the service without a discharge from the proper officer, shall be considered as a deserter, & treated as followeth, to wit: Any person may apprehend such deserter, and deliver him to the officer commanding such detachment, or any recruiting officer within this commonwealth, and take his receipt for the same; which receipt shall describe the name of such deserter, and the length of time he was to serve, and by whom he was delivered—which receipt shall be assignable; and the reward for taking and so delivering such deserter, as aforesaid, shall be a credit for a tour or tours of duty for the length of time such deserter was bound to serve; and said deserter shall serve out the term of time aforesaid before he shall be discharged, in addition to the time he was to serve, if such term of time is then required; otherwise shall serve said tour or tours, when required so to do. And any person holding such receipt, when he is called on to perform a tour or tours of duty, and producing the same to the captain calling on him, it shall be the duty of said captain to receive the same, and give the owner thereof a credit for as many tours as is therein contained.

Persons failing to perform tour of duty considered a deserter

Sec. 2. And where any delinquent militia-man shall belong to any society who hold a community of property, the sheriff shall call on the agent or superintendent of the common stock, or firm of said society, or compact, for the same; and if he fails to pay the same as before described, the sheriff shall make distress, and sell so much of the property belonging to said stock, as will satisfy the fine, cost, &c. as is before directed.

Sec. 3. *And be it further enacted,* That brigade inspectors and brigade quarter masters, when not taken from the line, shall each be entitled to the rank, pay, and emoluments

Brigade inspectors quarter masters, adjutants and pay-masters

EXHIBIT 16

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Render account. Penalty for default. greeable to the assessment; and the said trustees shall at the end of the time for which they were elected, render an account of the same to the parish judge, and should any sums be unappropriated, the same shall be paid into the hands of the parish judge in trust for the succeeding trustees, and in case of default of the trustees whose term of time is thus expired, it shall be the duty of the parish judge to summon them to a settlement, enter judgment and issue execution for arrearages if necessary.

Clerk and collector. Fees. SECT. 3. *And be it further enacted*, That the trustees shall appoint one clerk and one collector, whose term of service shall expire at the same time with that of the trustees, which said officers shall be entitled to such fees as the said trustees may deem proper to allow them.

STEPHEN A. HOPKINS,
Speaker of the house of representatives.
J. POYDRAS,
President of the senate,
APPROVED, March 25th, 1813.
WILLIAM C. C. CLAIBORNE,
Governor of the state of Louisiana.

AN ACT

Against carrying concealed weapons, and going armed in public places in an unnecessary manner.

Preamble. Whereas assassination and attempts to commit the same, have of late been of such frequent occurrence as to become a subject of serious alarm to the peaceable and well disposed inhabitants of this state; and whereas the same is in a great measure to be attributed to the dangerous and wicked practice of carrying about in public places concealed and deadly weapons, or going to the same armed in an unnecessary manner, therefore;

Penalty for carrying concealed weapons. SECT. 1. *Be it enacted by the senate and house of representatives of the state of Louisiana, in general assembly convened*, That from and after the passage of this act, any person who shall be found with any concealed weapon, such as a dirk, dagger, knife, pistol or any other deadly weapon concealed in his bosom, coat or in any other place about him that do not appear in full open view, any person so offending, shall on conviction thereof before any justice of the peace, be subject to pay a fine not to exceed fifty dol-

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esclaves) et pour son usage, d'une piastre sur chaque mille piastres, suivant le tableau des taxes; et lesdits administrateurs, à l'expiration du terme pour lequel ils auront été élus, en rendront compte au juge de la paroisse, et, s'il restait en caisse des fonds disponibles, ils seront versés entre les mains du juge de paroisse qui les gardera jusqu'à la nomination d'autres administrateurs, et si lesdits administrateurs, à l'expiration du terme pour lequel ils auront été élus, négligeaient de rendre le compte susdit, il sera du devoir du juge de paroisse de les sommer de rendre leurs comptes et de les poursuivre en justice et de lancer contre eux des mandats d'exécution pour les sommes arriérées, s'il le juge nécessaire.

Rediton de compte.

Peines pour défaut.

SECT. 3. *Et il est de plus decreté,* Que lesdits administrateurs nommeront un commis et un collecteur de taxe, dont le tems de service finira en même tems que celui des administrateurs et qui auront droit à la compensation que les administrateurs jugeront à propos de leur accorder.

Commis et collecteur.

Compensation,

STEPHEN A. HOPKINS,

Orateur de la Chambre des Représentans,

J. POYDRAS,

Président du Senat.

Approuvé le 25 Mars 1813.

WM. C. C. CLAIBORNE,

Gouverneur de l'Etat de la Louisiane.

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ACTE

*Pour défendre de porter des armes cachées et de se présenter armé d'une manière inutile dans les endroits publics.*

Vu qu'il s'est commis dernièrement des assassinats et qu'il a été essayé d'en commettre d'autres de manière à causer de sérieuses allarmes aux habitans paisibles et bien disposés de cet état, et vu qu'on doit en grande partie attribuer la cause de ces assassinats à la coutume pernicieuse et condamnable de porter dans des endroits publics, des armes cachées et dangereuses, ou de s'y rendre armé d'une manière inutile,

Preamble.

SECT. 1<sup>ère</sup>. *Il est decreté par le sénat et la chambre des Représentans de l'Etat de la Louisiane réunis en Assemblée Générale,* Qu'à dater de la passation de cet acte, toute personne qui sera trouvée armée d'aucune arme cachée, tels que poignard, dague, couteau, pistolet ou toute autre arme meurtrière dans son habit ou ailleurs sur lui et qui ne seront point ostensibles, toute personne coupable de cette contravention, sera, sur conviction du fait, devant un juge de paix, condamné à une amende qui n'excédera pas

Peines contre ceux qui portent des armes cachées.

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How dis- lars nor less than twenty dollars, one half to the use  
tributed. of the state, and the balance to the informer; and  
For the second of- should any person be convicted of being guilty of a  
fence. fession, shall pay a fine not less than one hundred dol-  
lars to be applied as aforesaid, and be imprisoned for  
a time not exceeding six months.

Penalty for stabbing &c. SECT. 2. *And be it further enacted,* That should  
any person stab or shoot, or in any way disable ano-  
ther by such concealed weapons, or should take the  
life of any person, shall on conviction before any com-  
petent court suffer death, or such other punishment  
as in the opinion of a jury shall be just.

Suspect- ed persons may be searched. SECT. 3. *And be it further enacted,* That when  
any officer has good reason to believe that any person  
or persons have weapons concealed about them, for  
the purpose of committing murder, or in any other  
way armed in such a concealed manner, on proof  
thereof being made to any justice of the peace, by  
the oath of one or more credible witnesses, it shall  
be the duty of such judge and justice to issue a war-  
rant against such offender and have him searched,  
and should he be found with such weapons, to fine  
him in any sum not exceeding fifty dollars nor less  
than twenty dollars, and to bind over to keep the  
peace of the state, with such security as may appear  
necessary for one year; and on such offender failing to  
give good and sufficient security as aforesaid; the  
said justice of the peace shall be authorised to com-  
mit said offender to prison for any time not exceeding  
twenty days.

Fine.  
Sureties  
of the  
peace.

STEPHEN A. HOPKINS,  
*Speaker of the house of representatives,*  
J. POYDRAS,  
*President of the senate.*  
APPROVED, March 25th, 1816.  
WILLIAM C. C. CLAIBORNE,  
*Governor of the state of Louisiana.*

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AN ACT

*To establish a permanent seat of justice in and for
the parish of St. Tammany.*

SECT. 1. *Be it enacted by the senate and house of
representatives of the state of Louisiana, in general
assembly convened,* That Thomas Spell, Robert Ba-
dony, Benjamin Howard, Joseph Hertrair and Ben-
Commis-
sioners.

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cinquante piastres et qui ne sera pas moindre de vingt piastres, dont moitié au profit de l'état, et le reste au profit du dénonciateur; et toute personne convaincue de récidive devant toute cour de juridiction compétente, sera condamnée à une amende qui ne pourra être moindre de cent piastres dont il sera disposé comme ci-dessus et à un emprisonnement qui ne pourra excéder six mois.

SECT. 2. *Et il est de plus décrété,* Que toute personne qui poignardera, blessera ou tirera en aucune manière sur toute autre personne ou personnes avec des armes ainsi cachées, ou qui leur ôtera la vie, sur conviction du fait devant toute cour de juridiction compétente, sera condamnée à mort ou à toute autre peine que le jury pourra trouver juste dans son opinion.

SECT. 3. *Et il est de plus décrété,* Que lorsque tout officier public à des raisons suffisantes de croire qu'une ou plusieurs personnes portent des armes cachées dans l'intention de commettre un meurtre, ou que d'aucune manière cette personne ou personnes portent des armes cachées, sur preuve authentique du fait et sur le témoignage d'une ou plusieurs personnes dignes de foi, devant un juge-de-peace, il sera du devoir dudit juge-de-peace de faire conduire pardevant lui le coupable, le faire fouiller, et en cas qu'il soit trouvé sur lui des armes cachées, il aura le pouvoir de le condamner à une amende qui ne pourra excéder cinquante piastres, ni être moindre de vingt piastres et de lui faire donner telle caution qu'il pourra trouver convenable pour conserver la tranquillité de l'état pendant une année, et si ledit coupable ne fournit pas bonne et suffisante caution, ledit juge-de-peace est autorisé de le faire emprisonner pour un tems qui ne pourra excéder vingt jours.

STEPHEN A. HOPKINS,

Orateur de la Chambre des Représentans,

J. POYDRAS,

Président du Sénat,

Approuvé 23 Mars 1813.

WM. C. C. CLAIBORNE,

Gouverneur de l'Etat de la Louisiane.

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ACTE

*Pour fixer d'une manière permanente le lieu des séances de la cour de paroisse de St. Tammany.*

SECT. 1<sup>ère</sup>. *Il est décrété par le sénat et la chambre des représentans de l'état de la Louisiane réunis en assemblée générale,* Que Thomas Spell, Robert Badony, Benjamin Howard, Joseph Ketraino et

# **EXHIBIT 17**



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### CHAPTER XXIII.

*AN ACT to prohibit the wearing of concealed weapons.*

APPROVED, January 14, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That* any person wearing any dirk, pistol, sword in cane, or any other unlawful weapon, concealed, shall be deemed guilty of a misdemeanor, and on conviction thereof, by presentment or indictment, shall be fined in any sum not exceeding one hundred dollars, for the use of county seminaries: *Provided however,* that this act shall not be so construed as to affect travellers:

Persons  
wearing con-  
cealed weap-  
ons indicta-  
ble

Proviso

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### CHAPTER XXIV.

*AN ACT supplemental to "an act for the appointment of County Surveyors."*

APPROVED, January 14, 1820.

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That* whenever hereafter any dispute may arise about the division of any land within this state, wherein the county surveyor of the county, where the lands lie, may be a party, or in any manner interested, it shall be lawful for the Circuit Court on application of either par-

County sur-  
veyor inter-  
ested in par-  
tition Circuit  
court to ap-  
point survey-  
or

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ty, to appoint some suitable person in said county, whose duty it shall be to proceed to divide the same, for which service, the person so appointed, shall be entitled to the same fees as county surveyors are entitled to, for similar services.

## CHAPTER XXV.

*AN ACT authorizing the arrest and securing fugitives from Justice.*

APPROVED, January 14, 1820.

Fugitives  
from justice  
to be appre-  
hended

Justice to is-  
sue his war-  
rant and pro-  
ceedings  
thereon

Fugitive to  
be commit-  
ted

SEC. 1. *BE it enacted by the General Assembly of the State of Indiana, That if any person shall commit any crime in any of the United States, or the territories thereof, and shall flee into this state, it shall be lawful for any Judge of the Supreme or Circuit Court, or justice of the peace, within this state, on the oath or affirmation of any person charging such fugitive with a crime, to issue his warrant, and cause such fugitive to be arrested, and brought before him, and after hearing the proofs and allegations for and against such fugitive, if in the opinion of such Judge or justice, the proof is evident, or presumption strong, as to the guilt of the person charged, it shall be the duty of such Judge or Justice, to commit such fugitive from justice, to the common jail of the county, where such arrest may be made, for any length of time, not exceeding one month,*

# **EXHIBIT 18**

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## LAWS OF THE STATE OF MISSISSIPPI.

1821

## CHAP. XLIX.

An Act, to prohibit the carrying or wearing of concealed weapons.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened,* That from and after the passage of this act, any person or persons convicted before any magistrate of his or their wearing or carrying any pistols, dirk or other such offensive weapons, concealed about his or their persons, shall forfeit and pay the sum of fifty dollars for every such offence, to be applied to the use of the literary fund: *Provided,* That in all cases of persons travelling, they shall not be bound by the provisions of this act.

COWLES MEAD,

*Speaker of the House of Representatives.*

JAMES PATTON,

*Lieutenant-Governor and President of the Senate.*

APPROVED, NOVEMBER 28, 1821.

GEO. POINDEXTER.

## CHAP. L.

An Act, to regulate the salaries of the district attorneys of the third and fourth Judicial Districts.

Salaries  
fixed.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened,* That the district attorneys of the third and fourth judicial districts of this State, shall hereafter receive for their services the sum of six hundred dollars per annum, payable quarter yearly, out of any money in the treasury, not otherwise appropriated.

Repealing  
clause.

SEC. 2. *And be it further enacted,* That so much of the acts as allows the district attorney of the third judicial district, the sum of four hundred dollars, and the district attorney of the fourth judicial district, the sum of eight hundred dollars, be, and the same is hereby repealed.

COWLES MEAD,

*Speaker of the House of Representatives.*

JAMES PATTON,

*Lieut. Gov. and President of the Senate,*

APPROVED, NOVEMBER 28, 1821.

GEO. POINDEXTER.

# **EXHIBIT 19**

*Free Negroes.—Burning in Hand.—Concealed Weapons.*

CHAP. 99.—An ACT to prevent free persons of colour who leave the state from returning to it in certain cases.

(Passed April 7, 1833.)

Free negroes leaving state to be educated not permitted to return.

Infants so returning how dealt with.

Adults how punished.

Commencement.

1. *Be it enacted by the general assembly*, That if any free person of colour, whether infant or adult, shall go or be sent or carried beyond the limits of this commonwealth for the purpose of being educated, he or she shall be deemed to have emigrated from the state, and it shall not be lawful for him or her to return to the same; and if any such person shall return within the limits of the state contrary to the provisions of this act, he or she being an infant, shall be bound out as an apprentice until the age of twenty-one years, by the overseers of the poor of the county or corporation where he or she may be, and at the expiration of that period, shall be sent out of the state agreeably to the provisions of the laws now in force, or which may hereafter be enacted to prohibit the migration of free persons of colour to this state; and if such person be an adult, he or she shall be sent in like manner out of the commonwealth; and if any person having been so sent off, shall thereafter return within the state, he or she so offending shall be dealt with and punished in the same manner as is or may be prescribed by law in relation to other persons of colour returning to the state after having been sent therefrom.

2. This act shall be in force from and after the first day of August next.

CHAP. 100.—An ACT abolishing the punishment of burning in the hand in all cases.

(Passed February 8, 1833.)

Burning in hand abolished.

Commencement.

1. *Be it enacted by the general assembly*, That so much of any law of this commonwealth as authorizes or inflicts the punishment of burning in the hand in any case whatever, shall be, and the same is hereby repealed. And every person who may be hereafter convicted of any offence within the benefit of clergy, shall be punished in the mode now prescribed by law, except only the burning in the hand.

2. This act shall be in force from the passing thereof.

CHAP. 101.—An ACT to prevent the carrying of concealed weapons.

[Passed February 2, 1833.]

Penalty for carrying concealed weapons.

Courts to ascertain if murders or felonies be perpetrated by concealed weapons.

1. *Be it enacted by the general assembly*, That if any person shall hereafter habitually or generally keep or carry about his person any pistol, dirk, bowie knife, or any other weapon of the like kind, from the use of which the death of any person might probably ensue, and the same be hidden or concealed from common observation, and he be thereof convicted, he shall for every such offence forfeit and pay the sum of not less than fifty dollars nor more than five hundred dollars, or be imprisoned in the common jail for a term not less than one month nor more than six months, and in each instance at the discretion of the jury; and a moiety of the penalty recovered in any prosecution under this act, shall be given to any person who may voluntarily institute the same.

2. *And be it further enacted*, That if any person shall hereafter be examined in any county or corporation court upon a charge of murder or felony, perpetrated by shooting, stabbing, maiming, cutting or wounding, and it shall appear that the offence charged was



*Concealed Weapons.—Banks.*

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in fact committed by any such weapon as is above mentioned, and that the same was hidden or concealed from or kept out of the view of the person against whom it was used, until within the space of one half hour next preceding the commission of the act, or the infliction of the wound, which shall be charged to have caused the death, or constituted the felony, it shall be the duty of the examining court to state that the fact did so appear from the evidence; and if the court shall discharge or acquit the accused, such discharge or acquittal shall be no bar to an indictment for the same offence in the superior court having jurisdiction thereof, provided the same be found within one year thereafter. And whether the accused shall be by such court sent on for further trial or discharged, it shall be lawful to charge in the indictment that the offence was committed in any of the modes herein before described; and upon the trial it shall be the duty of the jury (if they find the accused not guilty of the murder or felony) to find also whether the act charged was in fact committed by the accused, though not feloniously, and whether the same was committed or done with or by means of any pistol, dirk, bowie knife, or other dangerous weapon, which was concealed from or kept out of the view of the person on or against whom it was used, for the space before mentioned, next preceding such use thereof; and if the jury find that the act was so committed, they shall assess a fine against the accused, and it shall be lawful for the court to pronounce judgment as in cases of misdemeanor.

Acquittal no bar to indictment in superior court.

Offence how charged in indictment.

Verdict of jury what to contain.

Penalty.

3. This act shall be in force from and after the first day of June next.

CHAP. 102.—An ACT to extend the act for the temporary relief of the banks of this commonwealth.

(Passed February 20, 1833.)

1. *Be it enacted by the general assembly*, That the first, second and seventh sections of the act passed on the twenty-fourth day of June, eighteen hundred and thirty-seven, entitled, "an act for the temporary relief of the banks of this commonwealth, and for other purposes," shall be, and the same are hereby continued in force till the twentieth day of March next.

Laws for temporary relief of banks extended. See post, ch. 103. Acts extra session 1837, pp. 3, 4, § 1, 2, 7.

2. *Be it further enacted*, That so much of the provisions of the act, entitled, "an act increasing the banking capital of the commonwealth," passed March the twenty-fifth, eighteen hundred and thirty-seven, as relates to the Bank of Virginia, the Farmers bank of Virginia, and the Bank of the Valley of Virginia, shall be and the same is hereby suspended until the first day of April next.

Part of act increasing banking capital suspended. Acts 1836-7, pp. 68-74.

3. This act shall commence and be in force from the passage thereof.

Commencement.

CHAP. 103.—An ACT further to extend the act for the temporary relief of the banks of this commonwealth.

[Passed March 16, 1838.]

1. *Be it enacted by the general assembly*, That the first, second and seventh sections of the act passed on the twenty-fourth day of June, eighteen hundred and thirty-seven, entitled, "an act for the temporary relief of the banks of this commonwealth," be and the same is hereby continued in force till the expiration of the present session of the legislature, any law to the contrary notwithstanding.

Laws for temporary relief of banks further extended.

2. This act shall be in force from its passage.

Commencement.

## **EXHIBIT 20**

## CHAPTER SEVENTH.

*Of Miscellaneous Offences.*

Unchartered  
banking  
companies.

Section 1. It shall be unlawful for any person or persons, or any company, corporation, or unchartered banking association, to make, emit, issue, or put in circulation, any note, bill, bond, draft, check, or post note, or paper of any name or description whatsoever, to answer the purpose of money, or for general circulation, and for every such note, bill, bond, draft, check, post note, or other paper so made, emitted, issued, or put in circulation, such person or persons, and each and every individual of said company, corporation, or unchartered banking association, so making, issuing, emitting, or putting in circulation, such note, bill, bond, draft, check, post note, or other paper, shall be held to be guilty of a misdemeanor, and shall be liable to be indicted therefor, and, upon conviction, shall be fined for every such offence at the discretion of the jury trying the same, not less than one hundred, nor more than five hundred dollars, and that upon failure to pay the fine, shall be imprisoned in the county jail for a term not exceeding twelve months.

Signing notes  
or bills.

Section 2. If any person or persons shall sign any note, bill, bond, draft, check, post note, or any paper of other name or description whatsoever, as cashier or president, or under any other name, or in the name of any company, incorporation, or unchartered banking association, to be put in circulation to answer the purposes of money, such president, or cashier, or other person, under any other name, so signing said note, bill, bond, draft, check, post note, or paper as aforesaid, shall be deemed guilty of a misdemeanor, and shall be liable to be indicted, and, upon conviction, shall be fined for every such offence, in a sum not less than one hundred, nor more than five hundred dollars, at the discretion of the jury trying the same, and the signatures of the person or persons so charged, to the note, bond, bill, draft, check, post note, or paper aforesaid, shall be taken and held to be proof of such signing, unless the fact of signing be denied on oath by the defendant.

Passing off or  
circulating  
notes or bills.

Section 3. It shall be unlawful for any person or persons, within the limits of this State, to pass off, issue, emit, or put in circulation, any note, bill, bond, check, draft, or post note, of any incorporation, company, or unchartered banking association; and any person or persons violating the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be liable to be indicted, and upon conviction, shall be fined for every such note, bill, bond, check, draft, post note, or other paper so issued, emitted, passed off, or put in circulation, not less than twenty, nor more than one hundred dollars, at the discretion of the jury trying said offence.

Section 4. Every one who shall hereafter carry concealed about his person, a bowie knife, or knife or instrument of the like kind or description, by whatever name called, dirk or any other deadly

weapon, pistol or any species of fire arms, or air gun, unless such person shall be threatened with, or have good cause to apprehend an attack, or be travelling, or setting out on a journey, shall on conviction, be fined not less than fifty nor more than three hundred dollars: It shall devolve on the person setting up the excuse here allowed for carrying concealed weapons, to make it out by proof, to the satisfaction of the jury; but no excuse shall be sufficient to authorize the carrying of an air gun, bowie knife, or knife of the like kind or description.

Carrying concealed weapons.

Section 5. If any person shall at the same election vote more than once for the same candidate for the same office, or for different candidates for the same office, either in the same or in different precincts, or vote when he is not legally authorized so to do, he shall upon conviction, be adjudged guilty of a misdemeanor, and fined in the sum of two hundred dollars, and be imprisoned in the county jail not exceeding one year.

Illegal voting.

Section 6. Every apothecary, druggist, or other person, who shall sell and deliver any arsenic, corrosive sublimate, prussic acid, or other substance, either solid or liquid, usually denominated poisonous, without having the word 'poison,' written or printed on a label attached to the vial, box or parcel, in which the same is sold, or shall sell and deliver any tartar emetic, without having the true or common name thereof written or printed upon a label attached to the vial, box or parcel containing the same, shall upon conviction, be adjudged guilty of a misdemeanor, and punished by a fine not exceeding one hundred dollars.

Apothecaries selling poisonous drugs without label.

Section 7. Every apothecary, druggist, or other person, who shall give, sell or deliver, any of the drugs described in the preceding section, or any other drug or medicine, poisonous in its nature, to any slave, without an order in writing from the owner or manager of such slave, designating the drug or medicine, either by name, or the effect to be produced by it, he or she so offending, shall on conviction, be held guilty of a misdemeanor, and punished by a fine not exceeding two hundred dollars, and may also be imprisoned not exceeding three months.

Selling to slaves.

Section 8. Every person who shall buy, sell or receive from any slave, any commodity of any kind or description, without the leave or consent of the master, owner, or overseer of such slave, verbally or in writing, expressing the articles permitted to be sold or bartered, first obtained, shall on conviction, be fined in a sum not less than ten, nor more than one hundred dollars, and may be imprisoned not more than three months.

Trading with slaves.

Section 9. Every sheriff, coroner, constable, clerk, or justice of the peace, who shall within three days after demand made, fail or refuse to pay over any money received or collected by him in his official capacity, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined in a sum not less than one half, and not exceeding the entire amount received or collected: *Provided*, that the party entitled to such money, shall remain in the county, or

Officers failing to pay money collected.

Proviso.

# **EXHIBIT 21**

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Widow may  
make her elec-  
tion of dower.

the statute of which this is an amendment, she shall make her election either of dower or of a child's part, within twelve months after the probate of the will or granting letters of administration, or she shall be confined to her dower.

Fee simple title  
in widow.

Sec. 2. That if a widow take dower, she shall be entitled only to a life estate in the real property, to return at her death, to the estate of her deceased husband for distribution; if she takes a child's part, she shall have in the property set apart to her, a fee simple estate in the real property, and an absolute title to the personal property including slaves, with power to control or dispose of the same by will, deed or otherwise.

Passed February 6th 1838.—Approved 8th Feb. 1838.

No. 24. AN ACT in addition to An Act, (approved January 30th, 1835,) entitled An Act to prevent any person in this Territory from carrying arms secretly.

Vendors to get  
license.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, it shall not be lawful for any person or persons in this Territory to vend dirks, pocket pistols, sword canes, or bowie knives, until he or they shall have first paid to the treasurer of the county in which he or they intend to vend weapons, a tax of two hundred dollars per annum, and all persons carrying said weapons openly shall pay to the officer aforesaid a tax of ten dollars per annum; and it shall be the duty of said officer to give the parties so paying a written certificate, stating that they have complied with the provisions of this act. Four fifths of all monies so collected to be applied by the county courts to county purposes, the other fifth to be paid to the prosecuting attorney.

moneys how ap-  
propriated.

Penalty.

Sec. 2. Be it further enacted, That if any person shall be known to violate this act, he or they so offending, shall be subject to an indictment, and on conviction, to a fine of not less than two hundred nor exceeding five hundred dollars, at the discretion of the court.

Judges to charge  
grand juries.

Sec. 3. Be it further enacted, That it shall be the duty of the several Judges of the Superior Courts of this Territory, to give this act in charge to the grand jurors of their respective districts at each term of the court.

Passed 5th February, 1838.—Approved 10th Feb. 1838.



## **EXHIBIT 22**

Offices again separated, February 24, 1844 s. 12, a, 16. But see March 5, 1846, a. 17, s 12.

The other sections of this act, of a general nature, have been re-enacted or superseded. They make several provisions of local and particular relief.

ART. 16. *An Act to Amend and Reduce into one the several Acts in relation to the Revenue of this State, and for other purposes*—February 4, 1844 . . 57 to 86.

§ 1. *Rates of Taxation.* The following taxes shall be assessed and collected within this state, to wit: An *ad valorem* tax of three-tenths of one per cent. on all lands of this state, not excepted by the ordinance admitting this state into the Union, or specially exempted by provisions of this act—on all money loaned at interest by individuals, or employed by them in the purchase of notes, bonds, checks, bills of credit of any description whatever as security for money advanced—on all goods, wares, and merchandize sold by any regular merchant—on all bank stock, subscribed for in any incorporated bank in this state, which shall not have paid a bonus for its charter, or been exempted by the provisions thereof (except stock subscribed for and owned by the state, or some incorporated literary or charitable institution.) An *ad valorem* tax of two and one-half per cent. on all merchandize sold by an auctioneer or transient vender of goods; an *ad valorem* tax of one per cent, on each pleasure-carriage, watch, and clock (except such as are kept for sale by merchants and artizans.) A tax of ten dollars on each nine or ten pin alley, or any alley of the same kind kept for public play; a tax of fifty dollars per annum on each theatre and each race track; and one dollar on each and every Bowie knife; a tax of one cent on each head of cattle over the number of twenty owned by any one individual; a poll tax of fifty cents on every free white male between the ages of twenty-one and fifty years; a tax of one dollar and a half on each and every free colored male between the age of twenty one and fifty years; and of seventy-five cents for each and every slave under sixty and over five years of age; and on each slave under the age of five years, twenty-five cents; an *ad valorem* tax of two per cent. on all gold or silver above the amount of fifty dollars manufactured otherwise than into coin, except jewelry worn about the person, and such as is kept for sale by merchants or artizans; an *ad valorem* tax of three-tenths of one per cent., on each piano; an *ad valorem* tax of one per cent. on each race, saddle, or carriage horse, and each horse kept by livery-stable keepers for hire: a *ad valorem* tax of one-fourth of one-per cent. on all public toll ferries, bridges, and turnpikes; a tax of two dollars on each duelling or pocket pistol, except such as are kept for sale by merchants or artizans, or kept for use by military companies; for each stallion or jackass, for whose services as such money or other valuable thing is received, a sum equal to the price of one mare, to be demanded and collected at any time during the season by the assessor, who shall pay over the same to the tax collector.

Tax on slaves and land changed a. 17, s. 1.

6. *In what County Person and Property Assessed.* Every person shall be assessed in the county in which he resides at the time of assessment, for each and every article and item of taxation which he or she is liable to pay under the provisions of the first section of this act: and when the line between two counties divides a tract of land, it shall, if occupied, be assessed in the county in which the occupant resides; if unoccupied, each part shall be assessed in the county in which the same may lie; and all personal property owned by any person in any county other than that of his or her residence, shall be assessed in the county in which the same is situated; and if he or she

## **EXHIBIT 23**

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## REVENUE.

## CHAPTER CXXI.

AN ACT to provide for the increase of the Public Revenue,  
and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That hereafter there shall be levied <sup>Tax on interest.</sup> annually the sum of three cents upon every dollar of interest secured or actually due from or by any solvent debtor or debtors, whether from individuals, companies, corporations, or in any other way; upon all sums of money at interest, whether in this State or out of it, at any time during the year next preceding the time the owner or owners thereof shall give in his, or her or their tax list: *Provided*, that guardians shall give in the money of each of their wards as a distinct and separate fund, and not as a fund held in common.

Sec. 2. *Be it farther enacted,* That hereafter there shall be levied annually the sum of twenty cents upon every hundred dollars employed in buying and selling slaves, and that <sup>On capital in trading for slaves, and other species of trade, vessels, and trading companies.</sup> there there shall be levied annually the sum of ten cents upon every hundred dollars vested in every other species of trade; and the sum of three cents upon every dollar of dividend or profit actually due or received upon sums of money vested in steam vessels (excepting the profits of such vessels as are under the burden of twenty tons,) or vested in stocks of any kind, or on shares of any incorporated or trading company, whether in this State or out of it, at any time during the year immediately preceding the time when the owner or owners thereof shall give in his, her or their tax list: *Provided*, that this act shall only authorize the taxing of such <sup>profits as the banks of this State shall make from trading in</sup> profits as the banks of this State shall make from trading in

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stocks and bonds as distinguished from "bills receivable," *and provided further*, that every person shall have thirty dollars of interest, dividend or profit, and an amount equal to the sum of interest, which he, she or they owe, or pay, or secure to be paid on his, her or their own debt or debts, which shall not be subject to the tax imposed by this act; *and provided further*, that this act shall not extend to the interest or dividends accruing to any literary institution, or to funds appropriated for public or private charities, devoted to the purposes of education, or to the maintenance of the poor or afflicted.

On mer-  
chants &  
jewellers.

Sec. 3. *Be it further enacted*, That so much of the capital stock in trade of any merchant or jeweler, wholesale or commission merchant, as is now taxed by the 14th section of the 102 chapter of the Revised Statutes, shall be exempt from the provisions of this act: *Provided*, that the interest on all bonds, or notes, which any such merchant, jeweler, wholesale or commission merchant may own over and above the amount of the interest upon his own indebtedness and thirty dollars, shall not be considered as a part of his capital stock in trade, but shall be subject to the tax imposed by the first section of this act.

On Den-  
tists,  
Physici-  
ans and  
Lawyers.

Sec. 4. *Be it further enacted*, That hereafter, there shall be imposed and levied annually the following taxes, to wit: On all Surgeon Dentists, all practicing Physicians, all practicing Lawyers and on all other persons, (except Ministers of the Gospel of every denomination, Governor of the State and Judges of the Supreme and Superior Courts) whose practice, salaries or fees, or all together, shall yield an annual income of five hundred dollars, the sum of three dollars for the first two hundred, and two dollars for every additional five hundred dollars.

Sec. 5. *Be it further enacted*, That there shall be imposed and levied annually an *ad valorem* tax of one per centum on all gold and silver plate, and ornamental jewelry,

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in use by the owner or owners thereof, of the value of fifty dollars or upwards; on all sulkies, gigs, buggies, barouches, carriages, and all other pleasure vehicles whatsoever, in use by the owner or owners thereof, of the value of seventy-five dollars and under one hundred dollars, fifty cents; on all of the value of one hundred dollars, and under two hundred dollars, one dollar; on all of the value of two hundred dollars and under three hundred dollars, two dollars; on all of the value of three hundred dollars and under four hundred dollars, three dollars; and on all of the value of four hundred dollars and upwards, four dollars; on all gold watches, one dollar, and on all silver watches twenty-five cents, in use, (except such of each as are kept in shops and stores for sale;) on all harps in use by the owner or owners thereof, two dollars; on all piano fortes in use by the owner or owners thereof, one dollar; on all pistols (except such as shall be used exclusively for mustering, and also those kept in shops and stores for sale,) one dollar each; on all bowie knives, one dollar each; and dirks and sword canes, fifty cents each; (except such as shall be kept in shops and stores for sale:) *Provided, however,* that only such pistols, bowie knives, dirks, and sword canes, as are used, worn or carried about the person of the owner, shall be subject to the above named taxes; on all retailers of wines, cordials, or spirituous liquors, *ten dollars*; on all billiard tables, *one hundred dollars*; on all bowling allies, whether called "nine pin," or "ten pin" allies, or by any other name, *twenty five dollars*; on every pack of playing cards, *twenty five cents*; and every merchant, shop keeper and public dealer, in goods, wares, merchandise, or other thing, shall be liable for the same, and shall state on oath how many packs he or she has sold within the year preceding the time he or she shall give in his or her tax list; on all mortgages and deeds of trust, which shall be registered, the sum of one dollar; and the register in each and every county shall be liable for the same, and



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he is hereby required to give in to the justice taking the list of taxable property, the number of mortgages and deeds of trust by him registered in the preceding year, under a penalty of one hundred dollars, to be collected by the sheriff, and to pay the amount of taxes thereon, after deducting six per centum for his commissions; and the said register shall not be required to register any mortgage or deed of trust, until the person or persons presenting the same, shall have paid the tax hereby imposed, in addition to the fees now by law established.

Toll  
bridges,  
ferries.

Sec. 6. *Be it further enacted,* That the owner or owners of every toll-bridge or ferry in this State, shall hereafter pay annually a tax equal to five times the sum of the largest toll by him or them demanded and received.

Insurance  
compa-  
nies.

Sec. 7. *Be it further enacted,* That the agent or agents of all insurance companies, not incorporated in this State, shall hereafter pay an annual tax of fifty dollars in every county where such agency shall be established, to be collected and accounted for by the sheriffs of the several counties as other taxes; and in case the said agent or agents shall fail to pay the tax hereby imposed, he or they shall be individually liable for a tax of one hundred dollars, to be collected by the sheriff of the county where such failure takes place, by distress and sale of the property of the said agent or agents, to be applied three-fourths to the use of the State and one-fourth to the use of the sheriff collecting the same.

Circus  
riders  
and the  
like.

Sec. 8. Each and every company of circus riders or equestrian performers, and each and every person or company who shall exhibit any collection of animals, commonly known as a menagerie, for reward, shall, previously to exhibiting or performing in any county in this State, pay to the sheriff thereof fifty dollars; and all Ethiopian serenaders, comic singers, and performers on musical instruments, who exhibit or perform for reward, five dollars, as a tax to the State, to be accounted for by the sheriff as other State taxes: and on paying such tax, the sheriff who receives the same shall give

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a license to exhibit or perform in his county, which license shall contain a list of such animals, or personal performers, or other articles to be exhibited, and in that case, such company or person shall be authorized and permitted to perform and exhibit, as aforesaid, in such county, and no other, for the space of one year thereafter; and each and every company of circus riders or equestrian performers, or Ethiopian acrobats, comic singers and performers on musical instruments, or exhibitor of any collection of animals, commonly known as a menagerie, who shall perform or exhibit in any county in this State, without previously having paid the tax herein directed, shall be liable to a forfeiture of one hundred dollars, to be collected by the sheriff, by distress and sale of the property of such delinquent, and to be applied one half to the use of the State and the other half to the use of the sheriff.

Sec. 9. *Be it further enacted,* That the taxes, by this law re-  
act imposed, shall be returned on oath to the justices of the <sup>turned</sup> ~~and col-~~  
several counties in this State, appointed to take the list of <sup>lected.</sup>  
taxables and taxable property; and shall be collected by the  
sheriffs of the several counties at the same time, and in the  
same manner in which they now collect other State taxes,  
and shall by them be paid into the treasury of the State at  
the same time and under the same penalties which are now  
prescribed by law, for the collection and payment of other  
State taxes.

Sec. 10. Each and every person shall annually render to <sup>Oath,</sup>  
the justice of the peace appointed to take the list of taxa-  
bles and taxable property, the amount of tax which he,  
either in his own right, or in the right of any other person  
or persons whomsoever, either as guardian, attorney, agent  
or trustee, or in any other manner whatsoever is liable for,  
under the revised[?] laws of this State; and it shall be the duty  
of the said justice to administer the following oath to each  
and every person giving a list of taxables and taxable prop-

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erty: You, A. B., do solemnly swear, (or affirm, as the case may be,) that you, either in your own right or the right of any other person, or persons whomsoever, either as guardian, attorney, agent or trustee, or in any other manner whatsoever, are not liable for more taxes, under the laws of this State, than the amount which you have now listed, and that in all other respects, the list by you now delivered, contains a just and true account of all the property which by law you are bound to list for taxation, to the best of your knowledge and belief: so help you God.

Justice to  
read over  
taxables. Sec. 11. *Be it further enacted,* That it shall be the duty of every justice of the peace who shall take a list of taxable property, before administering the oath aforesaid, to call over to each person giving in his taxables, all the articles and subjects of taxation which he may be bound to list.

Penalty  
for failing  
to list  
taxables. Sec. 12. Each and every person liable to pay taxes by and under the provisions of this act, who shall fail to list their taxable property, or any part thereof, or refuse to take the oath herein prescribed, shall, in addition to the payment of a double tax, forfeit and pay into the public treasury the sum of one hundred dollars for each year's failure or refusal; and it shall be the duty of the several sheriffs aforesaid, to levy, collect and account for the same, as in case of double tax, unless the county court shall, within nine months thereafter, on satisfactory cause shown by such delinquent, order said forfeiture to be released and remitted.

Duty of  
Sheriffs,  
Attorney  
General  
and So-  
licitors. Sec. 13. It shall be the duty of the several sheriffs to furnish the Attorney General and the Solicitors of their respective circuits, at the first superior court which shall happen after the tax lists are placed in their hands for collection, with a list of all the persons liable for taxes under this act, and who have failed to give in their taxable property or any part thereof; and, upon such information, or any other information, or upon good reason to believe that any person

## REVENUE.

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has failed to list his taxable property, the Attorney General and Solicitors of the several circuits, shall have power and authority to file bills in the several courts of equity in this State, against each and every person failing to render a list of taxables and taxable property as by this act required, and compel a discovery upon oath, which discovery shall not be held and deemed evidence to convict such person for any penalty by this act annexed to such failure.

Sec. 14. It shall be the duty of the Public Treasurer to have prepared and printed, on suitable paper, forms of tax-<sup>Forms,</sup> lists, with all the articles subject to taxation and to be listed <sup>Treasu-</sup> under this act and all other laws now in force, mentioned <sup>er to</sup> *se-* <sup>prepare</sup> *riation* over the heads of parallel columns, in which the amount or quantity of each article to be listed is to be set down; and shall furnish to each county court clerk in this State two copies of the same for each tax collection district in said county; and the cost of preparing and printing the same shall be paid out of the public treasury.

Sec. 15. It shall be the duty of the justice appointed to take the list of taxable property, to list the articles herein <sup>Duty of</sup> required to be listed in separate columns. <sup>Justices</sup> And the clerks <sup>and</sup> of the several county courts shall record, advertise and re- <sup>clerks.</sup> turn the same to the Comptroller's office, in the same manner, and in case of failure, under the same penalties, forfeitures and liabilities as are now prescribed by law in relation to other taxes.

Sec. 16. It shall be the duty of the register in each and Certifi- every county, on or before the first day of September in <sup>cate, reg-</sup> each and every year, to furnish the Comptroller with a cer- <sup>ister to</sup> tificate of the name of the clerk of the county court, and the sureties to his bond for the faithful discharge of his duties in office; which certificate, when certified by the Comptroller, shall, on motion of the Treasurer, for judgment a- <sup>furnish.</sup> gainst any such clerk, and his sureties, be deemed equally valid in law, with the bond of such clerk, and the court shall give judgment and award execution thereon accordingly.

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1850-'51

**Penalty.** Sec. 17. If any register shall fail to furnish the Comptroller with such certificate as directed in the last section, he shall forfeit and pay the sum of one thousand dollars, in each case, to be recovered by the Treasurer for the use of the State.

**Court shall not tax.** Sec. 18. *Be it further enacted,* That all the persons and property herein taxed, shall not be liable to be taxed by the several county courts.

**Repealing clause.** Sec. 19. *And be it further enacted,* That an act, entitled "An Act to increase the Revenue of the State" and ratified on the 29th day of January, 1849, and all other laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed: *provided,* that this repealing clause shall not affect the collection of any taxes now due under the revenue laws of this State.

[Ratified 28th January, 1851.]

## REVISAL OF PUBLIC LAWS.

## CHAPTER CXXII.

## AN ACT for revising and digesting the Public Statute Laws of this State.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That three commissioners be appointed by the Governor, to collate, digest and revise, all the public statute laws of this State now in force, and including those which

## **EXHIBIT 24**



# LAWS OF ALABAMA.

[No. 1.]

AN ACT

1851-'52.

Further to equalize and improve the Revenue Laws.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there shall also be annually assessed and paid on all passes, canals or channels, or property of the like kind, estimated in the manner of mills, distilleries, manufacturing establishments, &c., the same tax as is paid on toll bridges, turnpikes and ferries, that is to say for each hundred dollars of the real value of property twenty-five cents, ..... \$0 25.

Property taxed.

On all money which is purposely kept out at interest, whether lent to persons, corporations or companies, in or out of this State, in any form or manner whatever, and whether the evidence of such indebtedness is annually or otherwise renewed or not, and on which tax is not paid in some other form or manner to the State annually, the same rate shall be annually assessed and paid as on money loaned out at or under the legal rate of interest, that is to say for each hundred dollars, and at that rate, twenty-five cents.....

Tax on money at interest.

25

On every deck or part of a deck of playing cards sold or kept for use, ten cents.....

10

Cards.

On every bowie knife or revolving pistol, two dollars .....

\$2 00

Bowie knife and pistols.

SEC. 2. *Be it further enacted,* That hereafter, to provide against omissions and evasions, all lands shall be assessed and taxes paid thereon in the county in which it lies, whether a tract be divided by a county line or not.

Whose land shall be assessed.

SEC. 3. *Be it further enacted,* That the property of soldiers who served in the war with Mexico, and of those who served in the Florida war, as well as those who served in the war of 1812, and of their widows in case of their decease, is exempt from taxation to the extent the same is exempt from execution.

Soldiers exempt.

SEC. 4. *Be it further enacted,* That licenses may hereafter be granted by judges of probate of the different counties to practice the daguerrean art at one station in the

Daguerreotypists.

1851-'52.

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county or in a village not having more than five hundred inhabitants on the applicant paying as a State tax.. \$5 00

In towns with not more than four thousand inhabitants ..... \$10 00

In cities with more than four thousand inhabitants. 25 00

To practice the art generally any where in the State ..... 50 00

For the exhibition of a circus, feats of activity and slight of hand, for each exhibition not exceeding twenty-four hours ..... 10 00

These provisions are to supersede rates prescribed in the code. A license may be obtained as aforesaid for a ten pin alley at any watering place for six months only by paying annually as heretofore, ten dollars ..... \$10 00

And for a billiard table ..... 25 00

But if used for a longer time during the year, under any pretence, the owner or proprietor of the alley or billard table shall be liable to indictment in the same manner as if no license had been granted. And it is hereby expressly made the duty of the judge of probate of each county by himself or agent to enquire of every person doing or offering to do any business for which a license is required under this or any other act, and ascertain whether the law has been complied with, and if not to cause the person to be bound over to court. When any citizen, assessor or other public officer may have information and believe that money due for the tax will be lost to the treasury by removals or otherwise, unless received immediately, the same may be paid to the county treasurer, who is required to give duplicate receipts therefor, one to the person paying, the other to the judge of probate, who shall endorse it to the collector. The treasurer shall pay the same over to the collector so soon as collections commence to be paid over by him as other money, and the treasurer charging himself with any portion thereof which belongs to the county treasury. And all moneys due the county treasury shall be paid over as soon as collections are completed to the county treasurer, or it shall be the duty of the treasurer as well as that of the solicitor of the district in his absence or default, in the name of the county, on three days previous notice, to move for and obtain a judgment for the same, the interest and costs; and ten per cent. damages may be added by the court, if the circumstances require it, against any officer and his securities on their official bonds or other person holding the same.

Circus compa-  
ies.

Ten-pin alleys.

Billiard tables.

Duties of judge  
probate, treas-  
urer, &c.How taxes may  
be collected.

SEC. 5. *Be it further enacted*, That instead of a transcript or copy of the assessment books by the assessor, the judge of probate is required to make out and forward to the comptroller of public accounts an abstract of the same in such form as said comptroller may prescribe and direct; and the court of commissioners may make such allowance to said judge therefor as they may think adequate and just. And the judge and commissioners shall hereafter receive \$2 50 per day (five cents per mile for travel and forriage) while closely and necessarily engaged in examining the books and performing other duties in connection with the revenue; but the judge and one commissioner only shall be competent to do all such duty in the event a fuller attendance is not deemed indispensable by the court.

Judge of probate to make abstract.

Per diem of judge and commissioners.

SEC. 6. *Be it further enacted*, That hereafter the tax collector shall pay the assessor his commissions or other dues, taking from him duplicate receipts, one to be received, allowed and filed by the comptroller if necessary and if the same be correct. And it shall hereafter be the duty of the tax collectors of the several counties to record the receipts they obtain from the comptroller as early as practicable in the office of the judge of probate of the respective counties, in such accessible form or place as the judge may prescribe, so as to readily detect, by reference to the different counties, any errors or deficiencies in the comptroller's office.

How assessor shall be paid.

Tax-collectors to record receipts.

SEC. 7. *Be it further enacted*, That after either the assessor or collector shall have faithfully given the notices required by law to give in or pay taxes, if any person, without sufficient cause, fail or refuse to appear and give in or pay tax, and it thereby becomes necessary for such officer to visit the residence of such person, said officer is authorised to charge therefor (if in a city or town twenty-five cents, if in the country) fifty cents, to be charged and collected at the same time and in the same manner as taxes. But if either of said officers presume to charge or collect any such sum when the proper notice had not been given in good faith, or when from other cause it was improper, the same may be recovered back with costs before any justice of the county.

Extra charges for failure to give in.

SEC. 8. *Be it further enacted*, That no higher nor additional tax shall be paid on account of the code adopted at the present session coming into operation and changing the tax year so as to make it end on the 31st of August or other time; and to provide against that as well as to avoid.

New Code not to interfere with tax laws.

## **EXHIBIT 25**

offer to take them on the most favorable terms to the company.

President to  
make return.

SEC. 5. *Be it further enacted*, That it shall become the further duty of the said president to make a full and fair return of the sale of said bonds to the next annual meeting of the stockholders of the company, in which return shall be stated the amount of bonds sold, the name of each purchaser and the rate of interest at which he purchased the bonds he holds on the company.

SEC. 6. *Be it further enacted*, That the bonds hereby authorized to be issued shall not be sold under par.

SEC. 7. *Be it further enacted*, That this act shall take effect from and after its ratification. [*Ratified the 2d day of February, 1857.*]

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*Chap. 33.* AN ACT TO EXTEND THE TIME OF PAYMENT OF THE BONDS DUE FROM THE SEABOARD AND ROANOKE RAILROAD COMPANY TO THE STATE.

Extends the  
time of pay-  
ment five  
years.

SEC. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the time of payment of the bonds held by the State against the Seaboard and Roanoke Company, be extended five years from the first day of January, 1857: *Provided*, Said company pays semi-annually the interest thereon, at the rate of six per cent. per annum. [*Ratified the 2d day of February, 1857.*]

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REVENUE.

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*Chap. 34.* AN ACT ENTITLED "REVENUE."

SEC. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*:

The following taxes shall be annually collected and paid by the citizens and other persons, and by owners of property situate in the State, besides the taxes which by any other

law may be imposed on them: unless the property in this chapter described shall be expressly exempt from taxation by this or some other law: the property and estate hereby Exemptions. exempted from taxation, are all such and their profits, as may belong to the State, or may belong to or be set apart for the University and colleges, institutes, academies and schools for the education of youth, or the support of the poor or afflicted, or specially set apart for and appropriated to divine worship.

2. There shall be annually levied upon all real property, Land tax. with the improvements thereon, including entries of land, fifteen cents on every hundred dollars value thereof.

3. If any person shall sell his real property and shall have Land bound. no estate within reach of the sheriff to satisfy the taxes imposed thereon at the time when they become demandable, the land shall be bound for the same, and the land shall be bound in like manner for all the taxes, both real and personal, due from the original owner.

4. Upon every free male, between twenty-one and forty- Poll tax. five years of age, a tax of fifty cents; and upon every slave of either sex, between twelve and fifty years of age, a tax of fifty cents shall be paid by the owner, unless when the owner may be a non-resident, then the hirer shall list and pay the tax: *Provided, however,* That the county court may exempt from a poll tax such poor and infirm persons, and disabled and insane slaves as they may declare and record, to be fit objects for exemption: *Provided further,* That the Proviso. tax imposed by law for the insane asylum of North-Carolina of one and three-fourth cents on every one hundred dollars worth of land, and five and one-fourth cents on every taxable poll, is hereby discontinued.

5. Upon each toll gate of a turnpike road, a tax of fifteen Toll gat. s. dollars shall be paid by every owner, and a tax of five dollars per gate by every person who may be permitted to erect gates across a highway; and a tax equal to seven times the largest toll by the owner demanded upon every public ferry, and a tax of fifteen dollars on every toll bridge.

6. Upon every studhorse or jackass let to mares for a Studs and Jacks. price, a tax of six dollars, unless the value of the highest season for one mare shall exceed that sum, in which case a



tax of the highest price shall be paid, and they shall be listed by resident owners. Owners residing out of the State, of such as are kept within the same to be let to mares, shall pay the tax forthwith to the sheriff of any county in which the animal may stand, and in case of failure to do so the sheriff shall forthwith distrain and sell it for the tax.

On collateral  
descents.

7. Upon the value of all real and personal estate which shall descend upon, be devised or bequeathed to, or shall become distributable among other persons than lineal descendants, or to or for the benefit of the father or mother, or any lineal ancestor of the deceased, where the real estate descended or devised, or both descended and devised, on or to any heir or devisee, shall be of the value of three hundred dollars, or the personal estate bequeathed to any legatee, or distributive share, or both legacy and distributive share, shall be of the value of two hundred dollars; the following taxes shall be paid:

(1) When such collateral relation shall be a brother or sister of the deceased, or any descendant of a brother or sister, a tax of one per cent.

(2) When such collateral relation shall be a brother or sister of the father or mother of the deceased, or any descendant of a brother or sister of the father or mother of the deceased, a tax of two per cent.

Proviso.

(3) When such collateral relation shall be in any other degree of consanguinity to the deceased than is above described, or the legatee or devisee shall be a stranger in blood to the deceased, a tax of three per cent: *Provided however*, That no devise or bequest, or distributive share to the widow of the deceased, nor any devise or bequest to the wife or widow of a son of the deceased, nor to the husband of a daughter of the deceased, whether she be living or dead, shall be taxed; nor shall the husband of any deceased wife receiving her estate after her death, be subject to any tax therefor, unless the same would have been taxable had she been living.

Executor or ad-  
ministrator to  
retain.

8. The executor or administrator of every such deceased person, on his settlement of the estate, shall retain out of the legacy or distributive share of every such legatee, or next of kin, the tax properly chargeable thereon; and, in case he

may have sold any real estate and there shall be a surplus in his hands not needed to pay debts and charges, he shall retain the proper tax of each person entitled to such surplus; which taxes he shall pay to the clerk of the court of pleas and quarter sessions of the county wherein the will was proved or administration granted.

9. If the executor or administrator shall fail to retain and pay the tax to the clerk, it shall be deemed a breach of his bond, if one shall have been executed, and the same shall be put in suit, on behalf of the State, by the county solicitor; or such executor, or administrator, with his sureties may be sued in equity at the cost of the State, in case of failure. On failure to retain may be sued.

10. Whenever the personal property in the hands of such executor or administrator (the same not being needed to be converted into money in the course of administration) shall be of an uncertain value, he shall apply to the county court, to appoint three impartial persons of probity to assess the value thereof; and such assessment being returned to the court and confirmed, shall be conclusive of the value. How to act when the value is uncertain.

11. The executor or administrator, as soon as he may ascertain that the land of the deceased will not be needed to pay his debts, shall report to the clerk of the court who receives the tax on personalty, an account of such real estate, and the tax thereon shall be paid by the heirs and devisees thereof respectively, to the said clerk; the value of the real estate to be ascertained as provided in the preceding section in relation to personalty, and the heir and devisee being duly notified of the motion to appoint commissioners. Executor or administrator to report.

12. If they, or any of them, fail to pay said tax within twelve months after the report of the executor or administrator, the clerk shall report such default to the commissioner for the judicial circuit; who, thereupon, shall cause a *scire facias* to issue to the defaulting person, to show cause why judgment shall not be rendered against him for the tax, and the real estate be sold to pay the same; and the court shall render judgment and cause the tax to be collected and paid to the clerk. Scire facias in certain cases.

13. The clerk shall keep a record of the taxes on the real and personal estate received by him in virtue of the six pre- Clerk to keep a record.

ceding sections, and shall return to the comptroller a correct account of the same with his annual statement of other taxable property; and he shall annually return upon oath to the court of pleas and quarter sessions of his county, at the term next preceding the time at which the sheriff may settle with the comptroller, a correct account of the same, and immediately pay the money to the sheriff of the county, retaining three per cent. thereof for his services.

Commission-  
ers.

14. The governor shall appoint in each judicial circuit, one or more commissioners, whose duty it shall be to institute and attend to all suits brought to enforce the collection of the tax laid in section *seven* of this chapter; and to bring suits and take such other steps as may be necessary to enforce the collection of all taxes due and unpaid, which have heretofore been laid on property real and personal, descended or devised to collateral relations; and the commissioners shall receive such compensation for their services as the governor may allow.

Intermeddlers  
in estates.

15. In all cases where estates descend, or are devised to collateral relations, or strangers in blood, and the same shall be divided or settled, or an attempt be made to divide or settle them, without any lawful administration being had upon such estates, any person intermeddling in said estates, shall forfeit and pay the sum of five hundred dollars; to be sued for in the name of the State, in the superior court of the county wherein the testator or intestate had his domicile at the time of his death, and accounted for, when collected, as public tax.

Administra-  
tion.

16. Whenever any person shall die, leaving no lineal descendants, and leaving property liable to the tax imposed by the *seventh* section of this chapter, and no administration shall be had on the estate, within three months thereafter, it shall be the duty of the county court, upon being informed of the fact, to grant administration thereof to the clerk of the county court, who shall retain and account for the tax according to the preceding sections of this chapter.

Duty of com-  
missioners.

17. It shall be the duty of the commissioners to institute suit for all penalties incurred by clerks for failing to collect and account for the tax on collateral descents; which penalties shall be accounted for as public tax.

18. Every conveyance made by such deceased person with intent fraudently to evade the collection of said taxes, or any of them, shall, as against the State, be void ; and the same shall be chargeable at the suit of the State, on the property conveyed, in the hands of such vendee or donee, and his assignee.

Fraudulent conveyance void.

19. Upon every dollar, more than six dollars, of net interest, not previously listed, either received during the year, next preceding the first day of April, or during that time, accrued, or converted into principal so as to become an interest-bearing subject, (whether demandable or not) on money owed, by solvent debtors, wherever they may reside, a tax of four cents.

Tax on interest.

20. Upon every dollar, more than six dollars, of net dividend or profit, not previously listed, actually due or received during the year, ending on the said first day of April: upon money invested in steam vessels of twenty tons burden or upward, or in *stocks* of any kind, or in *shares* of any *incorporated* or *trading* company, whether in or out of the State, and herein shall be included all *bank* dividends, *bonds* and *certificates* of debt, of any other State, a tax of four cents.

On dividends, profits, &c.

21. Such net interest, dividend, or profit, shall be ascertained by deducting from the whole amount thereof, such interest as during that time had accrued against the payer of the tax.

How ascertained.

22. Upon every hundred dollars employed in buying and selling slaves, upon speculation, a tax of thirty-three and one-third cents: upon all sums of one hundred dollars and upward, employed in any other species of trade, for profit, by buying and selling, not in this chapter specially taxed, a tax of twenty cents; whether these trades be carried on with cash or upon credit.

Tax on capital.

23. Upon each sulky, gig, buggy, barouche, carriage, and other pleasure vehicles in use by the owner, or by his consent, of the value of fifty dollars, and upwards, there shall be paid a tax of one per cent. upon the value thereof.

Pleasure vehicles.

(2) Upon all gold and silver plate and ornamental jewelry in use, except ornamental jewelry worn by females, of as great a value as twenty-five dollars, one and one-fourth

Plate, &c.

per cent. on the value: on each gold watch in use, one dollar and twenty-five cents; on each silver or other watch in use, thirty cents.

Harps and  
pianos.

(3) On each harp in use, two dollars and fifty cents; on each piano forte in use, one dollar and fifty cents.

Pistols, &c.

(4) On every pistol, except such as are used exclusively for mustering, and on every bowie-knife, one dollar and twenty-five cents; on dirks and sword canes, sixty-five cents: *Provided, however,* That of said arms, only such shall be taxable, as at some time within the year have been used, worn or carried about the person of the owner, or of some other, by his consent.

Retailers and  
canes.

(5) On all licensed retailers of wines, cordials, or spirituous liquors, thirty dollars; on all gold-headed walking canes, in use by the owner, fifty cents; on all silver-headed walking canes, in use by the owner, twenty-five cents.

Tavern keep-  
ers.

(6) All keepers of houses of public entertainment, whether in town or country, whose annual receipts amount to three hundred dollars or more, shall pay a tax of one-fourth of one per cent.: *Provided,* That nothing herein contained shall authorize the keepers of such houses to retail spirituous liquors, without taking a license to sell the same from the county courts, and paying tax for the same.

Billiard tables.

(7) On each public billiard table, one hundred and twenty-five dollars, except when there are more than one kept by the same individual in the same room; in that case, a tax of one hundred and twenty-five dollars, shall be paid on the first, and sixty-five dollars on each additional table; on each private billiard table, twenty-five dollars.

Bowling alleys.

(8) On each public bowling alley, commonly called nine pin or ten pin, or by what other name called, fifty dollars, and for each additional bowling alley, fifteen dollars.

Livery stables.

(9) On each livery stable, twenty-five dollars.

Cards.

(10) On each pack of playing cards, thirty-five cents, to be paid by the seller; and every merchant, shop-keeper, retailer, inn or ordinary or tavern-keeper, or public dealer in goods, wares and merchandise, or other thing, shall list the number of packs he may have sold during the year.

Peddlers of  
patent medi-  
cines, &c.

(11) On all peddlers of patent soap, medicines for killing crows, chinchies and other vermin, for the curing of head-

## **EXHIBIT 26**



and 15th lines the words "first volume of public acts," and insert the words "each of the volumes embracing both the public and private acts." [*Ratified the 16th day of February, 1859.*]

## REVENUE.

### Chap. 25.

#### AN ACT ENTITLED REVENUE.

District board  
of valuation,  
how appointed.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That at the first Court of Pleas and Quarter Sessions for each county, held after the first day of July, 1859, and at the same term every four years thereafter, the court shall appoint one justice of the peace, and two freeholders, men of skill and probity, for each captain's district in the county, who shall be styled the district board of valuation of their respective districts. The clerk shall issue a notice of his appointment to each man, within ten days, and the sheriff shall serve the same within twenty days after adjournment of the court. Should the court fail to make the required appointments, or should, from any cause, a vacancy occur, any three justices of the peace may make the required appointments, or fill the vacancy.

Board to ascertain value.

2. This district board of valuation shall, as near as practicable, ascertain the cash value of every tract of land, or other real estate, with the improvements thereon, situate in their district, either by viewing the premises or otherwise.

May call and swear witnesses.

3. In estimating the value, the board may call and swear witnesses to testify thereto, and they shall take into the estimate any fishery appurtenant thereto or used with the land; also all mines of metal, stone or coal, or other material discovered, or supposed to exist, whereby the price of land is enhanced; also, all machinery and fixtures for manufacturing or mechanical purposes, that have been erected or used on the land. When a tract of land shall be in one or more districts, the board of the district in which the owner resides shall ascertain the value of the whole tract; and if the owner reside in neither of the districts, the board

of the district in which the larger part may lie, shall ascertain the value of the whole.

4. The owner of the land, or (if he be a non-resident) his agent shall furnish the district board with a list, including land entries, setting forth the separate tracts, and also the several contiguous bodies or tracts of land owned by him in the district, together with the names of the water courses, or other noted places on, or nearest to which they may be situated, and the number of acres in each separate tract or contiguous body of land. Owner to furnish list.

5. Town lots shall be listed separately, and each lot be numbered according to the plot of the town. Each separate body or tract of land, and each town lot shall be separately and distinctly valued and returned. Town lots.

6. The district boards shall, in each case, administer the following oath to the person furnishing the required list: "You, A. B., do solemnly swear that the list, by you furnished, contains a full statement of every tract of land and town lot in this district, for the taxes of which you are liable, either in your own right or the right of any other person, either as guardian, attorney, agent or trustee, or in any other manner whatsoever, to the best of your knowledge and belief, so help you God."

7. If any person shall refuse to furnish the list required above, or to take the oath prescribed in the preceding section, he shall be deemed guilty of a misdemeanor, and the justices of the peace of said board shall bind him over to appear at the next term of the Superior Court of the county to answer the charge; and, on conviction or submission, he shall be fined at the discretion of the court. Refusal to take oath.

8. When the owner of the land, or (if he be a non-resident of the State) his agent, be not a resident of the district where the land is situated, the required list, with affidavits of the same import as the above required oath, subscribed and sworn to before and certified by a justice of the peace, may be transmitted to the district board of valuation, and if received before the board shall be ready to value the land contained in the list, such list shall be received as though tendered and sworn to by the owner or agent in person. Non-residents.

When list is  
not furnished.

9. When the board of valuation are not furnished with a list sworn to as above required, or the owner or agent refuses to answer to the correctness of the statement as to the number of acres contained in any tract of land, they may procure a county or other surveyor, and have the same surveyed. And the surveyor may recover the amount of his fees and all expenses out of the owner of the land, before a justice of the peace, by warrant or attachment.

Boards to value  
real property.

10. The district boards of valuation shall, as soon as practicable after their appointment, proceed to value all real property in their respective districts, as above directed, complete the lists by the first of January, after their appointment, and annex the following affidavit, subscribed and sworn to before a justice of the peace, who shall certify the same: "We do solemnly swear that we have diligently enquired, and do not believe that there is any real property in the ——— district of ——— county, subject to taxation, that is not entered and valued in the above list, and the foregoing valuation of real property, with the improvements thereon, and privileges thereto attached, is in our judgment and belief the actual value thereof in cash; and that in assessing the same, we have endeavored to do equal justice to the public and to the individuals concerned, so help us God." This list and valuation shall remain in the hands of the justice of the peace of the board, and be open to the inspection of any one who wishes to examine it, until returned as hereinafter directed.

Justices to  
meet.

11. On the second Monday of January, after the appointment of the district boards of valuation, the persons who were appointed as justices of the peace to be members of the different district boards, shall meet at the court house, and organize themselves into a county board of valuation, by electing, by ballot, one of their number chairman, and another secretary. In case a justice of the peace of any district board, from any cause cannot attend, the elder of the two members of the board shall take his place.

Boards to make  
returns of lists.

12. To this county board of valuation shall the district boards of valuation make returns of their lists. This board shall carefully examine and compare all the lists, and if, in their opinion, the real property throughout the county shall

not have been assessed by a uniform standard of value, they may re-assess any district or any separate tract or tracts or lots of land.

13. If any one deem that too high a valuation was put on his land, he may apply to the county board of valuation for redress, and they shall duly consider the case and decide as in their judgment is right. The board may call, swear and examine witnesses, or in person view the land about the value of which they are in doubt. When valued too high.

14. Two-thirds of the entire number of the members, composing the county board of valuation, shall form a quorum for the transaction of business, and the decision of a majority of the members present shall stand as the decision of the board. Two-thirds to be a quorum.

15. If in the opinion of the county board of valuation, any tract or tracts of land or town lots have been assessed at too low a value, they shall make lists of such tracts or lots, and post them in at least two conspicuous places in the court house, at the time of their adjournment. After they shall have examined and compared the lists, heard the complaints of all who may feel themselves aggrieved by the valuation of their property, the board shall post the lists as above required, and adjourn until the first Monday in April following, when they shall again meet at the court house, hear the complaints of all who may feel themselves aggrieved by their former action, or by the original valuation, and decide each case as to them may appear right; and from this decision there shall be no appeal. When valued too low.

16. When the county boards of valuation shall have performed the duty on them imposed, they shall return the lists received of the district boards of valuation, as by them revised and corrected, to the clerk of the county court, before whom they shall subscribe and swear to the following affidavit annexed to the lists returned: "We solemnly swear that the foregoing lists have been carefully examined and compared, and, in our judgment and belief, they do, as now corrected, exhibit the actual cash value of every tract or lot of land in this county, with the improvements thereon and privileges thereto attached; and in the discharge of our duties we have endeavored to do equal justice to the public Lists to be returned to clerk.

and the individuals concerned, so help us God." The clerk, on receiving the lists from the county board of valuation, shall record them in alphabetical order, keeping the return of each district separate from the other.

Compensation.

17. Each member of the county and district boards of valuation shall receive, out of the county treasury, such compensation as the county court may allow, which, however, shall in no case exceed two dollars a day for the time engaged in the discharge of his duties.

Takers of tax lists—how appointed.

18. At the first court of pleas and quarter sessions of each county, held after the first day of April in each year, the court shall annually appoint, for each captain's district, a justice of the peace or a freeholder of known skill and probity, to take the lists of taxable subjects, and the names of the appointees and of the districts for which they were appointed, shall, during the term, be advertised at the court house, by the clerk. Should the court fail to make such appointments, any three justices of the peace of the county may meet at the office of the county court clerk, on or before the first day of July, and appoint the takers of the lists of taxables, and the clerk shall record such appointments.

Appointments of takers of tax lists.

19. Notices of all appointments of takers of tax lists, as soon as made, shall be issued by the clerk to the sheriff, who shall serve them within ten days on each appointee, whose duty it shall be to advertise at three several places within the district, at least ten days before the time of listing, the places and times where and when he will attend for the purpose of receiving the lists of taxables; and the days thus determined on shall be between the second Monday in July and first Thursday in August.

Persons incapable of taking lists.

20. Should any person appointed to take the list of taxables, from any cause, become incapable to perform the duties, another shall be appointed by any three justices of the peace of the county, to be notified by the sheriff for that purpose, and the person thus appointed shall take the list of taxables.

Penalty for refusing to serve.

21. If any person appointed to assess the value of lands, or to take the lists of taxables, shall refuse or wilfully fail to discharge the duties of his appointment, he shall be deemed guilty of misdemeanor.

22. Every person appointed to take the list of taxables, shall, before he enters upon the discharge of his duties, take the following oath, administered by a justice of the peace :  
 "I, A. B., do solemnly swear that I will well and faithfully Oath.  
 discharge the duties imposed by law on me as the taker of  
 the list of taxables in ——— district, ——— county, with-  
 out prejudice or partiality, to the best of my skill and abili-  
 ty, so help me God."

23. Every person appointed to take the list of taxables, shall, on taking the above oath, be invested with full power Powers of tak-  
 ers of tax lists.  
 to administer oaths, and with all the other powers of a jus-  
 tice of the peace, so far as the same may be necessary to  
 the proper discharge of his duties. Every person so ap-  
 pointed shall receive such compensation for his services as  
 the county court may in its discretion allow, to be paid out  
 of the county treasury.

24. Every taker of the list of taxables shall be furnished, Clerk to furn-  
 ish copy of re-  
 turns by pre-  
 ceding board.  
 by the clerk of the county court, with a fair copy of the re-  
 turns made by the last preceding board of valuation of the  
 assessment of real estate in his district, and with the neces-  
 sary number of printed forms of tax bills, furnished by the  
 comptroller, under the provisions of this act.

25. All the property and other subjects of taxation shall To be taxed  
 annually.  
 be annually taxed, as by this act enacted, unless such prop-  
 erty be expressly exempt from taxation by this or some  
 other act; and the property and estate hereby exempted Exemptions.  
 from taxation, are all such and their profits as may belong  
 to the United States, or to this State, or may belong to or be  
 set apart and exclusively used for the university and col-  
 leges, institutes, academies and schools for the education of  
 youth, or the support of the poor or afflicted, or specially  
 set apart for and appropriated to the exercises of divine  
 worship or the propagation of the gospel, or such as may be  
 set apart and kept for grave yards belonging to churches,  
 religious societies, cities, towns or counties.

26. The taxes shall be annually collected and paid : First, How collected  
 and paid.  
 to the sheriffs, on all property and subjects of taxation re-  
 quired to be listed, as per schedule A ; secondly, to the  
 sheriffs, on all property and subjects of taxation which are  
 not required to be listed, but an account of which is to be



rendered on oath to the sheriffs, as per schedule B; thirdly, to the clerks of courts, and to the treasurer of the State, as per schedule C.

#### SCHEDULE A.

27. The following subjects shall be annually listed, and be taxed the amounts specified:

Land.

(1) Real property, with the improvements thereon, (including entries of land,) twenty cents on every hundred dollars of its value.

Polls.

(2) Every taxable poll eighty cents; *Provided*, That the county court may exempt from poll tax such poor and infirm persons, and disabled and insane slaves as they may declare and record fit objects of exemption.

Gates, &c.

(3) Every toll gate on a turnpike road, and every toll bridge, five per cent. on the gross receipts, and every gate permitted by the county court to be erected across a highway, fifteen dollars.

Ferries.

(4) Every ferry one per cent. on the total receipts of tolls during the year.

Studhorses, &c.

(5) Every studhorse or jackass, let to mares for a price, belonging to a resident of the State, six dollars, unless the highest price demanded for the season for one mare shall exceed that sum, in which case the amount thus demanded shall be paid as tax. The subject shall be listed, and the tax paid in the county in which the owner resides.

Interest, &c.

(6) Every dollar of net interest, not previously listed, received or accrued, (whether demandable or not,) on or before the first day of July of every year, on bonds or certificates of debt of the United States, of this State, (unless exempt by chapter 90 of the Revised Code, entitled "Public Debt,") or of any other State or government, or of any county or corporation, municipal or private, or on any bond, note, contract, account, or other claim or demand against solvent debtors, wherever they may reside, four cents.

Dividend and profit.

(7) Every dollar of net dividend or profit, not previously listed, declared, received, or due on or before the first day of July in each year, upon money, or capital invested in steam vessels of twenty tons burden or upwards, or in shares in any bank or other incorporation or trading company, four cents.

(8) Such net interest, dividend and profit shall be ascer- <sup>How ascertain-</sup>  
 tained by deducting from the aggregate amount of interest, <sup>ed.</sup>  
 dividends and profits accrued in favor of the person listing,  
 the amount of interest accrued against him during the year  
 ending on the first day of July.

(9) Every note shaver, or person who buys any note or <sup>Note shavers.</sup>  
 notes, bond or bonds made by individuals, shall list the  
 profits made and received or secured on all such purchases  
 made by him during the year ending on the first day of  
 July, whether made for cash or in exchange for other notes  
 or bonds, and pay a tax of ten per cent. on the aggregate  
 amount of such profits, in addition to the tax imposed by  
 this act on the interest he may receive on such notes or  
 bonds; *Provided*, There shall be no deduction made from  
 the profits in consequence of any losses sustained.

(10) Every person resident in this State, engaged in the <sup>Negro traders.</sup>  
 business of buying and selling slaves, whether the purchases  
 or sales be made in or out of the State, for cash or on a  
 credit, one-half of one per cent. on the total amount of all his  
 purchases, during the twelve months ending on the first day  
 of July of each year.

(11) Every person resident in this State, not a regular <sup>Not regular</sup>  
 trader in slaves, who may buy a slave or slaves to sell again, <sup>traders.</sup>  
 whether such purchase or sale be made in or out of the  
 State, for cash or on credit, one-half of one per cent. on the  
 total amount of his purchases during the twelve months  
 ending on the first day of July of each year.

(12) Every carriage, buggy or other vehicle kept for <sup>Carrriages, &c.</sup>  
 pleasure or for the conveyance of persons, of the value of  
 fifty dollars or upwards, one per cent. on its value.

(13) All gold and silver plate, and gold and silver plated <sup>Plate, &c.</sup>  
 ware, and jewelry worn by males, including watch-chains,  
 seals and keys, when collectively of greater value than  
 twenty-five dollars, one per cent on their entire value.

(14) Every watch in use one per cent. on the value; <sup>Watches.</sup>  
*Provided*, That all watches worn by ladies shall be exempt  
 from taxation. Every harp in use, \$2.50; every piano in  
 use, \$1.50.

(15) Every dirk, bowie-knife, pistol, sword-cane, dirk-cane <sup>Dirks, &c.</sup>  
 and rifle cane, used or worn about the person of any one

at any time during the year, one dollar and twenty-five cents. Arms used for mustering shall be exempt from taxation.

Dentists, physicians, &c.

(16) Every resident surgeon-dentist, physician, lawyer, portrait or miniature painter, daguerrian artist, or other person taking likenesses of the human face: every commission merchant, factor, produce broker, and auctioneer; every State and county officer, and every person in the employment of incorporated or private companies, societies, institutions or individuals, and every other person, (except ministers of the gospel and judges of the superior and supreme courts) whose annual total receipts and income, (whether in money or otherwise) in the way of practice, salary, fees, wages, perquisites and emoluments, amount to, or are worth five hundred dollars or upwards, one per cent. on such total receipts and income.

Liquors, &c.

(17) Every resident of the State that brings into this State, or buys from a non-resident, whether by sample or otherwise, spirituous liquors, wines or cordials for the purpose of sale, ten per cent. on the amount of his purchases. Every person that buys to sell again, spirituous liquors, wines or cordials from the maker in this State, his agent, factor or commission merchant, five per cent. on his purchases.

Collateral descent.

(18) Upon all real and personal estate, whether legal or equitable, above the value of one hundred dollars, situated within this State, which shall descend, or be devised or bequeathed to any collateral relation, or person, other than a lineal ancestor or descendant, or the husband or wife of the deceased, or husband or wife of such ancestor or descendant, or to which such collateral relation may become entitled under the law for the distribution of intestates' estates, and which real and personal estate may not be required in payment of debts and other liabilities, the following per centum tax upon the value thereof, shall be paid:

(Class 1) If such collateral relation be a brother or sister, a tax of one per cent.

(Class 2) If such collateral relation be a brother or sister of the father or mother of the deceased, or child of such brother or sister, a tax of two per cent.

(Class 3) If such collateral relation be a more remote re-

## **EXHIBIT 27**

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1866-7.

No. 259.]

## AN ACT

To relieve the Trustees of Lagrange College, in Franklin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the trustees of Lagrange college and their securities be and they are hereby relieved from any and all liabilities which they or any of them may have incurred under the provisions of an act entitled "An Act to loan a certain fund to Lagrange college, in the county of Franklin," and that all notes, bonds, deeds of trust, or mortgage, or other security given by said trustees, pursuant to the requirements of said entitled act, be cancelled by the comptroller of public accounts.

Relieved from  
liabilities.

Approved, January 29, 1867.

No. 260.]

## AN ACT

To establish Revenue Laws of the State of Alabama.

CHAPTER I—*Exemptions.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following rules as to the taxation of persons and property are hereby established, to-wit :

Rules pre-  
scribed, and  
exemptions.

1. All lands subject to taxation must be taxed in proportion to their value.

2. All lands belonging to citizens of the United States residing out of the State cannot be taxed higher than lands belonging to persons residing therein.

3. No tax can be imposed on land the property of the United States.

4. All the navigable waters within the State are to remain forever public highways, free to the citizens of the State and the United States, without any tax, impost or toll thereon imposed by the State.

5. The following persons and property are exempt from taxation :

All property belonging to the State, or any county, city or town thereof, or the State Bank, or its branches.

All property of the United States.

1866-7.

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All religious books kept by ministers of the gospel and colporteurs, for sale or gratuitous distribution, on hand at any one time, to an amount not exceeding in value five hundred dollars' worth in any one year.

All property of literary, scientific and benevolent institutions, actually used for the purposes for which said institutions were created, not exempting, however, any of such property when employed in any other than the regular business of such institutions.

Houses of religious worship, and their appurtenances.

Places and monuments of the dead, and implements of burial.

All tools and implements in actual use of any calling, occupation or trade, to the value of one hundred dollars.

All insane persons and their property, to the value of one thousand dollars.

All disabled or crippled persons, whose taxable property does not exceed five hundred dollars, from any poll tax.

All lands donated by acts of Congress to railroads in this State remaining unsold and uncultivated.

## CHAPTER II—*Subjects of Taxation.*

SEC. 2. *Be it further enacted*, That taxes are to be assessed by the assessor in each county on and from the following subjects, and at the following rates, to-wit:

Poll tax.

1. On every male inhabitant between the ages of eighteen and fifty, (except those persons between the ages of eighteen and twenty-one, the emoluments of whose labor go to parents or masters) the sum of two dollars; and to insure the payment of such tax, it shall be the duty of all partnerships, associations, corporations, officers or individuals to return to the assessor the number and names of persons in their employment on the first day of February of each year, as clerks, book-keepers, overseers, deputies, agents, workmen, journeymen, or laborers subject to such tax, which tax the assessor shall assess against such employer, by them to be deducted out of the hire, wages or salary of such employees as before enumerated; and upon the failure of any employer to make return of such employees when called upon by the assessor to do so, the assessor shall proceed to ascertain the number of such employees from the best sources of information practicable, and such employer so failing shall be held liable in double the amount of the tax.

Corporations,  
&c., give num-  
ber of employ-  
ees.



2. On all real estate, to be estimated at its market value in money, according to the best judgment the assessor can form by information, inspection or otherwise, taking into consideration its location, whether in town, city or the country, its proximity to local advantages, its quality of soil, growth of timber, mines, minerals, quarries, or coal beds, and the amount and character of improvements, three-tenths of one per cent. *ad valorem*.

Real estate,  
3-10 of 1 per  
cent.

3. On all mills, foundries, forges, mining establishments, quarries, lime or marble works, gin and carriage making shops, tanneries, and other manufacturing establishments.

Articles taxed  
3-10 of 1 per  
cent.

On all wharves and wharf boats, toll bridges and ferries, turnpikes, and all passes, channels or canals, where tolls are charged.

On all stocks of goods, wares and merchandise on hand to be assessed upon not less than the largest amount on hand at any one time during the preceding year, and this shall include all merchandise kept on plantations for sale, or to be dealt out to laborers; *Provided*, That any goods, wares or merchandise offered for sale by any dealer or person, commencing business subsequent to the first day of January of the current tax year, shall become at once liable to the tax levied by this act, and must be estimated upon the maximum amount thereof.

On all horses and mules not used strictly for agricultural purposes, except studs, jacks and race horses.

On all cattle on the excess over five head.

On all household furniture, on the excess over three hundred dollars.

On all libraries not exempted by law, on the excess over three hundred dollars.

On all clocks kept for use, and

On all other property, real, personal, or mixed, not otherwise specified and taxed herein, or exempted therefrom—and this shall not be construed to tax the crops produced upon lands within this State taxed under the second paragraph of this section, as real estate—three tenths of one per cent. *ad valorem*; *Provided*, No hogs, sheep, goats, or poultry, kept or raised for the use of any family, or work oxen, or animals used for agricultural purposes exclusively, and no farming tools and implements of husbandry necessary on the farm, shall be taxed by this act.

4. On all vehicles not exclusively used for agricultural purposes.

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Articles taxed  
 $\frac{1}{4}$  of 1 per cent.

On all jewelry, plate and silver ware, ornaments and articles of taste, pianos and other musical instruments, and paintings, except family portraits.

On all cotton presses and pickeries.

On all studs, jacks, and race horses.

On all gold and silver watches, and gold safety chains.

On all money hoarded, or kept on deposit subject to order, either in or out of the State, except funds held subject to draft in the prosecution of a regular exchange business, and except also money kept on hand to defray current family expenses, for a period not exceeding one year.

On all money loaned, and solvent credits bearing interest, from which credits the indebtedness of the tax payer shall be deducted, and the excess only shall be taxed.

On all money employed in buying or trading in paper, or in a regular exchange business, or invested in paper, whether by individuals or corporations, except where the money so employed or invested is otherwise taxed as capital.

On the capital stock, actually paid in, of all incorporated companies, created under any law of the State, whether general or special. (except railroads,) and not exempted by their charter from such tax, except any portion that may be invested in property and taxed otherwise as property, one half of one per cent. *ad valorem*.

Auction sales  
 $\frac{1}{4}$  of 1 per cent.

5. On the gross amount of all sales at auction, made in or during the tax year preceding the assessment, except those made by or under the direction of executors, administrators, and guardians, as such, by order of court or under legal process, and under any deed, will, or mortgage, at the rate of one fourth of one per cent *ad valorem*.

Premiums 1  
 per cent.

6. On the gross amount of premiums, (after deducting therefrom all return premiums,) received from their business in this State during such tax year, by any insurance company not chartered by this State, and doing business herein by agents or otherwise, at the rate of one per cent.

Gross commis-  
 sions, &c., 1 per  
 cent.

7. On the gross amount of commissions or sums charged or received in or during such tax year, by any factor, commission merchant, or auctioneer, in buying, selling, or any other act done in the course of their business.

On the gross receipts, during such tax year, of all cotton pickeries, and from the storage of cotton, or other merchandise, or produce, at the rate of one per cent. Cotton pickeries 1 per cent.

8. On every pack, or part of a pack of playing cards, sold by wholesale, retail, or otherwise disposed of, during such tax year, fifty cents. Playing cards 50 cents.

9. On every legacy, where letters testamentary have not been taken out in this State, received by any person other than the child, adopted child, grandchild, brother, sister, father, mother, husband, or wife, and on all property given by deed or otherwise, to any such person, on the amount or value thereof, to be assessed to the beneficiary, guardian, trustee, or legal representative, at the rate of three per cent. Bowie knives 3 per cent.

10. On all pistols or revolvers in the possession of private persons not regular dealers holding them for sale, a tax of two dollars each, and on all bowie knives, or knives of the like description, held by persons not regular dealers, as aforesaid, a tax of three dollars each; and said tax shall be collected by the assessor when assessing the same, on which a special receipt shall be given to the tax payer therefor, showing that such tax has been paid for the year, and in default of such payment, when demanded by the assessor, said pistols, revolvers, bowie knives, or knives of like description, shall be seized by him, and unless redeemed by payment in ten days thereafter, with such tax, with an additional penalty of fifty per cent., the same shall be sold at public outcry before the court house door, after five days notice; and the overplus remaining, if any, after deducting the tax and penalty aforesaid, shall be paid over to the person from whom the said pistol, revolver, bowie knife, or knives of like description, were taken, and the net amount collected by him shall be paid over to the collector every month, from which, for each such assessment and collection, the assessor shall be entitled to fifty cents, and when the additional penalty is collected, he shall receive fifty per cent. additional thereto. Pistols \$2 00. Bowie knives. How collected.

11. On all steamboats, vessels, and other water crafts plying in the navigable waters of the State, at the rate of one dollar per ton of the registered tonnage thereof, which shall be assessed and collected at the port where such vessels are registered, if practicable; otherwise, at any other port or landing within the State where such vessels may be; but this shall not include flat-bottom Steamboats \$1 00 per ton.

## **EXHIBIT 28**

4. All property of literary, scientific, and benevolent institutions, actually used for the purposes for which said institutions were created, not exempting, however, any of such property when employed in any other than the regular business of such institutions. Societies.
5. Houses of religious worship, and their appurtenances. Houses of worship
6. Places and monuments of the dead, and implements of burial. Burial places.
7. All tools and implements in actual use of any calling, occupation or trade, to the value of one hundred dollars. Tools of trade.
8. All insane persons and their property, to the value of one thousand dollars. Insane persons.
9. All disabled or crippled persons, whose taxable property does not exceed five hundred dollars, from any poll tax. Crippled.
10. All lands donated by acts of congress to railroads in this state remaining unsold and uncultivated. Railroad lands.

## ARTICLE II.

*Subjects and rates of assessment by assessors as to property and persons.*

| SECTION.                                            | SECTION.                        |
|-----------------------------------------------------|---------------------------------|
| 434. Subjects and rates of assessment by assessors. | 435. Assessment of incomes, &c. |

§ 434. *Subjects and rates of assessment by assessors.*—<sup>a</sup>Taxes must be assessed by the assessor in each county on and from the following subjects, and at the following rates, to-wit: *a.* 19 Feb'y, 67, p. 269, § 2.

1. On every male inhabitant between the ages of eighteen and fifty, (except those persons between the ages of eighteen and twenty-one, the emoluments of whose labor go to parents or masters) the sum of two dollars; and to insure the payment of such tax, all partnerships, associations, corporations, officers or individuals must return to the assessor the number and names of persons in their employment on the first day of February of each year, as clerks, book-keepers, overseers, deputies, agents, workmen, journeymen, or laborers subject to such tax, which tax the assessor shall assess against such employers, by them to be deducted out of the hire, wages or salary of such employees as before enumerated; and upon the failure of any employer to make return of such employees when called upon by the assessor to do so, the assessor must proceed to ascertain the number of such employees from the best sources of information practicable, and such employer so failing shall be held liable in double the amount of the tax. Polls.

2. On all real estate, to be estimated at its market value in money, according to the best judgment the assessor can form by information, inspection or otherwise, taking into consideration its location, whether in town, city or the country, its proximity to local advantages, its quality of soil, growth of timber, mines, minerals, quarries, or coal beds, and the amount and character of improvements, three-tenths of one per cent. *ad valorem*. 3-10 of 1 per ct. Real Estate.

3. On all mills, foundries, forges, mining establishments, quarries, lime or marble works, gin and carriage making shops, tanneries, and other manufacturing establishments; Mills.

On all wharves and wharf boats, toll bridges and ferries, turnpikes, and all passes, channels or canals, where tolls are charged; Wharves, &c.

On all stocks of goods, wares and merchandise on hand to be assessed upon not less than the largest amount on hand at any one Merchandise.

- time during the preceding year, and this shall include all merchandise kept on plantations for sale, or to be dealt out to laborers; but any goods, wares or merchandise offered for sale by any dealer or person, commencing business subsequent to the first day of January of the current tax year, shall become at once liable to the tax levied by this act, and must be estimated by the maximum amount thereof;
- Horses.** On all horses and mules not used strictly for agricultural purposes, except studs, jacks and race horses;
- Cattle.** On all cattle on the excess over five head;
- Furniture.** On all household furniture, on the excess over three hundred dollars;
- Libraries.** On all libraries not exempted by law, on the excess over three hundred dollars;
- Clocks.** On all clocks kept for use; and
- Other property.** On all other property, real, personal, or mixed, not otherwise specified and taxed herein, or exempted therefrom—and this shall not be construed to tax the crops produced upon lands within the state taxed under the second subdivision of this section, as real estate—three-tenths of one per cent. *ad valorem*; but no hogs, sheep, goats, or poultry, kept or raised for the use of any family, or work oxen, or animals used for agricultural purposes exclusively, and no farming tools and implements of husbandry necessary on the farm, shall be taxed by this act.
- $\frac{1}{2}$  of 1 per cent. **Vehicles.** 4. On all vehicles not exclusively used for agricultural purposes;
- Jewelry, &c.** On all jewelry, plate and silver ware, ornaments and articles of taste, pianos and other musical instruments, and paintings, except family portraits;
- Cotton presses.** On all cotton presses and pickeries;
- Studs, &c.** On all studs, jacks, and race horses;
- Watches, &c.** On all gold and silver watches, and gold safety chains;
- Money hoarded.** On all money hoarded, or kept on deposit subject to order, either in or out of the state, except funds held subject to draft in the prosecution of a regular exchange business, and except also money kept on hand to defray current family expenses, for a period not exceeding one year;
- Money loaned.** On all money loaned, and solvent credits bearing interest, from which credits the indebtedness of the tax payer shall be deducted, and the excess only shall be taxed;
- Money employed.** On all money employed in buying or trading in paper, or in a regular exchange business, or invested in paper, whether by individuals or corporations, except where the money so employed or invested is otherwise taxed as capital;
- Stock of corporations.** On the capital stock, actually paid in, of all incorporated companies, created under any law of the state, whether general or special, (except railroads,) and not exempted by their charter from such tax, except any portion that may be invested in property and taxed otherwise as property, one-half of one per cent. *ad valorem*.
- $\frac{1}{2}$  of 1 per cent. **Auction sales.** 5. On the gross amount of all sales at auction, made in or during the tax year preceding the assessment, except those made by or under the direction of executors, administrators and guardians, as such, by order of court or under legal process, and under any deed, will or mortgage, at the rate of one-fourth of one per cent.
- 1 per cent. 6. On the gross amount of premiums, (after deducting therefrom all return premiums,) received from their business in this state during such tax year, by any insurance company not chartered by this state, and doing business herein by agents or otherwise, at the rate of one per cent.
- Foreign insurance companies on premium. Gross commissions, &c.** 7. On the gross amount of commissions or sums charged or re-



ceived in or during such tax year, by any factor, commission merchant, or auctioneer, in buying, selling, or any other act done in the course of their business;

On the gross receipts, during such tax year, of all cotton pickeries, and from the storage of cotton, or other merchandise, or produce, at the rate of one per cent. Cotton.

8. On every pack, or part of a pack of playing cards, sold by wholesale, retail, or otherwise disposed of, during such tax year, fifty cents. Cards, 50 cents.

9. On every legacy, where letters testamentary have not been taken out in this state, received by any person other than the child, adopted child, grandchild, brother, sister, father, mother, husband, or wife, and on all property given by deed or otherwise, to any such person, on the amount or value thereof, to be assessed to the beneficiary, guardian, trustee, or legal representative, at the rate of three per cent. Legacies, 3 per cent.

10. On all pistols or revolvers in the possession of private persons not regular dealers holding them for sale, a tax of two dollars each; and on all bowie knives, or knives of the like description, held by persons not regular dealers, as aforesaid, a tax of three dollars each; and such tax must be collected by the assessor when assessing the same, on which a special receipt shall be given to the tax payer therefor, showing that such tax has been paid for the year, and in default of such payment when demanded by the assessor, such pistols, revolvers, bowie knives, or knives of like description, must be seized by him, and unless redeemed by payment in ten days thereafter, with such tax, with an additional penalty of fifty per cent., the same must be sold at public outcry before the court house door, after five days notice; and the overplus remaining, if any, after deducting the tax and penalty aforesaid, must be paid over to the person from whom the said pistol, revolver, bowie knife, or knife of like description, was taken, and the net amount collected by him must be paid over to the collector every month, from which, for each such assessment and collection, the assessor shall be entitled to fifty cents, and when the additional penalty is collected, he shall receive fifty per cent. additional thereto. Pistols, knives.

11. On all steamboats, vessels, and other water crafts plying in the navigable waters of the state, at the rate of one dollar per ton of the registered tonnage thereof, which must be assessed and collected at the port where such vessels are registered, if practicable; otherwise, at any other port or landing within the state where such vessels may be; but this does not include flat-bottom sail boats, or other like craft, employed exclusively in the transportation of wood, lumber, or coal, which shall only be assessed at the rate of twenty-five cents per ton. Steamboats.  
Other boats.

12. On the gross profits of all banking associations, created under the laws of the United States, at the rate of two per cent. Banking companies.

13. On all acts of incorporation granted by the general assembly, other than acts incorporating cities or towns, and acts incorporating manufacturing companies, an *ad valorem* tax of one tenth of one per cent. on the estimated value of the interest involved, or capital authorized as a bonus, to be due and payable to the tax collector of the county in which the office of such incorporation may be located, whenever such corporation shall commence actual operation; and this shall apply to all such acts passed by the general assembly of 1866-7. Acts of incorporation.

14. On all dividends declared or earned and not divided by incorporated companies created under the laws of this state, (except rail- Dividends.

roads,) to be assessed to and paid by the companies earning or declaring the same, a tax of one per cent.

Gross receipts  
of railroads.

15. On the gross receipts of all railroads and horse railroad companies, for freight and passengers, within the limits of this state, a tax of one half of one per cent.; but upon any railroad extending beyond the limits of this state, this tax shall only be assessed upon such *pro rata* portion of the receipts of such company, as the length of the road within the state may bear to the entire length of the road upon which the earnings accrue.

Petroleum

16. On the gross receipts of all petroleum and oil companies, or distillers of coal oil, a tax of one per cent.

b. 19 Feb'y, 67,  
p. 264, § 4.

§ 435. *Assessment of incomes, salaries, &c.*—<sup>b</sup>There must be assessed and collected upon the annual gains, profits, or incomes, of every person residing within the state, from whatever sources derived, and upon all salaries and fees of public officers, and upon the salaries of all other persons, upon the excess of such gains, profits, incomes, fees, or salaries, over five hundred dollars, at the rate of one per cent. In estimating the annual gains, profits, or income, of any person, all national, state, county and municipal taxes assessed to and paid by such person within the year, except the tax assessed under this section, must be deducted therefrom; also, all income derived from dividends, or on shares in the capital stock of any incorporated company, (where such tax has been assessed and paid by such incorporated company;) also, the amount paid by any person for the rent of the homestead used, or the rental value of the same, if owned by himself or his family; also, when any person rents buildings, lands, or other property, or hires labor to cultivate such lands, or to conduct any other business from which such income is actually derived, or pays interest upon any actual incumbrance thereon, the amount actually paid for such rent, labor, or interest, or the rental value of any lands cultivated as above, if owned by the occupant thereof, must be deducted; also, the amount paid out for usual ordinary repairs, not including any new buildings or permanent improvements, must be deducted; *Provided*, That any person shall be exempted from the operations of this section, upon whose gross receipts, commissions, or profits, taxes are assessed under the provisions of the preceding section.

### ARTICLE III.

#### *Licenses and taxes to be collected by the probate judge.*

##### SECTION.

- 436. Taxes collected by probate judge.
- 437. Licenses issued by the probate judge.
- 438. Tax on distilleries payable to probate judge, &c.

##### SECTION.

- 439. To what time, person and place licenses are restricted.

a. 19 Feb'y, 67,  
p. 265, § 4.

§ 436. *Taxes collected by the probate judge.*—<sup>a</sup>Taxes must be assessed and collected by the judge of probate, as follows, to-wit:

Legacy.

1. On every legacy subject to assesment, left by any will on which letters testamentary are taken out in this state, there must be assessed and collected by the judge of probate of the county in which such letters are taken out, a tax of one-half of one per cent. *ad valorem*, and if not paid on the receipt of such legacy, such judge must issue execution for the amount of such assessment, against the exec-

## **EXHIBIT 29**

## LAWS OF MISSISSIPPI,

## CHAPTER CXXV.

AN ACT to prohibit the assessment and collection of taxes on Bowie-knives, Sword-canes and Dirk-knives.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That it shall not be lawful for any Sheriff or Tax-Collector to collect from any tax payer the tax heretofore or hereafter assessed upon any bowie-knife, sword-cane, or dirk-knife, and that hereafter the owner of any bowie-knife, sword-cane or dirk-knife, shall not be required to give in to the tax assessors either of the aforesaid articles as taxable property, any law to the contrary notwithstanding.

SEC. 2. *Be it further enacted,* That this act be in force and take effect from and after its passage.

Approved, December 19, 1861.

## CHAPTER CXXVI.

AN ACT to amend the laws in relation to the State University.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That the State University at Oxford shall hereafter be under the control and management of a Board of Trustees—thirteen in number, of whom the Governor of the State for the time being shall be one, and shall be the President of said Board; in the absence of the Governor a President *pro tem.* shall be elected by the Trustees from among their number present. The remaining twelve Trustees shall be chosen by a joint convention of the two Houses of the Legislature during its present session.

SEC. 2. *Be it further enacted,* That the said Trustees when elected shall be notified by the Governor to assemble at the University at an early day, to be fixed upon by him, and when so assembled they shall proceed to divide the twelve Trustees so elected by lot, into three equal classes and the members of the first class shall hold their

## LAWS OF MISSISSIPPI.

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office for the term of two years from the day of their election, those of the second class four years and those of the third class six years, and four Trustees shall be chosen by the Legislature in joint convention at every regular session to supply the places of the class whose term is about to expire.

SEC. 3. *Be it further enacted*, That vacancies in said Board, happening in the recess of the Legislature by non-acceptance, death, resignation, removal from the State or otherwise, shall be filled by the remaining Trustees, by election to continue until the end of the next regular session of the Legislature, the vacancy or vacancies shall be filled by the Legislature in the mode above directed, at the session succeeding the same. Of vacancies.

SEC. 4. *Be it further enacted*, That the Board of Trustees created in pursuance of this act, shall possess all the powers vested in the present Board of Trustees of said University, and it shall be their duty to present to the Legislature at the commencement of each regular session a full report of the operation and condition of the University and a detailed statement, of all expenditures of money on account thereof, and also to recommend such measures as they may think necessary for the interest, improvement and efficiency thereof. Powers of trustees.

SEC. 5. *Be it further enacted*, That all laws in conflict with the provisions herein contained are hereby repealed, and that this act shall take effect from its passage.

Approved, December 19, 1861.

## CHAPTER CXXVII.

AN ACT for the relief of the Register and Receiver of the Land Office at Washington, Mississippi.

WHEREAS, By an ordinance, passed by the Convention of the State of Mississippi, dated the 26th day of January, 1861, entitled an ordinance supplemental to an ordinance entitled an ordinance concerning the jurisdiction and property of the United States of America in the State of Missis-

# **EXHIBIT 30**



## PART III —TITLE I.—MUNICIPAL CORPORATIONS.

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Amending Charter of Jesup.

## AMENDING CHARTER OF JESUP.

No. 103.

An Act to alter and amend an Act entitled “ An Act to incorporate the town of Jesup, and to confer certain powers on the Commissioners thereof, and for other purposes therein named,” approved October 24, 1870, so as to increase the number of Aldermen of said town to six; to enlarge, prescribe and define the term of office of the Mayor and Aldermen of said town, and prescribe the salary of the Mayor thereof; create the office of Clerk, Treasurer, Marshal, Assistant Marshal, Policemen and Town Attorney and Town Physician, and Assessors of said town, and authorize the Mayor and Aldermen thereof, to define their duties and powers, term of office, oath, bond, costs and salary; to fix a time for elections of all officers of said town; to designate the corporate name of said town; to authorize the Mayor and Aldermen of said town to own and hold property for said town, both real and personal, as well beyond, as in its corporate limits; to authorize the collection of *ad valorem* taxes, and all property in said town, not exceeding one and one half per cent. of its value; to authorize the collection of licenses or business taxes on all businesses carried on in said town; to prescribe for the working of the streets by certain inhabitants of said town, and authorize the discharge of that service by the payment of money; to authorize the issuing of executions for unpaid taxes against person and property; to prescribe the time for the sale of property under tax executions; to authorize the Mayor and Aldermen of said town to buy in property at tax sales; to provide for the registration of voters and the payment of registration fee; to create a Board of Health; to prescribe qualifications of voters in said town; to more clearly define the limits of said town; to authorize the Mayor and Aldermen of said town to pass ordinances regulating and preventing the running at large of certain animals in the streets of said town; to prohibit and regulate the walking on the streets of said town of disreputable characters after nine o'clock at night; to prevent and punish for the use of vulgar and obscene language; to define, prohibit and punish lewd and disorderly conduct; to establish and regulate markets; to license and control all places of public amusement; and to license performances, circuses and shows; to prescribe fire limits; to prohibit the discharge of fire arms and to pass all ordinances for the welfare of said town; to abate nuisances, define fire proof buildings and regulate and control the erection of such within said town; to borrow money and contract loans for the public good of said town; to authorize the Mayor and Aldermen of said town to lay out streets,

Heading.

## Amending Charter of Jesup.

alleys and public squares in said town ; to widen or alter or close up any street, alley or public square of the same ; to provide for the taking and payment for property for that purpose, and prescribe the manner of doing the same ; to give the Mayor and Aldermen of said town complete jurisdiction over the streets, sidewalks, drains and public squares ; and to regulate license and control the sale of liquor in said town and to prescribe the amount of license therefor ; and to confer upon the Mayor and Aldermen of said town other and further powers and privileges and for other purposes as in this Act hereinafter specified."

SECTION I. *Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same,* That the above recited Act be, and the same is hereby, altered, changed and amended as hereinafter and to say.

Former  
charter  
amended.

Election  
for Mayor  
and Aldermen.

Qualifica-  
tions of  
electors.

Managers.

Respective  
terms.

Annual  
election.

Eligibility.

Election to  
fill vacan-  
cy.

SEC. II. *And be it further enacted by the authority aforesaid,* That on the first Saturday in January, 1889, an election by ballot shall be held in the council room in said town for a Mayor and six Aldermen, and that all male persons who are legal voters in the county of Wayne and residents of the town of Jesup for a space of thirty days next immediately preceding that time shall be entitled to vote at said election which shall be held by any three freeholders of said town who are not candidates and who shall be appointed by the Mayor in office at that time, and if he fails to appoint may act on request of any citizen ; and the person receiving the highest number of votes at said election for Mayor shall serve as such until the first Saturday in January, 1890 and the three persons receiving the highest number of votes for Aldermen at said election, shall serve as such until the first Saturday in January 1891, and the three persons receiving the next highest number of votes at said election shall serve as Alderman of said town until the first Saturday in January, 1890 ; and that an election in accordance with the provisions of this Act shall be held on the first Saturday in January of each and every year for a Mayor and three Aldermen to fill the seats of those whose terms shall expire that year, and that the Mayor so elected shall hold his office for the space of one year ; and the Aldermen so elected, for two years, and until their successors are elected and qualified.

SEC. III. *And be it further enacted,* That no person shall be eligible to the office of Mayor of said town, who has not attained the age of thirty years, and no person shall be elected Alderman who has not attained the age of twenty-five years, and who is not a legal voter of said town and a resident thereof for at least one year previous to his election.

SEC. IV. *And be it further enacted,* That should the Mayor's office or that of Aldermen be made vacant by death, removal, resignation, or otherwise, the Mayor and Board, or Board of

## PART III.—TITLE I.—MUNICIPAL CORPORATIONS.

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## Amending Charter of Jesup.

Aldermen, by resolution, shall order an election to fill such vacancy, which shall take place after ten days' notice has been given by publication in the paper where the legal advertisement of the said town of Jesup is done.

SEC. V. *Be it further enacted*, That the Mayor and Aldermen of said town in addition to the oath required of all civil officers of this State, shall take and subscribe the following oath of office: I \_\_\_\_\_ do solemnly swear, that I will truly and faithfully discharge all of the duties required of me as \_\_\_\_\_ of the town of Jesup, and will not vote for or encourage any measure or ordinance which is not, in my judgment, for the best welfare of the inhabitants of said town, and that when sitting as a Judge of the police court of said town, or trying cases on appeal therefrom, I will do equal justice between the rich and the poor, the high and the low, and the judgments render according to the opinion I entertain of the evidence and the law, as I understand it, so help me God.

Official  
oath.

SEC. VI. *Be it further enacted*, That neither of the Aldermen of said town shall receive any salary or compensation for his services; and all meetings of the Mayor and Aldermen of said town shall be in public, except when engaged in executive business, and the Mayor and three Aldermen shall constitute a quorum for the transaction of business.

No salaries.

Quorum.

SEC. VII. *And be it further enacted*, That all elections for Mayor and Aldermen of said town, after the election herein provided to take place on the first Saturday in January, 1889, shall be held by the Clerk of the town of Jesup and a member of the Board of Aldermen and one freeholder, or by three freeholders, residents of said town, and shall be held at the place where the meetings of the Mayor and Aldermen are held: And the polls at such elections shall be opened at seven o'clock in the morning and closed at six o'clock in the evening; and that no person shall be entitled to vote at such elections who is not a qualified voter of the county of Wayne, a resident of the town of Jesup for six months next before the day of such election, who has not paid all taxes due to said town, county and this State, and who shall not have been registered as hereinafter provided.

Manage-  
ment of  
elections.

SEC. VIII. *Be it further enacted*, That it shall be the duty of the Clerk of the town of Jesup to open books for the registration of voters, on the first Saturday in September before each annual election, (after the first election herein provided for to be held on the first Saturday in January, 1889), at ten o'clock A. M., and keep the same open from day to day, from ten A. M. to six P. M. until the first Saturday in October, when the same shall at six P. M. finally close; in which shall be inscribed the name of the person entitled to vote in said town and his place of residence and occupation; and the said Clerk must not permit any one to register

Registra-  
tion.

## Amending Charter of Jesup.

who is not entitled to do so, and if he does so knowingly, he shall be discharged from office. Each person registered shall pay to the clerk of said town a registration fee of fifty cents, which shall be used as the Mayor and Aldermen of said town may prescribe. And no person who is not registered shall be allowed to vote at any election in said town for officers thereof, or for any measure or matter affecting the same.

Fee.

SEC. IX. *Be it further enacted*, That the superintendents of all elections for Mayor and Aldermen held by authority of this Act, shall have the same conducted according to parts 1, 2, 3, 4, 6, 7 and 11 of section 1288 of the Code of 1882 of this State, and said parts of said section are hereby made applicable to such elections, and which are hereby adopted as a part of this amended charter, and the superintendents of such elections shall make return thereof to the Mayor and Aldermen of said town.

Conduct of elections.

SEC. X. *Be it further enacted*, That any person who shall hereafter vote more than once at any election held in said town, and under authority of this Act, or who shall vote at any such election, when he has not resided in this State one year, in the county of Wayne and said town six months, next preceding the election at which he so voted; or who shall vote at such election, who has not paid all taxes, which, since the adoption of the present Constitution of the State, have been required of him previous to the year in which said election occurs, and which he has had an opportunity of paying agreeable to law; or who has not registered as provided by this Act; or who has been convicted in any court of competent jurisdiction in this State, of embezzlement of public funds, malpractice, bribery or larceny, or any crime involving moral turpitude and punishable by the laws of this State with imprisonment in the Penitentiary, unless such person shall have been pardoned; or any person who shall buy or sell at any such election, or offer to buy or sell, a vote or votes, shall be indicted for a misdemeanor, and on conviction in any court in said county having jurisdiction, shall be punished as prescribed by section 4310 of the Code of Georgia.

Illegal voting.

Indictment for, and punishment.

SEC. XI. *And be it further enacted*, That any voter at such elections, may challenge any person who offers to vote, and any person so challenged shall take the following oath, to-wit: (and if he refuses to do so, his vote shall be rejected) "I \_\_\_\_\_ swear that I am 21 years old; am a citizen of the United States; have resided the last twelve months in this State; six months in this county and town; have paid all taxes which have been required of me to pay, and which I have had an opportunity of paying agreeable to law, and have never been convicted of any offense against the laws of this State or the United States, which debars me from voting, so help me God."

Challenges.

Oath of person challenged.

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SEC. XII. *And be it further enacted by the authority aforesaid,* That the Mayor and Aldermen of said town shall, at the first regular meeting in each year after their organization, elect a Clerk, a Treasurer, Marshal, assistant Marshal, such policemen as they see proper, three Assessors and a Town Attorney and a Town Physician of said town; and the said Mayor and Aldermen are hereby authorized and empowered to define and prescribe the powers and duties, the term of office, oath and bond of such officers when the same is not done herein, but they may, in their discretion, elect an assistant Marshal and policemen, Town Attorney and Physician only, when in their discretion it may be proper to do so, and fix at pleasure the number of policemen, and may remove any of such officers, at their discretion, for breach of duty, and establish their fees and salaries; and any such salary, fees and compensation can, at any time, be reduced, increased or abolished at any regular meeting of the Mayor and Aldermen.

Town officers.

Powers of Mayor and Aldermen as to.

SEC. XIII. *Be it further enacted by the authority aforesaid,* That said Mayor and Aldermen shall be known as the Mayor and Aldermen of the town of Jesup, and shall, by such, their corporate name, plead and be impleaded, sue and be sued, and do all other acts relative to their corporate capacity; shall have and use a corporate seal; shall be capable in law to purchase, hold, receive and possess and retain for the use and benefit of the town of Jesup, forever or for any number of years, any estate, real or personal, either within or without the limits of said town, and whether the same be necessary for the administration of the government of said town or not.

Corporate name and powers of Mayor and Aldermen.

SEC. XIV. *And be it further enacted,* That said Assessors to be appointed by the Mayor and Aldermen of said town, shall, at the first appointment of Assessors be appointed, one for one year, one for two years, and one for three years, and ever thereafterwards one Assessor shall be elected and qualified annually, and shall hold his office for the term of three years and until his successor is elected and qualified, except when an appointment is made to fill a vacancy, and shall take the following oath: "I—do solemnly swear that I will faithfully perform the duties of Assessor for the town of Jesup, and will make a true and just valuation of all property assessed;" and it shall be the duty of the Assessors to assess and value annually, all real estate in said town liable for taxation, at a true and just valuation, and to enter their assessment of the same in a book to be kept for that purpose, and return the same to the Mayor and Aldermen of said town, and file it with the Clerk of Council of said town on or before the 1st day of March of each and every year; in which return they shall describe the property assessed, by number, metes and bounds or other sufficient description, so as to give a sufficient identification thereof; and after said return is made and filed, and on or before

Assessors.

Terms.

Oath.

Their duties.

Property digest.



## Amending Charter of Jesup.

the 1st day of May in each and every year, every person, or agent of every person claiming said assessed real estate or any part of the same, shall return his name, or the name of his principal when the return is made by an agent, to the Clerk of Council of the town of Jesup, and write the same opposite the property claimed or owned by him, or the name of the person for whom he is agent, and as such agent make such return; and where the person or agent claims a portion only of any particular piece of property assessed, he shall specify in writing, and clearly describe the portion he claims and the interest of the claimant therein; and if the person making such return, makes the same as trustee, he shall specify in the return for whom he is trustee, giving the names of the *cestui que trusts*.

SEC. XV. *And be it further enacted by authority aforesaid, That* if, on the first day of May of any year there is any such real estate assessed in said town which has not been so returned by the owner or claimant thereof, it shall be the duty of the Clerk of Council of said town to issue an execution against said real estate which has not been so returned by the owner or owners thereof, as non-returned property, which execution shall plainly describe the property against which it is issued so as to sufficiently, and with reasonable certainty identify the same, and shall be directed to the Marshal of the town of Jesup, requiring him to levy upon that particular property, and out of the same to make, by levy and sale, the amount of the taxes due on said property for that year, and that the sale of non returned property shall be advertised once a week for twelve weeks before the day of sale, and that when any property is sold as non-returned property as aforesaid, when the same was not returned and the terms of this Act authorizing such sale shall have been fully complied with, and the same is not redeemed within the time hereinafter mentioned, that then and in that case the sale of the same shall absolutely and entirely divest the claim and title to the same from all persons before and at the time of such sale, claiming or owning the same or any interest therein, and shall vest the title thereto absolutely and unconditionally in the purchaser at such sale, and his heirs and assigns; and that any person who will make oath before any officer authorized by the laws of this State to accept an affidavit, that he is the owner, or agent of the owner, stating the name of the real owner, (and if such affidavit is made by a trustee, he shall state who are the *cestui que trusts* for whom he claims) of such property and that he desires to get a re-conveyance of the same, he may do so on paying the amount of the purchase money at such sale and all costs and charges and ten per cent. on all the same at any time within twelve months from the day of the sale; and that whenever property is sold as non-returned property, as aforesaid, and brings more than the amount of the taxes and costs attending such sale, the



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Marshal shall pay the excess to the Treasurer of said town and take his receipt for the same, which balance shall be held by said Treasurer for the space of two years, from the date of the sale, when, if no person has made claim to the same as hereinafter provided, the same shall become the property of the said Mayor and Aldermen, and be by them used for the best welfare of said town, and no suit at law or in equity shall be brought to recover such excess, after said period of two years, and when any person within said period of twelve months shall redeem such non-returned property as aforesaid, it shall be the duty of the Treasurer to pay any such excess as aforesaid over to the person redeeming the same, and his receipt on the back of such affidavit, and if such excess is claimed after a period of one year and within said period of two years by any owner or claimant, then it shall only be necessary for such owner or claimant or agent of such, to make an affidavit that he was the owner of such non-returned property, or the agent of the owner, and name in his affidavit the owner, and stating that the time in which to redeem the same having elapsed, he desires to have paid to him such excess, and on his receipt on the back of such affidavit, the Treasurer shall pay him the same.

Surplus to be held two years.

Covered into town treasury.

Regulation as to re-funding.

SEC. XVI. *Be it further enacted by authority aforesaid,* That when any property, real or personal, has been returned, as in this Act required, and the person returning the same shall make default in the payment of any prescribed taxes for that year, then it shall be the duty of the Treasurer to issue his tax executions against such person, which shall be directed to the Marshal, requiring him to make the amount of such taxes out of the person making such return by seizure of the property of such person. And it shall be the duty of the Marshal to levy such execution first upon the personal property of said defaulter, if any is to be found, and if not, to make return of that fact and then levy on the real estate of such person; and the sale of such property shall be advertised once a week for four weeks preceding the day of sale of such property; and such sale shall pass the title to the same as effectually and as absolutely as would the deed of the person or persons against whom such execution was issued. Whenever property has been sold as aforesaid for non-payment of taxes, and when return has been made, the person against whom the execution is issued may redeem the same at any time within twelve months from the day of the sale, on paying the amount for which it is sold and the costs and charges aforesaid, and ten per cent. on all the same.

Default of taxes.

Execution to issue.

Levy.

Advertisement and sale.

Redemption.

SEC. XVII. *Be it further enacted by the authority aforesaid,* That all sales herein provided for in this Act shall take place on a regular Sheriff's sale day, between the regular hours of Sheriffs' sales provided for in this State. And on the day of sales herein provided for it shall be the duty of the Marshal to offer the property

Time of sales.

Conduct of.

## Amending Charter of Jesup.

levied, the same being realty, first for rent for one year, and if an amount is not offered sufficient to pay the taxes and costs, then for rent for five years, then for rent for ten years, then for twenty years; and if he receives no such sufficient bid, then to offer for sale one-fourth undivided interest, and if he then receives no bid sufficient as aforesaid, he shall then offer the whole for sale and shall knock it off to the highest bidder, after crying the same according to the laws of the land; and that the amount to be charged for advertising the sale of such property shall be the same as now prescribed by the general laws of this State, and a fee of one dollar for levy, one dollar for selling and five per cent. commission on the amount realized at the same and one dollar for signing the deed, shall be paid the Marshal for his costs in that behalf; and the Clerk shall receive fifty cents for each execution issued.

Fees for.

SEC. XVIII. *Be it further enacted by the authority aforesaid,* That any person not a party to any such execution claiming property levied on may file his claim to the same, as claims are now filed to property levied on under mean or ordinary process in the State, and as by the practice now obtaining generally in the courts of this State; and when property so levied on is so claimed, it shall be the duty of the Marshal to return the execution and claim to the Superior Court of said county, where it shall be tried and disposed of as other claim cases.

Claims—  
how filed  
and re-  
turned.

SEC. XIX. *And be it further enacted by the authority aforesaid,* That the corporate limits of said town shall be defined and are hereby prescribed to be all the area lying within the measurements and limits to say: Within the square described within a line drawn parallel with and one mile southward of a line drawn through the center of Cherry street in said town, and parallel with the same and at right angles with Broad street, and a line running parallel with and one mile northward of the said center line of said Cherry street, and parallel with said first described line; and a line drawn parallel with and one mile eastward of the center line of Broad street, and at right angles with said Cherry street, and said first two described lines; and a line drawn parallel with and one mile westward of the center line of Broad street, and the line last above described, which is hereby declared to be what is meant in the above recited Act, by the term "one mile in all directions from the depot in said town." The area of said town forming a square with sides two miles long and embracing four square miles within its corporate limits.

Corporate  
limits.

Area.

SEC. XX. *Be it further enacted by the authority aforesaid,* That the Mayor and Aldermen of said town shall have power and authority from time to time to make, ordain and establish such by-laws, ordinances, rules and regulations as shall to them appear necessary for the security, welfare, convenience and interest of said town and the inhabitants thereof, and for preserving the health, morals, peace, order and good government of the same.

By-laws.

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SEC. XXI. *Be it further enacted by the authority aforesaid,* That the Mayor and Aldermen of said town may, by ordinance, prohibit all intoxicated persons, tramps and lewd women from walking or idling in the streets, squares and alleys of said town, after the hour of 9 o'clock at night, and to provide a penalty by ordinance for the use of vulgar and obscene language, and to punish lewd and disorderly conduct within the limits of said town, and to pass ordinances establishing and regulating markets, and licensing and controlling all places of public amusement, and all performances, circuses and shows of every nature, and defining the meaning of the words "intoxicated persons," "tramps," and "lewd women," as used in this section of this Act.

Vicious characters.

Obscenity and lewdness.

Public places.

SEC. XXII. *And be it further enacted by the authority aforesaid,* That the Mayor and Aldermen of said town are hereby authorized and empowered, whenever they see fit to do so, to create a Board of Health for said town, to consist of any number not over ten male persons, twenty-one years of age, and shall have and are hereby given power to define their term of office, which shall not be over five years; their oath, duties, qualifications and bond, if any, and prescribe their fees, if any, and confer on them, by ordinances, such powers as are usually and generally conferred upon such bodies.

Board of Health.

SEC. XXIII. *And be it further enacted by the authority aforesaid,* That no ordinance, by-law or resolution of said Mayor and Aldermen of a public character shall be binding within the limits of said town or person within the same, natural or artificial, until the same shall have been published for the space of once a week for four weeks in the newspaper in which the proceedings of the Mayor and Aldermen of said town and the legal advertising of said town is done. And it shall be the duty of the Mayor and Aldermen of said town to select as the official organ of said town any paper which has a general circulation in the county of Wayne and said town. And the Mayor and Aldermen of said town shall cause the proceedings of each meeting of Council to be published in such paper, and no ordinance or by-law shall pass the Board of Aldermen of said town and become a by-law or ordinance thereof until the same shall have been introduced and read once at the regular meeting of said Mayor and Aldermen when the same is introduced, and twice at the next regular meeting of said Mayor and Aldermen, before the same passes and becomes a law; and the regular meetings of the Mayor and Aldermen of said town shall be on the first and third Mondays in each and every month.

Publication of ordinances, etc.

Official organ.

Passage of ordinances, etc.

SEC. XXIV. *And be it further enacted by the authority aforesaid,* That all ordinances, by-laws and resolutions shall be spread at length upon the minutes of the Council at the meeting when the same are adopted, and before the next regular meeting, by the Clerk of Council; and he shall also keep a full and explicit minute

Minutes of proceedings.

## Amending Charter of Jesup.

book of all regular, special or call meetings of the Mayor and Aldermen of said town, in which he shall give a detail minute of all their actings and doings, and shall specify the Mayor and Aldermen who are present, giving their names, and those who are absent, giving their names.

SEC. XXV. *And be it further enacted by the authority aforesaid,*  
**Executions** That all executions for taxes shall be signed by the Clerk of Coun-  
**and sales** cil of said town, which shall be directed to the Marshal of said  
**for taxes.** town, and shall be returnable before the Mayor and Aldermen of said town, and the proceeds of all such shall be paid to the Treasurer of said town, and that at all tax sales under executions for taxes due said Mayor and Aldermen, the Mayor and Aldermen of said town may bid in the property so offered for sale in the name of the Mayor and Aldermen of said town, and have a deed of realty or a bill of sale of personalty of the same made by the Marshal of said town to them, and shall hold the same for the use of said town, provided the same does not bring more at such sale than the amount of the taxes and cost due on said execution.

SEC. XXVI. *And be it further enacted by the authority aforesaid,*  
**General** That the Mayor and Aldermen of said town shall have the au-  
**tax.** thority and power to levy and collect a tax upon all taxable property within the limits of said town, upon real and personal property, money, stock in corporations, choses in action, incomes and commissions derived from the pursuit of any profession, faculty, trade or calling, upon dividends, banks, insurance, and other like companies or their agencies; and upon all other sources of profit, not expressly prohibited or exempt by the laws of this State; thus to raise such sum of money as may be necessary for the safety, convenience, benefit and interest of said town, the maintaining the municipal government and the payment of the debts thereof: *Provided,* the rate of taxation shall not exceed one and one half per centum upon a fair valuation of the property taxed: *Provided,* that nothing in this Act shall be construed to authorize the said town, nor the Mayor and Aldermen of said town, to levy or collect any tax of any kind upon the property of any railroad or express company not subject to taxation for county purposes under the laws of this State as they existed on the 4th day of December, 1888, nor shall they levy any tax whatever upon the business, income, or agencies of either class of said corporations.

SEC. XXVII. *And be it further enacted by the authority aforesaid,*  
**Liquor li-** That the Mayor and Aldermen of said town shall have the sole  
**censes.** and exclusive right to grant licenses to sell or retail liquors within the limits of said town, and of fixing the rates and amounts of such licenses, and the terms and conditions upon which they shall issue, and to declare such licenses void when said terms and conditions are not complied with.

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SEC. XXVIII. *And be it further enacted by the authority aforesaid,* That if any assessment of any estate authorized by this Act shall be deemed erroneous, the owner or agent of any such real estate who may be dissatisfied with such assessment shall have the privilege of making complaint to the said Mayor and Aldermen of said town within twenty days after the date of the report of the Assessors, which complaint must be made in writing; and upon such complaint being made, the assessment complained of shall be immediately referred to three arbiters, one chosen by the Mayor and Aldermen of said town, one by the party complaining and the third by the two so chosen, whose award in the matter shall be made within ten days, and shall be conclusive and final.

Complaint  
from assess-  
ment.How re-  
ferred.

SEC. XXIX. *And be it further enacted by the authority aforesaid,* That all taxes and assessments due the said town of Jesup shall rank as debts due the public, whether in the administration of the assets of the decedent or otherwise, and tax executions in favor of said town of Jesup shall have the same lien on property as judgments have by law.

Taxes and  
assess-  
ments to  
rank as  
primary  
liens.

SEC. XXX. *And be it further enacted by the authority aforesaid,* That the said Mayor and Aldermen of said town shall be vested with authority and power of a Justice of the Peace, so as to suppress all riots, breaches of the peace, and commit for violations of the criminal laws of Georgia within the limits of said town, and to arrest, confine or bind over all offenders against the laws of this State to answer for such offenses before the proper tribunal, and may issue warrants on affidavits made before them, and may hold courts of inquiry as other Justices of this State, when the offense was committed in said town.

Judicial  
functions  
of Mayor  
and Alder-  
men.

SEC. XXXI. *And be it further enacted by the authority aforesaid,* That the Mayor and Aldermen of said town shall have power to compel all male persons within the corporate limits of said town, between the ages of sixteen and fifty years, except those hereinafter exempted, to work on the public streets of said town not more than ten days during each year: *Provided,* that any person subject to work on said streets may commute the services so required by the payment, to the officer of said town authorized to receive and receipt for the same, the sum of fifty cents for each day he is required to work.

Street  
work.Commuta-  
tion tax.

SEC. XXXII. *And be it further enacted by the authority aforesaid,* That the Mayor and Aldermen of said town shall have the authority and power to widen, straighten or alter any street, alley, lane, way or square in said town, and to open, lay out and establish any new street, alley, lane, way or square of whatever nature; but whenever said Mayor and Aldermen shall exercise the power to widen, extend or straighten a street, alley, lane, way or square, or to open, lay out and establish any new street, alley, lane, way or square to the injury of private rights, there shall be appointed

Improve-  
ment of  
streets, etc.



five freeholders, two by the Mayor and Aldermen, two by the owner of said land, and the other by the arbitrators so chosen, of character and responsibility, who shall assess the damages sustained by the owner or owners of the lot or lots, over and through which pass the said streets, lanes, alleys, ways or squares so widened, extended, straightened, opened, laid out or established, and from which award an appeal can be had to the Superior Court of said county of Wayne by either party: *Provided*, private property shall not be so taken for such public purposes, until the damages so assessed shall be first paid by the authorities of said town.

Damages—  
how as-  
sessed.

Appeal  
from  
award.

Proviso.

SEC XXXIII *And be it further enacted by the authority aforesaid*, That the Mayor and Aldermen of said town shall have the power and authority to establish work-houses and to cause labor and confinement therein, and also on the streets, drains, squares and commons in said town, by all persons who shall have been convicted of any offense against the ordinances, by-laws, rules and regulations of said town, and so sentenced by the proper tribunal.

Work-  
houses etc.

SEC XXXIV. *And be it further enacted by the authority aforesaid*, That the Mayor and Aldermen of said town shall have the authority and power by ordinances or resolutions or either, to order the occupant of any lot to make such pavements or sidewalks, and repairs of the same, as they may deem necessary, and upon the failure of any person to comply with such order within the time prescribed, the said Mayor and Aldermen may cause the same to be done, and shall levy and collect the expenses thereof, by execution issued, directed and returned as tax executions against the lands, goods and chattels of the owner or owners of such.

Paving.

SEC. XXXV. *And be it further enacted by the authority aforesaid*, That the Mayor and Aldermen of said town shall have the authority to regulate and control, or prohibit the running at large of any dogs, horses, mules, cattle, hogs or other stock within the limits of said town.

Stock law.

SEC. XXXVI. *And be it further enacted by the authority aforesaid*, That the Mayor and Aldermen of said town shall have the authority and power, by ordinances, resolutions or order, to cause to be abated, within the limits of said town, any nuisance which may tend to the immediate annoyance of the citizens generally, and which may be manifestly injurious to the public health and safety, which may tend greatly to corrupt the manners and morals of the people of said town, or any considerable portion thereof, whether the same be a nuisance at common law, or by statute of this State, or by ordinances of said town passed in conformity with law, and to enforce the order of the abatement and the removal of such nuisances by the Marshal, or other civil force of said town.

Abatement  
of nuisan-  
ces.



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SEC. XXXVII. *And be it further enacted by the authority aforesaid,* That the Mayor and Aldermen of said town shall secure a just and proper accountability, by requiring bonds, with sufficient penalties and securities, from all persons entrusted with the receipt, custody or disbursement of money, and shall, as often as once a year, cause to be published for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of town property and of the town debts.

Indemnity bonds.

SEC. XXXVIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Clerk of the Mayor and Aldermen of said town, to furnish the superintendents presiding at all elections for Mayor and Aldermen of said town, at the time of opening the polls on the day of said elections, a complete list of the names, arranged in alphabetical order, which shall have been registered according to the provisions heretofore set forth, together with the occupation or business, and place of residence in said town, certified under the hand of said Clerk or other officer, and the seal of said town, which list shall be kept before the said Superintendents during such elections, and afterward deposited by them in the office of said Clerk, to be safely kept by him.

Registration lists.

SEC. XXXIX. *And be it further enacted by the authority aforesaid,* That it shall be the duty of said Superintendents to allow no one to vote at said elections unless he be qualified to do so under the provisions of this Act; and to that end they shall be authorized to administer the oath prescribed in section 11 of this Act.

Duty of election Superintendents.

SEC. XL. *And be it further enacted by the authority aforesaid,* That the Mayor and Aldermen of said town shall have power to borrow money and contract loans for the public good when, in their judgment, it shall be for the interest of said town to do so, and to issue bonds and pledge the property, faith and credit of said town for the payment of debts so incurred, where now allowed by law

Authorities may borrow money and issue bonds.

SEC. XLI. *And be it further enacted by the authority aforesaid,* That the Mayor's Court of said town is hereby established and declared to be a court of record, and shall be presided over, and its sessions shall be held by the Mayor or the Mayor *pro tempore* of said town, and shall be held as often as the presiding officer of said court may determine; and the Clerk of Council of said town is hereby declared to be Clerk of the Mayor's Court; said court shall have jurisdiction and cognizance of and over all offences against any violations of the ordinances and by-laws and rules and regulations of said town committed within its limits, and shall have power to impose on each person convicted thereof, such punishment as may be prescribed in the ordinance, rules and regulations of said town, and not inconsistent with the provisions of this Act, for violations of the same, and shall have the power to fine or imprison or fine and imprison for contempt, and may enforce the col-

Mayor's Court a court of record.

Its jurisdiction and powers.

## Amending Charter of Jesup.

lection of fines by execution issued, directed and returned as tax executions are provided to issue in this Act, and shall enforce all such imprisonments by *mittimus* directed to the Marshal or Assistant Marshal of said town, and in all prosecutions in said town, and the same shall be commenced by affidavits as prescribed in section 4715 of the Code of Georgia, upon which a warrant shall issue and be signed by the presiding officer of said Mayor's Court which shall be in form of warrant described in section 4716 of the Code of Georgia, except that it shall be directed only to the Marshal or Assistant Marshal or Policeman of said town, and shall require the person therein named to be taken before the said Mayor's Court of the town of Jesup for trial, and on this warrant an affidavit, the issue of guilty or not guilty shall be formed and the trial proceed whenever the case is sounded in open court, unless continued under the rules of law as far as they can be applied to said court, and it shall only be necessary in such affidavit to describe the offence alleged with sufficient particularity as that the Judge of said court may readily understand the nature of the charge and no more; and if such affidavit and warrant should be dismissed for want of informality, either on *demurrer* before trial, or be detected afterwards and at any time before judgment, and whether the case is pending before the Mayor's Court on appeal before the Mayor and Aldermen, the same be *nolle prosequied*, and another and another, and another sued out, and so on, from each dismissal until one should be drafted sufficient for the purpose, and from the judgment of said Mayor's Court there shall be an appeal within ten days, to the Mayor and Aldermen of said town, in council assembled, which shall be tried at the next regular meeting of said Mayor and Aldermen of said town after it is entered, unless continued under the rules of law granting ——— continuance in this State, as far as the same can be applicable, and before such appeal is received the defendant shall pay all costs and give bond for his personal appearance to abide the final judgment in said case, and whenever a person is arrested by authority of this Act, it shall be lawful for him to enter into a bond to be approved by the Marshal of said town, conditioned for the faithful appearance of such person to answer such charge, when the same shall be heard, and shall be payable to the Mayor and Aldermen of said town of Jesup, which bond shall be forfeited on the non-appearance of the defendant in the same manner in said court as penal bonds are forfeited in Superior Courts of this State. And no *certiorari* shall be allowed or granted to the decision of said Mayor's Court, until the same has been appealed before the Mayor and Aldermen and the decision there confirmed or sustained in whole or in part, and until all costs have been paid to the Clerk of Council of said town, and bond given for the appearance of the petitioner in *certiorari* to

Proceed-  
ings before  
Mayor's  
Court.

Absolute  
formality  
unneces-  
sary.

Trial.

Continu-  
ance.  
Appeal.

Appear-  
ance bond.

*Certiorari*.

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answer the final judgment of the court in that matter, but there shall be no appeal or *certiorari* from a fine or commitment for contempt, but such fine for contempt shall not exceed five dollars or imprisonment for contempt, not exceeding five days, and the presiding officer of said Mayor's Court, or the presiding officer over the Council, when sitting on appeal cases shall have the power to summon any witness residing in the county of Wayne or in said town, to appear and testify for either prosecution or defense. But the Mayor, or Mayor *pro tempore*, who heard the case in the Police Court, shall not be allowed to sit in the trial of the said case in appeal before the Mayor and Aldermen of said town.

Not to issue—when.

SEC. XLII. *And it is further enacted by the authority aforesaid,* That the Mayor and Aldermen of said town shall have the power and authority to impose and inflict such fines, penalties and forfeitures for the violation of any ordinance, by-law, rule or regulation of said town as shall, in their judgment, be conducive to the interest, welfare, good order of and proper government of said town, and may for such violations of such ordinances, by-laws, rules and regulations, punish by a fine, not to exceed one hundred dollars or imprisonment in the guard house of said town not to exceed thirty days, or work on the chain gang on the public works, streets, alleys, and so forth, of said town of Jesup, not to exceed sixty days; or if said town of Jesup has no chain gang, to work for the space of sixty days on any chain gang under control of the authorities of Wayne county; and if said town has no established guard-house, to be confined in the jail of Wayne county for thirty days; and any one or more of these penalties may be ordered, in the discretion of the presiding officer of said Mayor's Court, or the Mayor and Aldermen when sitting to try appeals; that is to say, they may fine one hundred dollars and sentence to labor for sixty days on any such public works, and sentence to imprisonment for thirty days in any such prison, or may fine a less sum than one hundred dollars, and imprisonment in such prison for a term less than thirty days, and sentence to labor for a term less than sixty days, or may impose any one of said penalties or put the sentence in the alternative—that is, sentence to labor or confinement, to be discharged on payment of a fine not exceeding one hundred dollars and costs; and it shall be sufficient description of the punishment to be inflicted for the violation of any ordinance of said town for the Mayor and Aldermen thereof to say in such ordinance that the violation of such ordinance shall be punished as prescribed in this section of this charter, referring to it by number, without setting it out in full in the ordinance, if they so choose.

Fines, penalties and forfeitures.

Maximum of fines.

Imprisonment and chain-gang—maximum sentence.

Both penalties permissible.

Sentence may be alternative.

SEC. XLIII. *And be it further enacted by the authority aforesaid,* That the Mayor and Aldermen of said town are authorized, and it is their duty and power to prescribe by ordinance annually, and within thirty days after the assessment of said Assessors' is filed,

Taxes.

## PART III.—TITLE I —MUNICIPAL CORPORATIONS.

## Amending Charter of Jesup.

as in this Act provided, the amount of taxes for that year; and they may, in their judgment, collect said taxes in semi annual payments, or they may collect the whole in one yearly payment, and they shall prescribe in said ordinance fixing the taxes yearly, when and how it shall be paid. If collected in semi-annual payments, the first payment shall be collectible on the first of June and the second payment on the first of December. If collected in annual payments it shall be due and collectable on the first of September, and execution may issue for such taxes thirty days after they are due and payable.

Payments  
of.

Time of  
collection.

SEC. XLIV. *And be it further enacted by the authority aforesaid,* That the Mayor and Aldermen of said town shall have power, and it is their duty annually to prescribe the annual license for each and every year and what, as provided in this amended charter, shall be licensed, and to pass ordinances punishing all persons who carry on any of said businesses without first taking out such licenses.

Licenses.

SEC. XLV. *And be it further enacted by the authority aforesaid,* That the Mayor and Aldermen of said town may, at any time, elect annually a Town Attorney, and define his duties and prescribe his salary by proper ordinances or resolutions, and his oath of office; but they may, if they see fit to do so, not regularly employ an attorney by the year, but may in their discretion employ the services of an attorney at law only when in their judgment it is necessary to do so.

Town At-  
torney.

SEC. XLVI. *Be it further enacted by the authority aforesaid,* That all persons claiming or owning personal property of every or any nature and sort in the limits of said town, or who is engaged in any sort of business shall, on or before the first day of May of each and every year, make a return of the same to the Clerk of said Council, together with the value of the same, under oath, in which return the following facts shall be set forth:

Returns

Under  
oath.

Specifica-  
tions:

1st. What and how many businesses are you engaged in, either individually or as a partner, or otherwise, in said town?

2nd. How much capital have you in any bank or banking house doing business in said town?

3rd. How much capital has any bank or banking-house in said town of which you are president?

4th. How much capital or stock have you in any business or loan association in said town?

5th. How much capital have you in stocks and bonds of any association in said town?

6th. How much money have you on hand?

7th. What is the gross value of your notes, accounts or other obligations for money, and the market value thereof—whether the same are against persons or debtors within or without the State?



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## Amending Charter of Jesup.

8th. What is the value of your merchandise of all kinds on hand?

9th. How much capital have you invested in bonds, except bonds of the United States as are by law exempt from taxation? <sup>Specifications:</sup>

10th. What is the value of your household furniture, including your table ware?

11th. What is the value of your kitchen furniture?

12th. What is the value of your office furniture?

13th. What is the value of your pianos, organs, or other musical instruments?

14th. What is the value of your sewing machines?

15th. What is the value of your gold watches?

16th. What is the value of your silver watches?

17th. What is the value of your watches made from material other than gold or silver?

18th. What is the value of your gold and silverware?

19th. What is the value of your diamonds and jewelry worn by owner or not?

20th. What is the value of your horses?

21st. What is the value of your mules and asses?

22nd. What is the value of your cattle?

23rd. What is the value of your sheep?

24th. What is the value of your goats?

25th. What is the value of your hogs?

26th. What is the value of your carriages, wagons and buggies?

27th. What is the value of your agricultural tools, implements and machinery?

28th. What is the value of your library, pictures, paintings and statuary?

29th. What is the value of your cotton, corn and other farm products on hand or for sale?

30th. What is the value of your guns, pistols, bowie knives and such articles?

31st. What is the value of your portable saw-mills, saw-mills, gins, engines and other machinery, or of such other machinery, stationary, and otherwise, and not returned as part of the realty?

32nd. What is the value of your property not herein mentioned?

SEC. XLVII. *Be it further enacted by the authority aforesaid,* That it shall be the duty of the Clerk of Council to issue an execution against any and all personal property of every kind, describing it sufficiently, so that it may readily be identified from such description, which is not returned for taxation as provided in this Act. Which execution shall be issued, returned and directed as provided for executions against non-returned property, and that all provisions of this Act applying to the sale of property under tax-executions for returned or unreturned real property respectively

Where no  
return  
made,

Execution  
to issue.

## Amending Charter of Jesup.

Proceeds of sale—how held and disbursed. shall apply to the sale of returned or unreturned personal property and that moneys realized from such sales of returned or unreturned property shall be held, disbursed and disposed of and accounted for in the same manner respectively as is provided elsewhere in this Act, for the disbursement, disposition and accounting of moneys received from the sale of returned or unreturned real property respectively, as the case may be, and that the same statute of limitations prescribed in those cases respectively be, and the same hereby, is made to apply respectively in cases of returned or unreturned personal property.

Exemption from street duty. SEC. XLVIII. *And be it further enacted by the authority aforesaid,* That all and any persons who have lost one arm, or one leg, or a leg and arm, or both legs and both arms, or a foot or a hand, or an eye, or a foot and hand, or both hands and both feet, and all persons who are physically, from deformity, injury or accident, or disease, unable to perform manual labor, shall be exempt from the performance of street duty as provided in this Act.

Salary of Mayor. SEC. XLIX. *And be it further enacted by the authority aforesaid,* That the Mayor of said town shall receive a salary not to exceed two hundred and fifty dollars per annum, and that the Mayor and Aldermen of said town, in Couhcil assembled at their first meeting in each and every year, shall by resolution prescribe the amount of such salary, and they may order payment of the same monthly, quarterly, semi-annually or annually, as to them may seem best, and the resolution fixing the salary shall fix the time of payment.

City Physician. SEC. L. *And be it further enacted by the authority aforesaid,* That the Mayor and Aldermen of said town may, at any time, elect annually a City Physician and define his duties and powers by proper ordinances and fix his salary, or, in their discretion, they may only employ the services of one when in their judgment it is necessary, without regularly electing one.

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

Approved December 26, 1888.



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Amending Charter of the Town of Norwood.

## AMENDING CHARTER OF THE TOWN OF NORWOOD.

No. 105.

An Act to amend an Act entitled an Act to incorporate the town of Norwood on the Georgia Railroad, in Warren county, and provide for the election of Mayor and Councilmen of said town, and for other purposes herein contained, approved Oct. 7th 1885.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the above recited Act be amended by striking out the word three in the third line, in third section of said Act, and substituting the word five so that said section when so amended shall read as follows: "That an election shall be held in said town on the first Monday in November next for a Mayor and five Councilmen who shall serve for fourteen months, or until their successors are elected and qualified; said election to be held on the first Monday in January statedly after the first."

Third section of old charter altered.

Section as amended.

SEC. II. *Be it further enacted*, That the figures 779 in the second line of the sixth section of said Act be stricken out and 797 (c) be substituted therefor, so that said section when so amended shall read as follows: That the provisions of the new Code of Georgia from section 774 to 797 (c) inclusive, and not in conflict with this Act be, and the same are hereby made applicable to said corporation and the officers elected as herein provided and their successors in office.

Sixth section altered.

Section as amended.

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

Approved December 26, 1888.

# **EXHIBIT 31**

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New Charter for Cedartown.

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SEC. XXI. *Be it further enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.  
 Approved November 11, 1889.

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## NEW CHARTER FOR CEDARTOWN.

No. 640.

An Act to amend, consolidate and supersede the several Acts incorporating the town of Cedartown, in the county of Polk; to confer additional powers upon the corporate authorities thereof, and otherwise to amend the charter of said town, and for other purposes.

Corporate  
name.

SECTION I. *The General Assembly of the State of Georgia do enact*, That, from and after the first Tuesday of February, 1890, the several Acts incorporating the town of Cedartown, in the county of Polk, as well as the various Acts amendatory thereof, be, and the same are hereby amended, consolidated and superceded; that the town of Cedartown shall continue to exist, but is hereby constituted a city under the name of the "City of Cedartown;" that from and after the said first Tuesday of February, 1890, the charter of said city shall be and read as contained in the foregoing and following several sections.

Corporate  
powers.

SEC. II. *Be it further enacted*, That the said city of Cedartown is hereby incorporated, and that the inhabitants of the territory hereinafter designated are made a body corporate, and that the municipal government of the city of Cedartown, in the county of Polk, and State of Georgia, shall be vested in a Mayor, Recorder and five Councilmen, who are hereby constituted a body politic under the name and style of the Mayor and Council of the City of Cedartown, and by that name shall succeed to all the rights and liabilities of the present corporation of the town of Cedartown, after the said first Tuesday in February, 1890; that said municipal government shall have perpetual succession, and shall have power and authority to make, ordain and establish from time to time such by-laws, ordinances, resolutions, rules and regulations as shall appear to them necessary and proper for the good government, security, welfare and interest of said city of Cedartown and the inhabitants thereof; and for preserving the health, morals, peace and good order of the same, not in conflict with the Constitution

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and laws of this State or of the United States; and shall have power and authority, and in and by said corporate name to contract and be contracted with, to sue and be sued, to plead and be impleaded in any of the courts of this State; to have and use a common seal; to hold all property, real or personal, now belonging to said town to the use of said city, for the purposes and interests for which the same were granted or dedicated; to acquire by gift or purchase, or otherwise, such other real or personal property, within or without the limits of said city as may hereafter be deemed necessary or proper for corporate purposes; and to use, manage, improve, sell, convey, rent or lease any and all of said property, as may be deemed advisable for corporate interest.

SEC. III. *Be it further enacted*, That the corporate limits of said city shall extend one-half of a mile in all directions from the court house square in said city, excepting on the east side as hereinafter provided for; the boundary line shall be known and described as follows: Commencing on the north side of Rockmart street at a point one-half of a mile from the court house square and running west, forming a part of a circle, to, and crossing the Rome road (Main street) at a point one-half of a mile from the court house square; thence west to, and crossing Cave Spring street, one-half of a mile from the court house square; thence south and crossing Prior street one-half mile from the court house square; thence south to, and crossing Main street on the south at a point one-half mile from the court house square; thence east to "Vineyard Hill," to the point forming the southeast corner of what is known as the "Eastern Extension;" thence directly north to the south side of Rockmart street and the northeast corner of said Eastern Extension, said last two lines being straight. The question of extending the city limits shall be submitted to the people of the district to be included; and if two thirds of the tax-payers shall petition the Mayor, Recorder and Council of the city to extend the corporate lines so as to include them, the same shall be done; and in case any individual living beyond the limits of said city shall petition said Mayor, Recorder and Council to be included within the corporate lines, the same shall be done.

SEC. IV. *Be it further enacted*, That an election under this charter shall be held at the county court house in said city, or at such other place as the Mayor and Council may direct or designate in said city, on the first Tuesday in January, 1890, and on the first Tuesday in January of each year thereafter, for Mayor, Recorder and five Councilmen, who shall hold their office for one year, and until their successors are elected and qualified; and should there

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fail to be an election held in said city at the time above specified, from any cause whatever, or should a vacancy in the office of Mayor, Recorder and Councilmen occur, from death, resignation or otherwise, the Mayor (or Mayor *pro tem.*) of said city shall order an election held in said city for Mayor, Recorder and Councilmen (or Mayor, Recorder and Councilman, as the case may be) by publishing said notice in some newspaper of said city. Said notice shall be given ten days before said election; *Provided, however,* that if any one of said offices shall become vacant at any time within sixty days of the current annual municipal election, the Mayor *pro tem.* shall act and become Mayor, and his place filled by appointment from the legal voters of said city.

Proviso.

SEC. V. *Be it further enacted,* That the superintendents of all municipal elections shall be appointed by the old or retiring Council; that all said elections held under this Act shall be conducted according to parts 1, 2, 3, 4, 6 and 7 of Section 1288 of the Code of 1882 of this State; and said parts of said section are hereby made applicable to such elections, and which are hereby adopted as a part of this charter; and the superintendents of such elections shall make return thereof to the Mayor and Council of said city as soon as the same can be consolidated; and Mayor and Council shall hear and determine and decide all contests within ten days after such election, and their decision shall be final and binding. The superintendents of all municipal elections shall consist of three freeholders within the corporate limits of said city, and said superintendents shall take and subscribe an oath for the due performance of their duty as such, and shall have all the powers incident to superintendents of State and county elections in this State.

Superintendents of election.

Returns.

SEC. VI. *Be it further enacted,* That any person who shall vote at any city or municipal election when he has not resided in this State one year, and in the county of Polk for six months, and said city of Cedartown for sixty days, next preceding the election at which he so voted, or who shall vote at such election, who has not paid all taxes, fines and assessments in lieu of street duty, which he has had an opportunity of paying agreeable to law, or who has not registered according to this Act, or who has been convicted in this State of any crime involving moral turpitude, punishable in this State by imprisonment in the penitentiary, unless pardoned, or any person who shall buy or sell a vote, shall be indicted for a misdemeanor, and on conviction in any court in this county having jurisdiction, shall be punished as prescribed in Section 4310 of the Code of Georgia of 1882.

Penalty for illegal voting.

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SEC. VII. *Be it further enacted,* That the Mayor, Recorder and Councilmen shall, before entering upon the discharge of their duties, each take and subscribe an oath to discharge faithfully the duties of their office; and this oath shall be also required to be taken by each person appointed to office by them. Any officer of this State authorized to administer an oath shall be qualified to administer the same. Oath of office.

SEC. VIII. *Be it further enacted,* That the Mayor, Recorder and Council of said city shall have special power and authority therein to lay off, vacate, close, open, alter, widen, curb, pave and keep in good order and repair all streets, avenues, alleys, lanes, sidewalks, cross-walks, drains, sewers, gutters for the use of the public, or any citizen of said city, and to improve and light the same, and have them kept free from any obstructions of any kind; to regulate the width of the sidewalks and cross-walks on the streets, and to order the sidewalks, cross-walks and footways to be curbed and paved and kept in good order, free from filth of any kind, by the owners and occupants thereof, or of the real property next adjacent thereto; and if such owner or occupant thereof shall fail or refuse to so curb, pave, remove obstructions, or clean such sidewalk when so ordered, the Mayor and Council shall have the same done, and the cost of the same when done shall become a lien on such adjacent property, and the same shall be collected by execution, to be levied on such property, which shall be sold under the same rules and regulations as govern other Marshal's sales in said city; to establish and regulate markets; to prescribe the time for holding the same; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to prevent hogs, cattle, sheep, horses, mules, goats, asses, and all other animals and fowls of all kinds, from going at large in said city, or in any prescribed territory therein; to protect places of divine worship; to abate or cause to be abated anything which, in the opinion of the Council, is a nuisance; to regulate the keeping and selling of gunpowder, kerosene, and all other combustible and hazardous articles of merchandise; to guard against danger and damage by fire; to regulate the running and management of steam engines and locomotives, whether for factories, furnace, cotton gins or railroads, within the corporate limits of said city, or for any and all sorts of vehicles, howsoever drawn or propelled, that may traverse or cross any streets, avenues, alleys, lanes or roads; to guard against and prevent the fast driving or riding of any horses on the main streets of said city; to provide, lay out, improve and maintain public parks, squares or pleasure Duties and powers of the Mayor, Recorder and Council. Markets. Nuisances.



## New Charter for Cedartown.

**Cemeteries** grounds and walks; to provide places for the burial of the dead, and to regulate interments therein; to provide for the regular building of houses, or other structures, and for the making of street and division fences for the owners of adjacent property; the drainage of lots by proper drains and ditches; to define the duties and prescribe the powers of all officers or agents appointed by them; fix their salary and term of office; require and take from them such bonds as will protect the tax-payers of said city, and conditioned for the faithful discharge of their duties; to erect or authorize the erection of gas works, or prohibit the same; to erect or prohibit the erection of water works in the city; to prevent injury to the springs and water sources within said city; to regulate and provide for the weighing of hay, coal, cotton and all other articles of merchandise bought and sold by weight within said city; to provide a revenue for the city, and appropriate the same to its expenses; to provide suitable ordinances for the annual assessment of taxes on all property, real or personal, subject to State and county tax, within the corporate limits of said city; to levy a special tax on all professions and callings, or business carried on in said city.

**Gas and  
water  
works.**

**Special li-  
cense and  
taxes.** SEC. IX. *Be it further enacted,* That the Mayor, Recorder and Council shall have authority to grant licenses to public wagons, drays, carts, trucks and other vehicles conveying persons or property for hire in said city, and to prescribe fees for such licenses, and to levy and collect a special tax from any person, firm or corporation following or carrying on any profession, business, trade or avocation in said city.

**Property  
tax.** SEC. X. *Be it further enacted,* That said Mayor, Recorder and Councilmen shall have power to levy and collect by execution or other legal process, a tax upon all the property, both real and personal, within the corporate limits of said city, and upon all banking, insurance and other capital employed therein, including all cash, notes, mortgages or other evidence of debts held in said city.

**Proviso.** *Provided,* that the rate of tax hereby authorized shall not exceed three-fourths of one per cent. upon the assessed value of such property. Said Mayor, Recorder and Council shall have power to levy and collect a special tax upon all shows, circuses and other exhibitions; and on all peddlers and itinerant traders and venders of goods or medicines; all keepers of pool and billiard tables and all otherlike tables; ten-pin alleys, and all other alleys or places kept for the purpose of playing on or renting; also upon all dogs within the corporate limits.

**Special  
taxes.**

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SEC. XI. *Be it further enacted,* That it shall be the duty of the Mayor, Recorder and Council of said city, on or before the first day of March, 1890, and annually thereafter, on or by said first day of March, to appoint three upright, intelligent and discreet freeholders of said city, to serve as a Board of Tax Assessors for said city for the term of one year, and until their successors are appointed and qualified; and if from any cause the place of any one or more of said Board of Assessors is made vacant, said Mayor, Recorder and Councilmen shall cause the same to be supplied by appointment, as before provided; and before entering upon the discharge of their duties, said Board of Assessors shall each take and subscribe an oath to faithfully and impartially report all real estate in said city, subject to taxation, and assess the same at the reasonable and just value thereof, on the first day of May of each year. It shall be the duty of said assessors, between the first days of May and July of each year, to make out a complete list of all lots in said city, as shown by the maps thereof, and all real estate in said city not divided into lots, and to assess for taxation each lot and parcel of land at its reasonable and just value, on said first day of May of each year; the list so made out shall show the name of the owner, if known, and his residence, the number of the lot, if platted or numbered; if not, then such description shall be given as is necessary to locate the property, opposite which description shall be set its value as assessed by said board.

Board of  
Tax Asses-  
sors.Assessors  
oath.Their du-  
ties.

SEC. XII. *Be it further enacted,* That all processes, writs, warrants, subpoenas, executions or other papers shall be issued by the Recorder of the Council, in the name of the Mayor of said city, and signed by said Recorder; and it shall be the duty of the Marshal of said city to serve all such processes, and to levy all executions as may be placed in their hands in favor of said city, and to advertise and sell the property so levied upon in the manner prescribed in section 36 of this Act.

Writs and  
processes.

SEC. XIII. *Be it further enacted,* That the Mayor, Recorder and Council shall have power to require every male inhabitant of said city, who is subject to road duty under the laws of this State, to work such length of time on the streets of said city, as said Mayor, Recorder and Council shall by ordinance direct; or they may prescribe a commutation tax to be paid by such persons in lieu of said work; and they shall have power to enforce obedience to their laws and ordinances under this section by a fine, imprisonment, or work on the streets as provided in section 41 of this Act, and no tax paid in lieu of such work, nor any money arising from fines or forfeitures for failure of persons to perform such work, shall

Street  
work.Commuta-  
tion tax.

be used for any purpose except in payment for work done, or improvements put on the streets or sidewalks.

Sewerage  
and drain-  
age.

Damages  
for con-  
demned  
property.

SEC. XIV. *Be it further enacted*, That said Mayor, Recorder and Councilmen shall have power and authority to establish and maintain a system of sewerage and drainage in and around said city, for the health, cleanliness and comfort of its inhabitants; and in all cases where it becomes necessary to take or use private property or injure private rights, and the owners of said property or the persons so injured, and the Mayor, Recorder and Council cannot agree as to the amount of damages to be paid to the injured party, the damages shall be assessed as is provided in section 44 of this Act; and the same rights of appeal, etc., as therein provided, shall also prevail in condemning property in this section. And said Mayor, Recorder and Council shall have entire and absolute control and jurisdiction of all soil pipes, private drains and sewers, water closets and privy vaults in said city, with full power to prescribe their location, structure, uses and preservations, and to make such regulations concerning them in all particulars as may seem best for the preservation of health and the comfort of the inhabitants of said city, with power also to require changes in or the total discontinuance of any such contrivances and structures.

System of  
water-  
works.

SEC. XV. *Be it further enacted*, That said Mayor, Recorder and Council shall have power and authority to establish and maintain a system of water works for said city and the inhabitants thereof, and they shall have power to acquire any property or rights either within or without said city limits necessary or appropriate for affording a complete and sufficient supply of water for said city; and said Mayor, Recorder and Council shall have power to cause such examinations and surveys to be made for the work contemplated in this section, as shall be necessary or proper to the selection of the most advantageous location or site for locating all the works and appliances for the purpose of bringing the water and distributing it in the city, and for carrying out the object of this section; and for such purpose, said city, by its officers, agents, servants or employes shall have the right and power to enter upon the land or water of any person which might be necessary for the proper construction, operation and security of their works, and condemn and take such land, water and right-of-way, first making just compensation therefor as provided by law for private property taken for public use, and all damages to be assessed as provided for in section 44 of this Act.

SEC. XVI. *Be it further enacted*, That said Mayor, Recorder and Council shall have power and authority to light the streets in

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said city by means of gas, electricity, or such other means as they may see proper to adopt, and for this purpose they shall have power to lay mains and pipes along any street or highway in said city. Gas and electric lights.

SEC. XVII. *Be it further enacted,* That said Mayor, Recorder and Council shall have power and authority to establish and fix fire limits in said city, and from time to time to extend and enlarge the same in their discretion; within which fire limits, when established, it shall not be lawful for any person to erect other than fire-proof buildings; and should any person erect or cause to be erected any building or other structure not fire-proof within the fire limits so established, said Mayor, Recorder and Council, after giving ten days' notice, shall cause the same to be removed at the expense of the owner, to be collected by execution, as provided in section 36 of this Act. Buildings that are not fire-proof may be removed. And should the owner of such buildings or structures fail or refuse so to do, such owner may be punished as prescribed in section 41 of this Act. And should any person, after receiving like notice, continue to work on and aid in erecting such building or other structure, they shall be liable to the like penalties. Said Mayor, Recorder and Council shall have power to determine, either from their own knowledge or from the advice of competent persons appointed to examine the same, what buildings or other structures are fire-proof, and what buildings are not. Fire limits.

SEC. XVIII. *Be it further enacted,* That any person, company, or corporation owning real estate in said city, desiring to improve the same, or which has already been improved, located upon any street, avenue or alley, the grade of which has not been fixed and established, shall possess the right to have the grade of such street, avenue or alley permanently established by complying with the following requirement, to-wit: The owner, his agents or attorney shall make affidavit stating the ownership and the description of the property, and the improvements done, or to be done. That such improvements have, or are to cost, above the sum of two hundred dollars, and that he desires to have the grade of such street or alley permanently established. Grade of street must be permanently established Said affidavit, or a copy thereof, shall then be served on the Mayor, Recorder and Council, who shall, within thirty days thereafter, have the necessary surveys made, and fix the grade of such street or alley, and make a plat showing the same, and shall deliver it to the applicant, together with the affidavit of the surveyor, showing that the same is correct and fair, and upon the same being filed, together with the original affidavit of the applicant, in the office of the Clerk of the Superior Court of Polk county for record, the owner shall thereupon have a vested right to such grade, and shall be entitled to recover dam-

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ages from said city for any injury done to said property, should the city thereafter alter such grade.

Fire de-  
partment.

SEC. XIX. *Be it further enacted*, That said Mayor, Recorder and Council shall have authority to organize and maintain a fire department at the expense of said city.

Sale of  
liquors.

SEC. XX. *Be it further enacted*, That said Mayor, Recorder and Council shall have authority to regulate, restrict or prohibit the sale of spirituous, malt or intoxicating liquors or bitters in said city, and the violation of any ordinance adopted by authority of this section shall be punished as is prescribed in section 41 of this Act.

Officers  
prohibited  
from par-  
ticipating  
in con-  
tracts.

SEC. XXI. *Be it further enacted*, That it shall not be lawful for any person holding any office in said city, whether by election or by appointment, to be interested, either directly or indirectly, in any contract to which said city is a party; and any contract made in violation of this section shall be void as against said city, and any such officer violating this provision shall be dismissed from his office, and, in addition, shall be punished as prescribed in section 41 of this Act.

Board of  
Health.

SEC. XXII. *Be it further enacted*, That said Mayor, Recorder and Council shall have authority to appoint a Board of Health for said city, and also a Board of Water Commissioners and Gas Commissioners, and also Street Commissioners and City Attorney, and such number of Marshals and Deputy Marshals as they shall deem proper and necessary, and such other officers and agents as may be necessary to the interest of said city; to prescribe their duties and fix their compensation. Any of said officers and agents may be appointed from their body, and they shall have power at any time to remove any of said officers or agents.

Subordi-  
nate offi-  
cers.

Executions

SEC. XXIII. *Be it further enacted*, That said Mayor, Recorder and Council may compel the payment of any tax, fine, assessment or forfeiture by execution, levy and sale as prescribed in section 36.

Appear-  
ance bonds

SEC. XXIV. *Be it further enacted*, That said Mayor, Recorder and Council shall provide by ordinance the manner in which bonds for the appearance of offenders against the ordinances may be forfeited and collected.

Minutes.

SEC. XXV. *Be it further enacted*, That the Mayor, Recorder and Council shall require to be kept in books provided for that purpose, full and correct accounts of all the acts and doings of said Mayor, Recorder and Council and all other officers and agents of said city, and such books shall be at all times subject to inspection by any citizen tax-payer of said city; said Mayor, Recorder and



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Council shall also make or cause to be made, by the person having such matters in charge, an annual statement and account, under oath, of the financial condition of said city; such account shall be a full and itemized statement of all moneys collected, when and from what source collected, of all amounts paid out, and when and on what account paid out, the sums due the city and from what source due, the existing liabilities of said city and the balance on hand. This statement and account shall be made and published on or before the first day of January in each year.

Annual statements.

SEC. XXVI. *Be it further enacted*, That said Mayor, and in his absence, the Mayor *pro tem.*, shall preside at all meetings of the Council, but the Mayor shall have no vote except in case of a tie. The Mayor shall have the revision of all ordinances, orders and resolutions passed by the Council, and said Mayor shall have five days after the meeting at which any ordinance and order or resolution was passed, in which to file with the Recorder of the Council, in writing, his dissent thereto, which, when filed, shall have the effect to defeat such ordinance, order or resolution; but, notwithstanding such veto, said Recorder and Council may by a vote of two-thirds of all the members of the Council pass such ordinance, order or resolution, and in the absence of the Mayor, the veto power may be exercised by the Mayor *pro tem.*

Duties of the Mayor.

SEC. XXVII. *Be it further enacted*, That if any person, after having been tried and convicted before the Mayor or Mayor *pro tem.*, shall be dissatisfied with such judgment of conviction, such person shall have the right to *certiorari* the same to the Superior Court of Polk county, under the same rules and regulations as governs in cases of *certiorari* from the Justice to the Superior Court of this State, except that in all cases of *certiorari* the party dependant shall pay the costs which have accrued, and give a good and sufficient bond, to be judged of and approved by the presiding officer, payable to said Mayor, Recorder and Council, conditioned to pay such fine and costs as may have been adjudged against him, as well as all future costs in said case.

Appeal from Mayor's court.

SEC. XXVIII. *Be it further enacted*, That the salary of the Mayor and all other officers and agents of said city shall be fixed at the first regular meeting of each newly elected Council, or when elected and appointed to office, and shall not be changed during the year, or the time for which they were elected or appointed; that sections 786, part (a), 794 and 795 of the Code of Georgia for 1882 are hereby adopted and declared to be a part of this Act.

Salaries.

SEC. XXIX. *Be it further enacted*, That the Mayor, Recorder and Council shall have authority to pass such ordinances as they



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Manufac-  
turing en-  
terprises  
may be ex-  
empt from  
taxation.

may deem best for the exempting from city or municipal taxation any manufacturer, person, company or corporation for a period of not longer than eight years.

Railroad  
crossings.

SEC. XXX. *Be it further enacted*, That the Mayor, Recorder and Council of said city shall have full power, whenever they may deem necessary, to require all railroads in said incorporation to make crossings on their several roads for the convenience of the traveling public, and to keep the same open for travel; and to pass all ordinances needful for the carrying out of the provision of this section; and in case the railroads, as aforesaid, shall fail and refuse to fix said crossings when notified so to do, the Mayor, Recorder and Council shall have power to put the same across such railroads at the expense of said railroad, and may issue their execution and levy and collect the same, as is provided in section 36 of this Act for issuing, directing, levying and selling property of individuals.

Books of  
registra-  
tion.

SEC. XXXI. *Be it further enacted*, That it shall be the duty of the Recorder of the city to open books for the registration of voters on the first Saturday in November, 1890, and every year thereafter before each annual election, at 10 o'clock a. m., and keep the same open from day to day, from 10 a. m. to 6 p. m., until the first Saturday in December, when the same shall, at 6 p. m., finally close; in which said book shall be inscribed the names of the persons entitled to vote in said city, and his place of residence, and occupation; and the Recorder must not permit any one to register who is not entitled to do so, and if he does so knowingly he shall be discharged from office. Each person registered shall pay to the Recorder of said city a registration fee of five cents, which shall be used as the Mayor, Recorder and Council of said city may prescribe, and no person who is not registered shall be allowed to vote at any election in said city for officers thereof, or for any measure or matter effecting the same, unless such person has become 21 years of age after said books were closed.

Registra-  
tion fee.

Manner of  
holding  
elections.

SEC. XXXII. *Be it further enacted*, That the superintendent of all elections for Mayor, Recorder and Council, held by authority of this Act, shall have the same conducted according to parts 1, 2, 3, 4, 6 and 7 of section 1288 of the Code of 1882 of this State, and said parts of said sections are hereby made applicable to such elections, and which are hereby adopted as a part of this charter, and the superintendents of such elections shall make return thereof to the Mayor, Recorder and Council of said city as soon as the same can be consolidated, and said Mayor, Recorder and Councilmen

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shall hear and decide all contests within ten days after such elec- Contests.  
tions, and their decisions shall be final.

SEC. XXXIII. *Be it further enacted*, That any person who shall vote at any city or municipal election when he has not re-  
sided in this State one year, and in the county of Polk and said city of Cedartown for the space of six months, next preceding the elec- Qualified  
tion at which he so voted, or who shall vote at such election who voters.  
has not paid all taxes, fines and assessments in lieu of street duty,  
which he has had an opportunity of paying agreeable to law, or  
who has not registered according to this Act, or who has been con-  
victed in this State of embezzlement of public funds, malpractice,  
bribery or larceny, or any crime involving moral turpitude punish-  
able in this State by imprisonment in the penitentiary, unless par-  
doned, or any person who shall buy or sell a vote or votes, shall be  
indicted for a misdemeanor, and on conviction in any court in this Punish-  
county having jurisdiction, shall be punished as prescribed in sec- ment for  
tion 4310 of the Code of Georgia. illegal vot-  
ing.

SEC. XXXIV. *Be it further enacted*, That all taxes, fines and Taxes, fines  
assessments due the city of Cedartown, shall rank as debts due the and assess-  
public, whether in the administration of the assets of the decedent ments.  
or otherwise; and tax executions in favor of the city shall have the  
same lien on property as judgments have by law.

SEC. XXXV. *Be it further enacted*, That the Mayor, Recorder and Council of said city of Cedartown shall have power and au-  
thority to borrow money and contract loans for the public good, Authority  
when, in their judgment, it shall be for the interest of said city to to borrow  
do so; also to issue bonds and pledge the property, faith and credit money.  
of said city for the payment of debts so incurred, where now al-  
lowed by law, as prescribed in section 508, parts i, j, k, and l of  
the Code of Georgia for 1882, which said sections are adopted as  
part of this Act.

SEC. XXXVI. *Be it further enacted*, That all persons owning or  
claiming personal property of any and every kind, sort or description,  
subject to taxation, living or residing within the corporate limits of  
said city, or who is engaged in any sort of business or calling,  
either by himself or agent, in said city, shall, on or by the first day  
of July of each year, make a return of the same to the Tax As- Tax re-  
sessor, together with the value of the same on the first day of May turns.  
of each year, under oath and upon the blanks furnished by the City  
Tax Assessor; in which returns all the personal property owned by  
the person on the first day of May must be included, and all the  
following facts and questions must be fully set forth and answered :

## New Charter for Cedartown.

1. What and how many businesses are you engaged in, either individually or as a partner or otherwise, in said town?
2. How much capital have you in any bank or banking house doing business in the city?
3. How much capital has any bank or banking house in said town, of which you are president?
4. How much capital or stock have you in any business or loan association or building and loan association in this city?
5. How much capital have you in stocks and bonds of any association of any kind in this city?
6. How much money have you on hand?
7. What is the gross value of your notes, book accounts, or other obligations for money, and the market value thereof—whether the same are against persons or debtors within or without the State?
8. What is the value of your merchandise of all kinds on hand?
9. How much capital have you invested in bonds—except bonds of the United States—as are by law, exempt from taxation?
10. What is the value of your household furniture, including your tableware?
11. What is the value of your kitchen furniture?
12. What is the value of your office furniture?
13. What is the value of your pianos, organs or other musical instruments?
14. What is the value of your sewing machines?
15. What is the value of your gold watches?
16. What is the value of your silver watches?
17. What is the value of your watches made from material other than gold or silver?
18. What is the value of your gold and silver ware?
19. What is the value of your diamonds and jewelry, worn by owner or not?
20. What is the value of your horses?
21. What is the value of your mules and asses?
22. What is the value of your cattle?
23. What is the value of your sheep?
24. What is the value of your goats?
25. What is the value of your hogs?
26. What is the value of your carriages, wagons and buggies?
27. What is the value of your agricultural tools, implements and machinery?
28. What is the value of your library, pictures, paintings and statuary?

Questions  
to be pro-  
pounded  
to and an-  
swered by  
all tax  
payers.

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29. What is the value of your cotton, corn, and other farm products, on hand and for sale?

30. What is the value of your guns, pistols, bowie knives and such articles?

31. What is the value of your portable saw-mill or saw mills, gins, engines and all other machinery, stationary and otherwise, and not returned as part of the realty?

32. What is the value of all other property not herein mentioned?

SEC. XXXVII. *Be it further enacted*, That if any person shall fail or refuse to make such returns under oath by the first day of July in each year, the Board of Tax Assessors shall assess the personal property of the person so failing to make returns, at double the actual cash value thereof of said property; and if any person shall make any returns of personal property which the Board of Assessors may deem incorrect, then said Board shall assess such personal property, and fix such value upon it as they may deem just and reasonable. If the owners of any real or personal property conceive that said assessors have placed too great a value on such property, such owners or their agents may appeal to a Board of Arbitration, provided the same is done within thirty days after the taxes become due; said last named Board of Arbitrators to be selected as follows, and from the freeholders of the city of Cedartown: the party or parties that feel aggrieved shall select one freeholder; the Mayor, Recorder and Council shall select another, and the two thus selected shall agree upon the third freeholder; the Board of Arbitrators thus selected shall proceed to hear and determine the value or values of the property in dispute at the time when the Tax Assessor placed his valuation on the same. The action of said Board of Arbitrators shall be final in the premises. If any tax payer thinks any property has been assessed too low by the Board of Assessors, then such person can and shall have the right to have such assessment reviewed by a Board of Arbitrators, selected in the manner as herein provided for; where persons appeal in cases where they think the valuation is too great, the action of said Board of Arbitrators shall be final in the premises. The lists of all real estate assessed as herein provided, and all personal property returned by the owner or owners, or assessed as herein provided, shall be completed by said Board of Assessors and returned by them to the Mayor, Recorder and Council, on or before the first day of August, of each year; and within fifteen days thereafter said City Council shall ascertain and declare the rate to be levied and collected from such assessments and returns, and the tax so levied shall be due and payable on the fifteenth day of September in the

Penalty for failure to make tax returns.

Right to appeal to board of arbiters.

How selected.

When assessors lists shall be closed.



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year for which they are levied. And when the taxes so levied are not paid before the fifteenth day of October in each year, the same shall be collected as follows: An execution shall be issued by the Recorder, directed to the Marshal of said city, against the real and personal estate of each defendant or defaulter, and in case of real estate, the owner of which is unknown, against the said real property, describing the same by number and location, which execution shall be levied by a Marshal or his deputy of said city, and after advertising the same once a week for four weeks, in some newspaper published in said city, he shall sell the property so levied on before the door of the Mayor's court house or room in said city, on some regular Sheriff's sale day and within the legal hours of Sheriff's sales; and the deed of said Marshal or his deputy shall be as effectual to pass the title to property thus sold, as the deed of the owner of such property; *Provided*, that the property thus sold may be redeemed by the owner thereof within six months from such sale, upon such owner paying to the purchaser the amount paid out by him in such purchase, together with twenty per cent. on the same. The Mayor, Recorder and Council shall prescribe, by ordinance, the compensation to be paid said assessors.

Manner of collecting taxes.

Marshal's sales.

Proviso.

Mayor's duties.

Mayor *pro tem*.

Oath of office.

Vacancies—how filled.

Managers of elections.

SEC. XXXVIII. *Be it further enacted*, That the Mayor shall be chief executive officer of said city, and it shall be his duty to see that the ordinances, rules, acts, regulations and resolutions of the Council are faithfully executed, and during any absence or disability of the Mayor, the Recorder and Council shall select one of their number who, during such absence or disability, shall act as Mayor *pro tempore*, with all the powers and duties of the Mayor.

SEC. XXXIX. *Be it further enacted*, That the Mayor, Recorder and Councilmen before entering upon the discharge of their duties shall each take and subscribe an oath to discharge the duties of their office, and this oath they shall also require to be taken by each person appointed by them.

SEC. XL. *Be it further enacted*, That if the office of Mayor, Recorder or Councilman shall, or any one of them shall become vacant at any time more than sixty days previous to a regular election for Mayor, Recorder and Councilmen, it shall be the duty of the Mayor, or, in case of a vacancy in the office of Mayor, the Recorder and remaining Councilmen, to fill said vacancy by selecting a qualified citizen or citizens of said city to fill said vacancies for the balance of the year.

SEC. XLI. *Be it further enacted*, That in all elections for Mayor, Recorder and Councilmen, the election shall be managed and presided over by three freeholders of said city, and the persons

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elected either as Mayor, Recorder or Councilman shall take and subscribe the oath of office, hereinbefore prescribed, before some officer of this State authorized to administer an oath, and the certificate of such managers shall be sufficient authority to the person elected. The managers of said election shall be selected by the old or retiring Mayor, Recorder and Councilmen.

SEC. XLII. *Be it further enacted*, That the Mayor of said city shall have jurisdiction to try all persons charged with violation of any law or ordinance, rule or regulation of said city, and to punish such persons when properly convicted, by fine not to exceed one hundred dollars, imprisonment in the calaboose of said city not to exceed fifty days, and to work at hard labor on the streets or such other public works of said city as the Mayor shall adjudge, not to exceed fifty days. Any one, or all of these punishments may be inflicted, in the discretion of said Mayor or person acting as Mayor in the trial of offenses. Jurisdiction of the Mayor.

SEC. XLIII. *Be it further enacted*, That the Mayor of said city shall be invested with authority and power of a Justice of the Peace, so as to suppress all riots, breaches of the peace, and commit for violations of the criminal laws of Georgia within the limits of said city, and to arrest, confine or bind over all offenders against the laws of this State, to answer for such offenses before the proper tribunal; and may issue warrants on affidavits made before him, and may hold courts of inquiry, as other Justices of this State, when the offense was committed in said city. Mayor has powers of Justice of the Peace.

SEC. XLIV. *Be it further enacted*, That the Mayor's Court of said city is hereby established and declared to be a Court of Record, and shall be presided over and its sessions shall be held by the Mayor or the Mayor *pro tempore* of said city, and shall be held as often as said officer of said court may determine; and the Recorder of said city is hereby declared to be Clerk or Recorder of the Mayor's Court. Said court shall have jurisdiction and cognizance of and over all offenses against any violations of the ordinances and by-laws and rules and regulations of said city, and shall have power to impose on each person convicted thereof such punishment as may be prescribed in the ordinances, rules and regulations of said city, and not inconsistent with the provisions of this Act for violations of the same; and shall have the power to fine or imprison, or fine and imprison, for contempt, and may enforce the collections of fines by execution issued, directed and returned as tax executions are provided to issue in this Act, and shall enforce all such imprisonments by *mittimus*, directed to the Marshal or Deputy Marshal of said city, and in all prosecutions in said city, Mayor's Court established  
Its powers.



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and the same shall be commenced by affidavits as prescribed in Section 4715 of the Code of Georgia, upon which a warrant shall issue and be signed by the presiding officer of said Mayor's Court, which shall be in form of warrant described in Section 4716 of the Code of Georgia, except that it shall be directed only to the Marshal or Deputy Marshal, or Policeman of said city, and shall require the person therein named to be taken before the said Mayor's Court of the city of Cedartown for trial; and on this warrant and affidavit the issue of guilty or not guilty shall be formed, and the trial proceed whenever the case is sounded in open court, unless continued under the rules of law as far as they can be applied to said court; and it shall only be necessary, in such affidavit, to describe the offense alleged, with sufficient particularity as that the Judge of said Court may readily understand the nature of the charge and no more; and if such affidavit and warrant should be dismissed for want of informality, either on demurrer before trial or be detected afterwards, and at any time before judgment, and whether the case is pending before the Mayor's Court on appeal before the Mayor and Council, the same will be *nolle prosequied*, and another, and another, and another, be sued out, and so on from each dismissal until one should be drafted sufficient for the purpose, and from the judgment of said Mayor's Court, there shall be an appeal within ten days, to the Mayor and Council of said city after it is entered, unless continued under the rules of law granting continuance in this State, as far as the same can be applicable; and before such appeal is received, the defendant shall pay all costs, and give bond for his personal appearance to abide the final judgment in said case; and whenever a person is arrested by authority of this Act, it shall be lawful for him to enter into a bond to be approved by the Marshal of said city, conditioned for the faithful appearance of such person to answer such charge, when the same shall be heard, and shall be made payable to the City Council of said city of Cedartown; which bond shall be forfeited on the non-appearance of the defendant in the same manner in said court as penal bonds are forfeited in Superior Courts of this State. And no *certiorari* shall be allowed or granted to the decision of said Mayor's Court until the same has been appealed before the Mayor and Council and the decision there confirmed or sustained in whole or in part until all costs have been paid to the Recorder of the Court of said city and bond given for the appearance of the petitioner in *certiorari* to answer the final judgment of the Court in that matter; but there shall be no appeal or *certiorari* from a fine or commitment for contempt; but such fine for contempt shall not exceed five dollars or

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imprisonment for contempt not exceeding five days; and the presiding officer of said Mayor's Court, or the presiding officer over the Council when sitting on appeal cases, shall have the power to summon any witness residing in the county of Polk or in said city to appear and testify for prosecution or defense. But the Mayor or Mayor *pro tempore*, who heard the case in the Police Court, shall not be allowed to sit in the trial of the said case in appeal before the Mayor and Council of said city.

SEC. XLV. *Be it further enacted*, That if, in the judgment of the Mayor, Recorder and Council, it shall at any time become necessary to open, widen, or in any manner alter any street, alley, sidewalk or other passway in said city, they shall have full power to order the same done, upon complying with the following rules: If the owner of the property to be affected by such alteration conceives that he will be damaged thereby, and if such owner and said Mayor, Recorder and Council shall be unable to agree as to the fact of such damage, or the amount thereof, said Mayor, Recorder and Council shall cause to be served on such owner or his agent, notice of their intention to condemn such property, describing in such notice, the property sought to be condemned, and to state the quantity sought to be taken, and the purpose for which it is to be taken; which notice shall, also, state the time and place the proceedings to condemn such property will be had, which shall not be less than five nor more than ten days from such time of service. It shall be the duty of said Mayor, Recorder and Council to select one upright and intelligent freeholder of said city, and the owner of such property, or his agent, may select one such person, or if he shall fail or refuse to make such selection, then it shall be the duty of the Justice of the Peace of the militia district in which said city is situated, to select some intelligent and upright citizen freeholder, as aforesaid; and it shall be the duty of the two persons selected, in either way above named, to select a third upright and intelligent citizen of said city; and it shall then be the duty of said three persons to inspect the property sought to be condemned, and to hear such evidence pertaining thereto, as the parties may offer, taking into consideration the enhanced value, if any, of the property by reason of the opening, widening or altering such streets, alleys, sidewalks, or other passways, as the case may be; and from the decision of said freeholders there shall be an appeal by either party to the Superior Court of Polk county, under the same rules and regulations as govern appeals from Justices' Courts to the Superior Court. The Mayor, Recorder and Council, upon payment, or tender to the owner, or his agent, of any sum found by said arbitrators, shall have the right to

Authority  
to open or  
widen  
streets.

Damages  
for con-  
demned  
property.

Selection  
of arbitra-  
tors.

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New Charter for Cedartown.—Amending Charter of Athens.

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proceed to open, widen, or alter such street, alley, or sidewalk, notwithstanding any appeal by the owner of such premises.

Does not  
effect sys-  
tem of pub-  
lic schools.

SEC. XLVI. *Be it further enacted*, That nothing in this Act shall be construed so as to repeal or annul "An Act to authorize the town of Cedartown, in Polk county, Georgia, to establish and maintain a system of public schools for said town," approved September 9th, 1887, and any and all acts amendatory thereof, but said Act is adopted and made a part of this Act.

Ordinances  
not incon-  
sistent with  
this Act re-  
main in  
force.

SEC. XLVII. *Be it further enacted*, That any and all ordinances, rules and regulations now of force in said town of Cedartown, and not inconsistent with this Act, shall be and remain in full force and effect after the first Tuesday of February, 1890, until altered, amended or repealed by said Mayor, Recorder and Council.

SEC. XLVIII. *Be it further enacted*, That all laws and parts of laws in conflict herewith, the same be, and are hereby repealed.

Approved November 11, 1889.

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AMENDING CHARTER OF ATHENS.

No. 642.

An Act to amend the charter of the city of Athens, to fix the term of office of the Mayor of said city, and for other purposes.

Mayor's  
term of of-  
fice.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That hereafter the Mayor of the city of Athens shall be chosen for a term of two years or until his successor is elected and qualified. The provisions of this Act shall apply to the Mayor, who shall be chosen at the annual election held on the first Wednesday in December, 1889, and the Mayor of said city shall be elected biennially thereafter on the first Wednesday in December under the same rules and regulations as now govern the election of Mayor and Aldermen of said city.

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

Approved November 11, 1889.

# **EXHIBIT 32**

## 1891.—PRIVATE—CHAPTER 326—327.

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SEC. 4. That said association shall have power to make such laws By-laws, and regulations as may be necessary for the government of the association not inconsistent with the laws of North Carolina.

SEC. 5. That the place of business of said association shall be at Location. Red Springs in the county of Robeson and state of North Carolina.

SEC. 6. That said association is founded for the purpose of en- Objects. couraging and fostering all industrial enterprises including manufacturing, agriculture, horticulture, and the raising and improve- Fairs. ment of live stock by holding fairs annually, or oftener, as the interests of said association may require, and by awarding premiums for the exhibition of articles and for other purposes for which said association is created.

SEC. 7. That said association may purchase and hold real estate to an amount not exceeding twenty-five thousand dollars, and personal May buy and hold real and personal estate. property to an amount not exceeding five thousand dollars. That said association may purchase real estate and sell the same and convey such real estate to purchasers in fee-simple. That all purchases and sales of real estate shall be determined by a stock vote, and all conveyances shall be signed by the president and secretary of said association.

SEC. 8. That the par value of shares in the stock of said associa- Shares. tion shall be ten dollars per share. That the private property of stockholders shall not be liable for the debts of the association. Stockholders not personally liable.

SEC. 9. That all laws and parts of laws inconsistent with this act are hereby repealed. Repealing clause.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1891.

## CHAPTER 327.

An act to charter the town of Leicester in the county of Buncombe, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Leicester in the county of Buncombe, Name, be and the same is hereby chartered under the name and style of the town of Leicester, and that J. B. Wilson shall be mayor of said town and that D. F. Summey, R. D. F. Robeson, R. T. Poor, Lon Wells Commissioners, and M. E. Hayes, and their successors in office, shall be commissioners of said town, and shall be and are hereby declared a body corporate and politic, with succession during the corporate existence of said town, and shall be styled the commissioners and aldermen of the town

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## 1891.—PRIVATE—CHAPTER 327.

|                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Powers.</b>                                                      | [of] Leicester; and as such shall have power to sue and be sued, plead and be impleaded, and have and use a common seal and acquire real and personal estate to the amount of ten thousand dollars. That the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Term of office.</b>                                              | said J. B. Wilson and the commissioners aforesaid shall continue in office as such and perform all the duties pertaining to their offices of mayor and commissioners of said town until their successors shall be elected and qualified as hereinafter provided.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Corporate limits.</b>                                            | SEC. 2. That the corporate limits of said town shall be and are hereby declared to be included within and up to the following boundaries, to-wit, one-half mile in every direction from the brick store known as the Hampton and Brown house.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Officers.</b>                                                    | SEC. 3. That the officers of said town shall consist of a mayor and five commissioners to be elected by the qualified voters of said town annually on the first Monday in May.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Election.</b>                                                    | SEC. 4. Said election of said mayor and commissioners shall be held at the brick store of Hampton and Brown in said town and no person shall be entitled to vote at said election or at any election in said town for municipal purposes unless he shall be an elector of the State of North Carolina and shall have resided ninety days next preceding the day of election within the said corporation.                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Appointment of registrar.</b>                                    | SEC. 5. It shall be the duty of the commissioners of said town, on the second Monday in March in each year, to appoint a registrar and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Judges of election.</b>                                          | two judges of election, who shall be qualified voters of said town, and who shall within ten days thereafter be notified of their appointment by the constable of said town; the registrar so appointed shall immediately make publication at the door of the brick house and three other public places in said town of his appointment as such. He shall be furnished with a registration book by the commissioners                                                                                                                                                                                                                                                                                                                                                       |
| <b>Duties of registrar.</b>                                         | of said town, and it shall be his duty to register the qualified voters of said town in such a manner that said book shall show an accurate list of the names of the qualified voters residing in said town; he shall also, between the hours of sunrise and sunset on each day (Sundays excepted), for thirty days preceding each election, keep open said book for the registration of any electors residing in said town entitled to register whose names have never before been registered in said town, or do not appear on the registration book; but the commissioners of said town may, if they think proper, upon giving thirty days' notice at four public places in said town, require an entirely new registration of voters before any election held therein. |
| <b>Oath of election officers.</b>                                   | SEC. 6. The registrar and judges of election, before entering upon the discharge of their duties, shall take the oath prescribed by article six, section four of the constitution of North Carolina, before some justice of the peace of Buncombe county.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Duties of election officers concerning registration, &amp;c.</b> | SEC. 7. It shall be the duty of [the] registrar and judges of election to attend at the polling place in said town with the registration book on Monday preceding the election from the hour of nine o'clock                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |



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A. M. to the hour of five o'clock P. M., when and where the said book shall be opened to the inspection of the electors of said town, and any of the electors shall be allowed to object to the name of any person appearing in said book. In case of any such objection the registrar shall enter upon his book opposite the name of the person so objected to the word "Challenged," and shall appoint a time and place on or before election day, when he, together with said judges of election, shall hear and decide said objection, giving due notice to the voter so objected to: *Provided*, that nothing contained in this section shall be construed to prohibit the right of any elector to challenge or object to the name of any person registering or offering to register at any time other than that specified. Any person challenged or objected to [who] shall be found not duly qualified as provided for in this charter his name shall be erased from the registration book, and he shall not be allowed to vote at any election held in said town for municipal purposes.

Challenges.

SEC. 8. The said judge of election, together with the registrar, who shall take with him the registration book, shall assemble at the polling place on the day of election held in said town and shall open the polls at seven o'clock, A. M. They shall superintend said election and keep the polls open until sunset, when the polls shall be closed and [the] votes for mayor and commissioners shall be counted out by them. They shall keep poll-books and write in them the names of every person voting at said election, and at the close thereof shall certify said poll-lists and deposit them with the clerk and treasurer of said town, and said poll-books shall in any trial for illegal or fraudulent voting be received as evidence; if for any cause any of the judges of election shall fail to attend, the registrar shall appoint some discreet person or persons to fill the vacancy who shall be sworn by him before acting.

Duties on day of election.

SEC. 9. The voters shall vote by ballot, having the name of the mayor and commissioners on one ballot, either in writing or printing, on white paper and without any device, and the person having the highest number of votes shall be declared elected by the judges of election, who shall certify said fact to the town clerk and treasurer, and in case of a tie the judges of election shall determine by ballot who is elected.

Ballots.

SEC. 10. That no person shall be eligible to any office in said town unless he shall be [a] qualified voter therein.

Eligibility to office.

SEC. 11. That immediately after each election it shall be the duty of the town clerk and treasurer to notify in writing the mayor and commissioners elect of their election.

Duty of clerk to notify officers elect.

SEC. 12. That the mayor and commissioners elect shall, within three days after being notified by the town clerk and treasurer, before some justice of the peace in said county take the oath prescribed for

Oath of mayor and commissioners.

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- public officers, and an oath that they will faithfully and impartially discharge the duties imposed on them by law.
- Penalty for refusing to qualify.** SEC. 13. That any person elected mayor or commissioner of said town under the provisions of this charter refusing to qualify and act as such for one month after such election shall forfeit and pay the sum of ten dollars, one-half to the person suing for the same and the other half to said town, to be applied by the commissioners of said town to the use and benefit thereof; said sum shall be recovered in any ordinary civil action before a justice of the peace of said county in the name of the State of North Carolina.
- Quorum.** SEC. 14. That a majority of said commissioners shall constitute a quorum for the transaction of business.
- Duties of mayor.** SEC. 15. That the mayor when present shall preside at all the meetings of the commissioners; he shall also have power to call meetings when he may deem it necessary, and may vote only in case of a tie. In the absence or sickness of the mayor the commissioners of said town shall select one of their own number to act as mayor *pro tempore*, who shall, while acting as such, have all power and authority conferred by this charter on the mayor of said town.
- Vacancies, how filled.** SEC. 16. If for any cause there should be a vacancy in the office of mayor or commissioner of said town, the board of commissioners thereof shall be and are hereby empowered to fill said vacancy or vacancies, and their appointee or appointees shall hold office until the next regular election herein provided for.
- Election of clerk and treasurer.** SEC. 17. That said commissioners shall at the first meeting after their election select one of their own number or some other discreet person as town clerk and treasurer, who shall hold office for one year or until a successor shall be elected and qualified. He shall act as secretary to the board of commissioners and treasurer of said town, and before entering upon the discharge of the duties of the office shall give good and sufficient bond with sureties to be approved by the board of commissioners of said town in the sum of such bond as [the] commissioners may require, payable to the state of North Carolina and conditioned upon his faithful accounting for and paying over all moneys that may come into his hands as treasurer of said town and for the faithful discharge of his duties as secretary of said board of commissioners. The commissioners of said town may require of said clerk and treasurer a monthly statement and exhibit of receipts and disbursements, and if he fails for thirty days after having been required to make such exhibit to render the same, it shall be and is hereby declared a breach of his official bond, and the commissioners are authorized and empowered to declare the office vacant and to appoint his successor. All suits entered on the official bond of any of the officers of said town shall be in the name of the state of North Carolina, to the use of the board of commissioners of the town of Leicester against the said official and his sureties.
- Bond.**
- Monthly statements.**

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SEC. 18. The said commissioners shall, at the first meeting after Town constable, their election, select some one to act as constable of said town, who shall hold his office for one year or until his successor is elected and Duties and term. qualified. He shall before entering upon the discharge of the duties of his office enter into bond in such sum as the said commissioners may require, with good and sufficient sureties to be approved by the Bond. board of commissioners, payable to the state of North Carolina and conditioned upon his faithfully executing and returning to the proper authorities all process that may come into his hands as said constable, upon his faithfully accounting for and paying over to the proper authority all moneys that may come into his hands from any source as said constable, upon his faithfully collecting and paying over all taxes levied by the commissioners of said town, and in all other respects executing to the best of his ability and honestly and faithfully all the duties imposed upon him by this charter or by the board of commissioners of said town.

SEC. 19. The commissioners of said town shall have power to make By-laws and ordinances. such by-laws and adopt such regulations or ordinances for the government of said town as a majority of them may deem necessary to promote the interest and insure the good order and government of said town, for the improvement of the streets and the preservation of the health of the same, and to make all such other police regulations as the interest, comfort and convenience of the citizens of the said town may require.

SEC. 20. The commissioners of said town may pass laws for abat- Nuisances. ing and preventing nuisances of any kind therein.

SEC. 21. Any person or persons violating any ordinance of said Violation of ordi- town shall be deemed guilty of a misdemeanor, and shall be punished nances a misde- upon conviction thereof before the mayor of said town by a fine meanor. not exceeding fifty dollars or by imprisonment not exceeding thirty days.

SEC. 22. In all cases where an offender has been convicted before the mayor of said town for the violation of any ordinances thereof and a fine has been imposed on such offender [for] the said violation the mayor of said town, at the time of entering judgment against such offender thereof, may order that on failure to pay such fine to the constable of said town for the space of one day, such offender so convicted shall, by the constable of Leicester, [be] put the [to] work on the streets of said town for a time to be fixed by the mayor, not exceeding ten days, when he shall be discharged. Offenders may be sentenced to work on streets.

SEC. 23. The mayor of said town shall have power to hear and determine all charges or indictments against any person or persons for the violation of the ordinances of said town, and in addition thereto shall have all the power, jurisdiction and authority of a justice of the peace over all crimes and criminal offences committed within the corporate limits of said town. Power of mayor to try warrants.

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Duties and powers of constable.

SEC. 24. The constable of said town shall execute all process placed in his hands by the mayor; shall have authority to preserve the peace of said town, and within the corporate limits thereof shall have the authority in criminal matters and be entitled to the same fees as a sheriff has in the county; and in the collection of the taxes of the said town levied by the authorities thereof shall have the same power and authority as are given to sheriff[s] by law, except as hereinafter provided for by this charter.

Officer cannot make contract with corporation.

SEC. 25. It shall not be lawful for the mayor or any commissioner of said town, clerk or constable, or any other official officer of said town to demand or receive, either directly or indirectly, any consideration for work or labor done or material furnished to said town by said official: *Provided, however,* that the commissioners of said town may determine the compensation or salary of the mayor, town clerk and treasurer and town constable.

Powers to lay out streets.

SEC. 26. The commissioners of said town shall have power to open and lay out any new street or streets within the corporate limits of said town whenever a majority of them may think necessary, and shall have power at any time to widen, enlarge, make narrower, change, extend or discontinue any street or streets or any part thereof within the corporate limits of said town, and shall have power to condemn and appropriate any land necessary for the purpose of this section or making compensation as hereinafter provided to the owner or owners of said lands. It shall be the duty of the commissioners of said town to tender through their clerk and treasurer the amount they may think the owner of any land may

Damages.

be entitled to [as] damages for the opening out, changing or discontinuing any street or streets across his lands; and if such amount shall not be accepted in full satisfaction therefor, the mayor of said town shall have the power to issue an order directed to the town

Condemnation of land.

constable, commanding him to summon as jurors six citizens of said town, freeholders, connected neither by consanguinity nor affinity with the mayor or commissioners of said town or the person or persons over whose lands said street proposed to be changed or discontinued runs, or over whose lands said proposed new street will run; said order shall direct the town constable to summon said jurors to meet on the land over which the proposed street is to be laid out or changed, or discontinued, on a day not exceeding ten days from the day of summoning them, and the owner or owners of said lands shall be notified by the constable of said town of the summoning of said jurors and the time and place of their meeting and the purpose of their meeting for five days before the day when the said jurors will meet to open and lay out any new street or alter, change or discontinue any street already laid out. Said jurors, attended by the constable, after being sworn by the mayor to do strict and impartial justice between the parties, shall proceed to lay open, lay out, change,

Procedure.

narrow or widen such street or streets as the case may be, and shall assess the damages sustained by the owner or owners of such land, and in assessing the damages they shall consider the improvements to said land or lands, caused by the opening, laying out and changing, making narrow or wider of said street or streets, and such estimated improvements shall be deducted from the damages assessed by them. And the said jurors shall under their hands and seals make a return of their proceedings to the mayor of said town, and the board of commissioners of the said town shall make compensation to such owner or owners of said land for the amount of damages so assessing [assessed]. On the return of the report of said jurors to the mayor of said town, and the payment or tender of payment to the owner or owners of said lands by the town clerk and treasurer, under the order and direction of said commissioners of said town, of the amount of damages so assessed, said new street or streets so laid out, altered or changed, made narrower or wider shall be in all respects one of the streets of said town and under the control of the board of commissioners of said town.

SEC. 27. That the said commissioners shall have power to construct sidewalks, and repair sidewalks on any of the streets of said town.

SEC. 28. That the commissioners of said town may establish a Market, market and regulate the same, and prescribe at what place in the corporation shall be sold marketable things, and in what manner, whether by weight or measure.

SEC. 29. That they may erect at some suitable place within said corporation public scales for the purpose of weighing fodder, hay, oats or rye in straw, and live stock on foot offered for sale in said town, and for the purpose of weighing the same may appoint a weigher, fix his fees and determine by whom they shall be paid, and they may require all persons buying or selling the articles mentioned in this section within the corporate limits of said town to have the same weighed at said scales by said public weigher.

SEC. 30. That the commissioners of said town may take such measures as they may deem requisite, or pass such ordinances or regulations as they may think necessary to prevent the entrance into or spreading within the limits of said town of any contagious or infectious disease or diseases, and may take any action necessary in their opinion to preserve the public health of said town.

SEC. 31. The board of commissioners of said town shall have power annually to levy and cause to be collected taxes for necessary town purposes on all real property, all moneys, credits, investments in bonds, stocks, joint stock companies and all other personal property, and on the taxable polls within the limits of said town: *Provided, however,* that the taxes levied by them shall not exceed thirty cents on the hundred dollars valuation on all real and personal property and sixty cents on each taxable poll, and the valuation of all prop-

Weigher; fees.

Contagious diseases.

Taxes.

Thirty cents on \$100.

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|                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|                                            | erty within said town as taxed by said town commissioners shall be the same as that at which it is assessed for taxation for state and county purposes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Taxes, when payable. Duty of constable.    | SEC. 32. That all taxes levied by said town commissioner ; shall be due and payable on the ..... of each year to the constable of said town, and after that time may be collected by him distraining any personal property of the tax-payer to be found in said town.                                                                                                                                                                                                                                                                                                                                                                                    |
| Advertisement for listing taxes.           | SEC. 33. On the first Monday in July of each and every year, the clerk and treasurer of said town shall by advertisement at the court-house door and from [four] other public places in said town notify all persons in said town liable to taxation to come forward and make returns of their tax-list to him within thirty days of publication of said notice; all persons within said town and liable to taxation shall                                                                                                                                                                                                                               |
| Tax-payer to make returns.                 | make returns of all their taxable property to said town clerk under oath, and he is hereby authorized and empowered to administer to such tax-payers on oath that he will well and truly return all property owned by him within said town and liable to taxation under the provisions of the charter. Said list so returned shall state the age of the tax-payer and all property real or personal liable to taxation owned by him, with an accurate description of all real property owned by him when he is required by law to return the same to the list-taker of Leicester township to be assessed for taxation for state and county purposes.     |
| Taxes, how listed; in case of infants, &c. | SEC. 34. All persons owning any property within said town liable to taxation for town purposes, shall return the same to the town clerk as provided in section thirty-three of this charter, and all property therein liable to such taxation owned by minors, lunatics or persons <i>non compos mentis</i> shall be returned as herein provided by their guardian, if they have such.                                                                                                                                                                                                                                                                   |
| Taxes to be listed by executors, &c.       | SEC. 35. All property liable to taxation for town purposes in said town, and held by executors, administrators or trustees, shall be returned by them in that capacity; and the individual property of all such guardians, executors, administrators or trustees shall be first distrained or attached by the constable for the satisfaction of the taxes due on all property so returned by them; and the constable of said town is hereby authorized, at any time after the taxes may be due the town on said property, as aforesaid, to distrain any personal property of said guardian, executor, administrator or trustee to be found in said town. |
| Tax-list to be made out by clerk.          | SEC. 36. The town clerk and treasurer of said town shall make out a full and complete list of all taxable property in said town so returned to him, and of all the taxable polls in said town, and if any person or persons in said town liable to taxation shall fail to make return to the clerk as herein provided for, for thirty days after the third Monday in October of each year, the town clerk shall make return of the taxable property of such person or persons, and his                                                                                                                                                                   |



age if he is liable to poll-tax; and such person or persons so failing to make returns of their property and poll shall be liable to double property and poll-tax, to be collected as other property and poll-taxes. Double-tax, when to be imposed, — The town clerk of the said town shall complete the tax-list and place it or a certified copy thereof in the hands of the constable of said town on the third Monday in November of each year. Such tax-list or copy thereof, certified by the clerk, when placed in the hands of the town constable shall have the force and effect of an execution.

SEC. 37. The lien of the town taxes shall attach to all real property Lien of taxes, — subject to taxation on and after the third Monday in November of each year, and shall continue until such taxes, together with any penalty that shall accrue thereon, shall be paid. All personal property liable to taxation of tax-payers within the town shall be liable to be seized and sold, after ten days' notice at the court-house and four other public places in said town, in satisfaction of taxes by the town constable after said taxes shall have become due and payable.

SEC. 38. Whenever the taxes due of [to] said town shall be unpaid Collection of unpaid taxes by distraint, — the constable of said town shall immediately proceed to collect them as follows : First. If the party charged, or his agent, have personal property in said town equal in value to the taxes charged against him, the constable shall seize and sell the same under [the same] rules as sheriffs are required to sell personal property under execution, and his fees for such levy or sale shall be fifty cents. Second. If the party charged has not personal property to be found in said town of sufficient value to satisfy his taxes the constable of said town shall levy upon any lands of the delinquent to be found within the town. The levy shall contain an accurate description of the lands, with the name of the owner or owners, the amount of taxes due by the delinquent, and a list thereof Levy. shall be by the constable returned by [to] the town clerk and treasurer, who shall enter the same in a book to be kept for that purpose, charging therefor twenty-five cents for each levy. Third. The constable shall notify the delinquent of such levy and the day and places of sale by service of a notice stating these particulars on him personally if he be a resident of said town; if the delinquent does not reside in said town, but his residence is known or can by reasonable diligence be ascertained, the notice shall be mailed postpaid to such delinquent; if the residence of the delinquent cannot with reasonable diligence be ascertained, the constable shall post a notice substantially as above described at the court-house door and four other public places in said town, at least thirty days before the sale of the land, and this last mentioned notice shall be posted as in all cases of sale of land for taxes in said town. Fourth. The sale shall be made at the court-house in said town and shall be on one of the days prescribed for sale of real estate under execution, and shall be conducted in all respects as are sales under execution. If the delinquent reside out of said town and his address be known to the constable the constable

Notice to tax-payer.

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|                                            | shall within one month after the sale mail to him notice of the sale and the date thereof, of the name and address of the purchaser of the same, bill and of the amount of the taxes and cost to be paid by such delinquent as a condition on [of] its redemption.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Sale of land; method.                      | SEC. 39. The whole tract or lot of land belonging to a delinquent person or company shall be set up for sale at the same time and shall be struck off to him who will pay the amount of the taxes for the smallest part of the land. At all such sales the mayor may become a bidder and purchase the whole lot or tract of land for the taxes due and expenses for the use of the town in case no one will offer to pay the taxes and cost for a less quantity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Time to redeem.                            | SEC. 40. The delinquent may retain possession of the property for twelve months after the sale, and within that time may redeem it by paying the purchaser the amount paid by him and twenty-five per centum in addition thereto; at the time of said payment to the purchaser he shall give to the delinquent a receipt thereof [therefor].                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Twenty-five per cent. added.               | If he shall refuse or cannot be found in said town the delinquent may pay the same to the town clerk and treasurer; he shall give a receipt therefor and such payment shall be equivalent to payment to the purchaser. After such payment to the purchaser or town clerk all rights under the purchase shall cease.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Receipt to purchaser at tax sale.          | SEC. 41. At the time of such purchase of real estate for taxes the town constable on receipt of the amount bid for such real estate shall give the purchaser a receipt, stating the amount bid, by whom, and for what purpose, and describing the land sold, stating further the owner of said land and the amount of taxes due.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| On failure to redeem, deed to be executed. | SEC. 42. If the delinquent, his agent or attorney, shall fail to redeem as provided in section forty-one hereof for twelve months, at the expiration of that time the purchaser may present his receipt referred to in section forty-one hereof, and the town constable of said town shall execute a deed in fee to the purchaser, and if the purchaser is dead to his heirs at law or assignee for the land for which said purchaser agreed to pay the amount called for in the receipt, and for said service the constable shall be allowed one dollar to be paid by the purchaser. The deed from the constable to the purchaser shall be registered in the register's office of Buncombe county within six months from the time of the executing and delivering thereof, and when so registered shall convey to the grantee all the estate in the land for which the said purchaser bid which the delinquent, his agent or attorney had at the time of the sale for taxes. |
| Fee of constable.                          | SEC. 43. All real estate bid in by the mayor of said town for the use of the town at sales made by the constable for taxes may be redeemed as hereinbefore provided by the payment on the part of the delinquent, his agent or attorney, of the amount bid and twenty-five per centum additional to the town clerk and treasurer within twelve months.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Redemption of property bid in by mayor.    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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SEC. 44. The commissioners of said town shall have power to annually levy and cause to be collected for the necessary expenses of said town such privilege taxes as shall seem to them fair and equitable on the professions, callings, trades, occupations, and all other business carried on in said town: that is to say, on every merchant, lawyer, physician, dentist, druggist, artisan, mechanic, daguerrean artist or other picture; on all officers or agents of incorporated companies; on all clerks or employees of other persons or corporations; on every drummer, unless the state license under which he acts shall have been issued to such drummer by the treasurer of the state in the name of such drummer and not in the name of the person, firm or corporation for whom he is acting or doing business; on all editors, printers, butchers, tanners, carpenters, shoemakers, wheelwrights, carriage, buggy or wagon-makers, jewelers, liquor dealers, confection grocers, bar-tenders, harness-makers, saddlers, blacksmiths, billiard or bagatelle-table, public or private boarding inns, or ten-pin alley; on all lectures for reward, on all riding or pleasure vehicles, on all gold, silver or metal watches, on all pianos, on all pistols, dirks, bowie-knives or sword canes, on every livery-stable and every distillery, on every hotel, boarding-house, restaurant or eating saloon, on all draught carts, wagon, carriage, buggies, on all horses, cattle, sheep, hogs, goats or dogs, owned or kept in said town, on every stallion [or] jackass kept or exhibited in said town, on all itinerant traders, peddlers or bankers, on all and every person or persons, company or companies who may exhibit, sing, play, act or perform, or anything for which they charge or receive any gratuity, fee or pay or reward whatsoever within the limits of said town; and the commissioners of said town shall prescribe when the license tax herein provided for shall be due and payable.

Privilege taxes.

Merchants, lawyers, doctors, &amp;c.

Drummer.

Privilege tax on numerous occupations.

SEC. 45. The board of commissioners of said town shall have full and complete control of the sale or vending of spirituous or malt liquors, wines or cider within the limits of said corporation, and may permit the same to be sold by persons of good moral character resident therein; shall prescribe the rules and regulations under which the same may be sold; shall prescribe the license tax therefor, which shall not be less than one thousand dollars annually, and when the same shall be due and payable, and shall have full power and authority to revoke and amend any license by them granted at any time without refunding any part of the license tax.

License tax on liquor dealers.

Not less than \$1,000.

SEC. 46. That it shall be the duty of the town clerk and treasurer to post all ordinances adopted by the board of commissioners of said town at the court-house and four other public places in said town for five days, and all ordinances shall go into effect from and after the expiration of five days from the time they shall have been posted.

Ordinances to be posted.

SEC. 47. That all laws heretofore passed for the better government

Repealing clause.

# **EXHIBIT 33**

## PART I.—TITLE II.—TAXES.

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 For Support of State Government 1885-86.
 

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## TITLE II.

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 TAXES.
 

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 ACTS.
 

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For support of State Government for 1885-86.  
 For new Capitol.  
 Record of tax defaulters.  
 Correct returns of property for taxation.

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FOR SUPPORT OF STATE GOVERNMENT 1885-86.

No. 52.

An Act to levy and collect a tax for the support of the State Government and the public institutions; to pay the interest and maturing principal of the Public Debt, and for educational and other purposes herein mentioned, for each of the fiscal years eighteen hundred and eighty-five and eighteen hundred and eighty-six, and to prescribe what persons, professions and property are liable to taxation; to prescribe the method of collecting said taxes, and to provide penalties and forfeitures for non-payment of taxes, and for other purposes.

Tax for  
1885-6.

Three-  
tenths of  
one per  
cent.

Specific  
Taxes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the Governor be authorized and empowered, with the assistance of the Comptroller General, to assess and levy a tax on the taxable property of this State of three-tenths of one per cent. for each of the fiscal years eighteen hundred and eighty-five and eighteen hundred and eighty-six.

SEC. II. *Be it further enacted by the authority aforesaid,* That in addition to the *ad valorem* tax on real and personal property, as required by the Constitution, and provided for in the preceding section, the following specific taxes shall be levied and collected for each of said fiscal years eighteen hundred and eighty-five and eighteen hundred and eighty-six:



## PART I.—TITLE II.—TAXES.

21

For Support of State Government 1835-86.

*First.*—Upon each and every male inhabitant of the State, on the Poll Tax, first day of April, between the ages of twenty-one and sixty years, a poll tax of one dollar for each of said years 1885 and 1886, which tax shall be for educational purposes; *Provided*, this tax shall not be demanded of crippled, maimed and disabled Confederate soldiers, relieved of such tax under and by authority of an Act approved July 23, 1883.

*Second.*—Upon every practitioner of law, medicine or dentistry, ten dollars, and no municipal corporation or county authorities shall levy any additional tax on said professions, either as license fee or otherwise.

*Third.*—Upon every daguerrean, ambrotype, photographic and similar artist, ten dollars.

*Fourth.*—Upon every person carrying on the business of auctioneer, twenty-five dollars for each county in which they may carry on such business.

*Fifth.*—Upon every keeper of a pool, billiard or bagatelle table, kept for public use, whether in a saloon, bar-room, hotel or other public place, twenty-five dollars for each table.

*Sixth.*—Upon every keeper of any other table, stand, or place for the performance of any game or play, and upon the keeper of any flying horses, or any other game or play (unless kept for exercise or amusement, not prohibited by law, and not kept for gain, directly or indirectly), twenty-five dollars in each county.

*Seventh.*—Upon every keeper of a ten-pin alley, or alley of like character, kept for public play, twenty-five dollars for each place of business.

*Eighth.*—Upon every traveling vendor of patent or proprietary medicines, special nostrums, jewelry, paper, soap, or other articles of like character, twenty-five dollars in each county where they may offer such articles for sale; *Provided*, this shall not apply to maimed Confederate soldiers who are now, or may hereafter be, licensed by the Ordinaries of the various counties to peddle without license, in conformity with section 534 of the Code of Georgia of 1882.

*Ninth.*—Upon every person or firm soliciting policies of insurance, or otherwise acting as agent of an insurance company, ten dollars in each county in this State in which such firm, person or agent may solicit business; and upon every person or firm soliciting business, or acting as agent for any matrimonial, natal or nuptial association or company, twenty-five dollars for each company in each county in the State in which such person, firm or agent may solicit business.

*Tenth.*—Upon each emigrant agent or employer or employee of such agent doing business in this State, the sum of five hundred dollars for each county in which such business is conducted.

*Eleventh.*—Upon every traveling vendor using boats for the purpose of selling goods on the rivers within the limits of this State, the sum of fifty dollars in each county where they may sell their



For Support of State Government 1885-86.

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|-------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proviso,<br>Confederate Sol-<br>diers.                | wares, and said tax shall be a lien on the boat and its contents without regard to ownership thereof; <i>Provided</i> , this shall not apply to maimed Confederate soldiers, who are now, or may hereafter be, licensed by the Ordinaries of the various counties to peddle without license, in conformity with section 534 of the Code of Georgia of 1882.                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Lightning<br>Rod deal-<br>ers.                        | <i>Twelfth.</i> —Upon all itinerant lightning rod dealers, the sum of twenty-five dollars for each and every county in which they may operate.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Agents for<br>Pianos and<br>Musical In-<br>struments. | <i>Thirteenth.</i> —Upon every person or firm who, as agent for, resident or non-resident owners, holds or keeps for hire or sale any piano or pianos, or other musical instrument, the sum of twenty-five dollars for each county in which such person or firm does business.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Shows and<br>Exhibi-<br>tions.                        | <i>Fourteenth.</i> —Upon all shows and exhibitions (except such as his-<br>trionic, musical, dramatical, operatic and elocutionary), including side shows accompanying circus companies, twenty five dollars in each and every city or town of five thousand inhabitants; twenty dollars in cities or towns of four thousand and under five thousand inhabitants, and fifteen dollars in city or town of less than four thousand inhabitants; said tax so collected shall be for educational purposes.                                                                                                                                                                                                                                                                                                                               |
| Circus<br>Companies.                                  | <i>Fifteenth.</i> —Upon every circus company, two hundred dollars each day it may exhibit in the State of Georgia; said tax shall be for educational purposes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Dealers in<br>Liquors.                                | <i>Sixteenth.</i> —Upon all dealers in spirituous or malt liquors, intoxicating bitters, or brandy fruits, whether dealing in either or all thereof, the sum of fifty dollars for each place of business in each county where the same are sold; <i>Provided</i> , this tax shall not relieve such dealers from any local tax or prohibitory law in reference to the retail of spirituous or intoxicating liquors, nor be required of those who sell by wholesale spirits manufactured of apples, peaches, grapes or other fruits grown on their own lands when sold in quantities not less than five gallons; <i>Provided</i> , that nothing in this Act shall be so construed as to levy a tax on domestic wines manufactured from grapes grown on their own lands; said tax shall be for educational purposes.                    |
| Proviso.                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Proviso,<br>excepting<br>Domestic<br>Wines.           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Sewing<br>Machine<br>Agents.                          | <i>Seventeenth.</i> —Upon any person who, as agent of any sewing machine company, or as agent for any dealers in sewing machines, or as a peddler of sewing machines, shall sell sewing machines, ten dollars in each county where said person may do business as such agent or peddler for such sewing machine company, or dealers in sewing machines, for the purpose of selling single machines to consumers, and not for the purpose of selling to other dealers exclusively. The Tax Collector shall issue to such person as pays said tax a license, which the licensee shall keep conspicuously posted at his place of business, or on his peddling vehicle; <i>Provided</i> , that the tax of ten dollars shall not apply to maimed Confederate soldiers who are now, or who may hereafter be, licensed by the Ordinaries of |
| License.                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Proviso,<br>Confederate Sol-<br>diers.                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

## PART I.—TITLE II.—TAXES.

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the various counties to peddle, in conformity with section 534 of the Code of 1882; *Provided further*, that such maimed soldier shall peddle such machines in his own right, and not as agent or employee of another. This tax upon such agents shall operate as a lien upon any property of the person or firm (for whom the agent is doing business) to be found in this State. Before such agent or peddler shall be authorized to sell sewing machines, as agent for any sewing machine company, or as agent for any dealers in sewing machines, he shall make record of the fact of his being such agent or peddler with the Ordinary of the county in which he proposes to do business. Upon failure to do so, or to post the license as herein required, he shall be liable to indictment for a misdemeanor, and on conviction shall be fined in a sum of not less than fifty dollars nor more than one hundred dollars, at the discretion of the court trying the same. One-half of such fine shall go to any person who shall report the violation of this law.

Lien.

Record of Agency.

Penalty.

*Eighteenth.*—And upon all dealers in pistols, toy pistols, revolvers, pistol or revolver cartridges, dirks or bowie knives, the sum of one hundred dollars for each place of business in each county where the same are sold.

Dealers in Pistols, etc.

*Nineteenth.*—Every individual or firm, or his or their agents, engaged in the business of selling or buying farm products for future delivery (commonly called "futures") shall pay a tax of five hundred dollars, each, per annum to the Tax Collector of the county where each business is carried on; *Provided*, that this tax shall not be demanded of any cotton warehouseman, dealer in cotton, or any provision broker who takes orders in the regular course of their trade only for the actual and *bona fide* delivery of cotton and other produce so ordered, and where by the terms of the contract it is not left to the option of the party so ordering, or the party taking such order, to avoid the delivery of the produce or products by paying the difference in the market price of such produce or products at the time of delivery; *Provided further*, that such cotton warehouseman, dealer in actual cotton, or any provision broker does not carry on the business of buying futures in connection with his or their other business.

Dealers in Futures.

Proviso.

Proviso.

*Twentieth.*—On each Iron Safe Company, selling or dealing in new iron safes by itself, or agent, and all dealers in iron safes, selling or dealing in new iron safes, and any individual or company making a regular business of dealing in or selling second-hand iron safes in this State, shall pay to the Tax Collector of each county in which they may do business, the sum of twenty-five dollars at the time of commencement of business for each fiscal year or fractional part thereof, and all safes belonging to such companies, dealers, their agents or others shall be liable to seizure and sale for payment of such tax.

Dealers in Iron Safes.

Lien.

*Twenty-first.*—Upon all itinerant traders and peddlers in buggies, wagons, carts, carriages or like vehicles, the sum of twenty-five dollars for each county in which they do business; *Provided*, that

Buggies, Wagons, etc.

For Support of State Government 1885-86.

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|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                              | so much of paragraph 17 of this section as relates to obtaining and posting license, and the penalty for failure so to do, shall be applicable to the license required under this paragraph.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Peddlers of Stoves, etc.                     | <i>Twenty-second.</i> —Upon every peddler of stoves or ranges for cooking purposes, the sum of one hundred dollars in every county in which such peddler may do business. So much of paragraph 17, section 2, as relates to obtaining, posting and recording license, and penalty for violating the law in the matter of peddlers of sewing machines, shall apply to peddlers of stoves and ranges, except the tax shall be \$100.00 instead of \$10.00.                                                                                                                                                                                                                                                  |
| Licenses and Penalty.                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Hirers or sellers of Billiard tables, etc.   | <i>Twenty-third.</i> —Upon every person or firm, for himself, or agent for resident or non-resident owners, who holds or keeps for hire or sale any billiard, pool or other table of like character, the sum of fifty dollars for each county in which such person or firm does business.                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Return and payment of taxes.                 | SEC. III. <i>Be it further enacted by the authority aforesaid.</i> That the taxes provided for in paragraphs 1, 2 and 3 of second section of this Act shall be returned to the Tax Receiver in the county of the residence of the person liable for such tax, and shall by the Receiver of Tax Returns be entered upon his digest of taxable property, and that the taxes provided for in paragraphs 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of section second of this Act shall be returned and paid to the Tax Collectors of the counties where such vocations are carried on.                                                                                      |
| In counties where avocations are carried on. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Payment of certain taxes.                    | SEC. IV. <i>Be it further enacted by the authority aforesaid,</i> That the taxes provided for in paragraphs 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of second section of this Act shall be paid in full for the fiscal years for which they are levied to the Tax Collectors of the counties where such vocations are carried on, as the time of commencing to do business specified in said paragraphs.                                                                                                                                                                                                                                                           |
| Insurance companies.                         | SEC. V. <i>Be it further enacted by the authority aforesaid,</i> That all foreign and home insurance companies doing business in this State shall pay one per cent. on all premiums in money or otherwise received by them, and in addition to the tax imposed by this Act upon the gross receipts of such insurance companies, all such companies doing brokerage business in this State, such as discounting notes, bills, drafts or exchange, lending money, or in any manner doing a business pertaining to banking or brokerage business, shall be taxed upon the capital so employed in the same manner and at the same rate as other moneyed capital in the hands of private individuals is taxed. |
| Building and Loan and like Associations.     | SEC. VI. <i>Be it further enacted by the authority aforesaid,</i> That the presidents of all building and loan associations, and other associations of like character, shall be required to return to the Tax Receiver of the county where such associations are located, at its true market value, the stock of such associations owned by the stockholders thereof, upon which, as shown by the books of such associations, no advance has been made, or money borrowed thereon, by the individual stockholders therein, to be taxed as other moneyed capi-                                                                                                                                             |



## PART I.—TITLE II.—TAXES.

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tal in the hands of private individuals is taxed; *Provided*, that no Proviso. tax shall be required of real estate and building associations to be paid upon any portion of its capital which has been loaned or advanced to a shareholder upon real estate, upon which real estate tax is payable by said shareholder.

SEC. VII. *Be it further enacted by the authority aforesaid*, That the Manufacturing and other companies. presidents of all manufacturing and other incorporated companies (or their agents), other than railroad, insurance, telegraph, telephone, express, sleeping and palace car companies, shall be required to return all their property whatever of their respective companies, Returns. at its true market value, to the Tax Receiver of the county where the same is located, or where the principal business of each company is located, to be taxed for State and county purposes as other property in this State is taxed.

SEC. VIII. *Be it further enacted by the authority aforesaid*, That all express, telegraph, telephone and sleeping and palace car companies Express, telegraph, telephone, sleeping and palace car companies. doing business in this State shall pay a tax of one per cent. of their gross receipts; and the superintendent or general agent of each express, telegraph, telephone and sleeping and palace car company doing business in this State shall make a quarterly return, Returns. under oath, as follows: on the last day of March, June, September and December in each year to the Comptroller-General, showing an account of their gross receipts during the quarter ending on that day, and said taxes herein levied upon such gross receipts, as shown by said quarterly returns, shall be paid by the respective companies to the Comptroller-General at the time of making said returns.

SEC. IX. *Be it further enacted*, That every sewing machine company selling or dealing in sewing machines, by itself or its agents, Sewing Machine companies. in this State, and all wholesale dealers in sewing machines, selling sewing machines manufactured by companies that have not paid the tax herein required to other wholesale or retail dealers, shall pay the sum of two hundred dollars for each fiscal year, or fractional part thereof, to the Comptroller-General at the time of commencement of business for each fiscal year or fractional part thereof, and all sewing machines belonging to such companies, dealers, or their agents, in possession of such companies, dealers, their agents or others, shall be liable to seizure and sale for the payment of such Lien. tax. This tax shall be for the whole State, and such companies, their general agents and wholesale dealers, shall not be liable for any county tax or license fees by the counties for selling sewing machines therein. In cases where wholesale dealers sell sewing machines Wholesale dealers for different companies. manufactured by different companies, such dealers shall pay the tax above provided for separately for each company whose manufacture of machines may be sold by such dealers, unless each of said companies has itself paid such tax. Any person who shall violate the provisions of this section shall be liable to indictment for misdemeanor, Penalty. and on conviction shall be fined in a sum not more than two hundred and fifty dollars and not less than fifty dollars, in the discretion of the court trying the same, and one-half of such fine shall be paid to

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For Support of State Government 1885-86.

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any person who may report the violation of the provisions of this section.

**Banks and Banking Associations.** SEC. X. *Be it further enacted by the authority aforesaid,* That no tax shall be assessed upon the capital of banks or banking associations organized under the authority of this State or of the United States, and located within this State, but the shares of the stockholders of such bank or banking association, whether resident or non-resident owners, shall be taxed in the county where such bank or banking associations are located, and not elsewhere, at their true and full market value, at the same rate provided in this Act for the taxation of moneyed capital in the hands of private individuals; *Provided,* that nothing in this section contained shall be construed to relieve such bank or banking associations from the tax on property owned by them, as provided for in section 7 of this Act.

**Shares, how taxed.**

**Proviso.**

**Railroad companies.** SEC. XI. *Be it further enacted by the authority aforesaid,* That the presidents of all railroad companies doing business in this State shall make returns to the Comptroller-General, as now provided by law, for the taxation of the property or gross receipts or net income of railroads, and shall pay to the Comptroller-General the tax to which such property or gross receipts or net income may be subject according to the provisions of this Act, and the laws now in force relating to the tax on railroads, and on failure to make returns or refusal to pay tax, said companies shall be liable to all the penalties now provided by law.

**Returns**

**Returns to Comptroller-General.** SEC. XII. *Be it further enacted by the authority aforesaid,* That the presidents or principal agents of all the incorporated companies herein mentioned, except such as are required to make returns to the Tax Receivers of the counties, shall make returns to the Comptroller-General under the rules and regulations provided by law for such returns and subject to the same penalties and modes of procedure for the enforcement of taxes from companies or persons required by law to make returns to the Comptroller-General.

**Oath in making returns.** SEC. XIII. *Be it further enacted by the authority aforesaid,* That the oath to be administered to all persons making returns of their taxable property shall be in the following words: "You do solemnly swear that you will true answers make to all lawful questions which I may put to you touching the return you are about to make, and that you will make a true return of all your cash or moneyed capital, and every other species of property, as your own or as agent for any other person or persons, at its true and full market value, on the first day of April preceding, to the best of your knowledge and belief, so help you God;" and it shall be the duty of the officer receiving such returns to require of each and every person taking such oath touching all his taxable property, and the market value of the same, and to propound such questions as may be published by the Comptroller-General under the law, for the purpose of eliciting full and true returns of the taxable property of this State.

**Duty of receiver of returns.**

**Time for receiving returns.** SEC. XIV. *Be it further enacted by the authority aforesaid,* That the Comptroller-General is authorized and empowered to order the Tax

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For Support of State Government 1885-86.—For New Capitol.

Receivers of this State to commence receiving the returns of taxable property immediately after the first day of April of the year 1885 and 1886, and that the Comptroller-General is empowered and requested to cause the taxes to be collected and paid into the State Treasury by the 20th of December of each of said years 1885 and 1886.

Time for collection of taxes.

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

Approved December 22, 1884.

## FOR NEW CAPITOL.

No. 184.

An Act to provide means for the completion of the new Capitol by authorizing the levy and collection of a special tax therefor, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of this State,* That the Governor be, and he is hereby authorized and empowered, by and with the assistance of the Comptroller-General, to assess and levy, in addition to the general State tax, an annual tax of one-half tenth of one per cent. on all the taxable property of this State, for the purpose of raising the funds necessary to complete the new Capitol now being erected.

Special tax for new capitol.

One-half-tenth of one per cent.

SEC. II. *Be it further enacted by the authority aforesaid,* That the tax authorized herein shall be specially levied and collected, and separate accounts shall be kept of the same, and the moneys arising therefrom shall be applied only to the completion of the Capitol building as aforesaid. So soon as the amount required to meet the expenditure yet to become due on the present contract, including the necessary expenses of carrying out the same to the State, shall have been raised, the tax herein authorized shall cease, and shall no longer be levied or collected; *Provided,* that this tax shall not be estimated by any county authorities in assessing the taxes for county purposes.

Specially levied and collected.

Separate accounts to be kept.

Application of moneys.

When tax shall cease. Proviso.

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

Approved September 22, 1885.



## PART I.—TITLE II.—TAXES.

## Record of Tax Defaulters —Correct Returns of Property for Taxation.

## RECORD OF TAX DEFAULTERS.

No. 393.

An Act to require the Tax Collectors of the several counties of this State to record the names of all persons who have not paid their State and county taxes in their respective counties; to prescribe how such record shall be kept and how taxes collected from such persons shall be credited, and for other purposes.

Record to  
be kept of  
tax default-  
ers.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, it shall be the duty of the Tax Collectors of the several counties of this State to record in a book kept for the purpose, in alphabetical order and by militia districts, the names of all persons who have not paid their taxes, placing opposite the name of such person the amount he is due for such tax, said record to be made in a well-bound book, to be furnished at the expense of the county, and the record so required to be made shall be filed by the first day of July of each year with the court or Board of Commissioners having charge and control of the county affairs.

Record to  
be filed.

Tax col-  
lected after  
record  
made, how  
applied.  
Pay of tax-  
collector.

SEC. II. *Be it further enacted*, That when any tax shall be collected after said record is made, it shall be applied to oldest tax demand against said person paying the same.

Failure to  
discharge  
the duty.

SEC. III. *Be it further enacted*, That for the service in making said record, the Tax Collector shall have the sum of five dollars for every hundred names so recorded on said book, to be paid out of the county treasury, and for his failure to discharge the duties herein required of him, such Collector shall forfeit one-fourth of his commissions.

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

Approved October 15, 1885.

## CORRECT RETURNS OF PROPERTY FOR TAXATION.

No. 457.

An Act to provide for the correct returns of the property in this State for the purpose of taxation, and for other purposes.

List of  
questions  
for tax  
payers.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That for the purpose of having a full and correct return of the real and personal property in this State, it shall be the duty of the Receiver of Tax Returns to present a list to each tax-payer, which shall contain the following:

## PART I.—TITLE II.—TAXES.

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## Correct Returns of Property for Taxation.

How many acres of land, except wild lands, do you own, or of how many are you the holder, either as parent, husband, trustee, executor, administrator, or agent? Where is the same located by number, district and section? What is the value thereof?

How many city or town lots, with improvements thereon, and what is the value thereof?

How many shares in the bank of which you are president, and what is the value thereof?

How much capital have you in the bank of which you are president, as a sinking fund, or surplus fund, and not represented in the value of the shares?

How much property, real and personal, does the bank of which you are president own, not used in the banking business, and what is the value thereof?

How much money or capital has the building association, or the building and loan association, of which you are the president, in loans?

How much money on hand? How many notes, or other obligations for money, and the value thereof?

The value of merchandise of all kinds on hand?

The amount of capital invested in shipping and tonnage?

The amount of capital invested in stocks of companies, other than such companies as are required to be returned by the president, or their agents, either to the Tax Receiver or the Comptroller-General?

How much capital invested in bonds, except bonds of the United States and such bonds of this State as are by law exempt from taxation?

How much capital has the manufacturing company of which you are president, or agent, invested in the manufacture of woolen or cotton fabrics, and what is the value of your stock on hand, and what is your surplus fund?

How much capital have you invested in iron works, foundries and machine shops, including machinery?

How much capital have you invested in mining, and what is your surplus fund?

What is the value of your household furniture, including your tableware?

What is the value of your kitchen furniture?

What is the value of your office furniture?

How many pianos, organs and other musical instruments, and the value of the same?

What is the value of your library, paintings, pictures and statuary?

The value of your gold watches?

The value of your silver watches?

The value of your watches made from materials other than gold or silver?

## PART I.—TITLE II.—TAXES.

## Correct Returns of Property for Taxation.

The value of gold and silverware ?  
 The value of diamonds and jewelry ?  
 The number of horses and the value thereof ?  
 The number of mules and asses, and the value thereof ?  
 The number of cattle, and the value thereof ?  
 The number of sheep, and the value thereof ?  
 The number of goats, and the value thereof ?  
 The number of hogs, and the value thereof ?  
 The number of wagons, carriages and buggies, and the value thereof ?  
 The value of agricultural tools, implements and machinery ?  
 The value of cotton, corn and other farm products on hand and for sale ?

The value of guns, pistols, bowie-knives and such articles ?  
 The value of sewing machines ?  
 The value of all other personal property not herein mentioned ?

Personal  
property  
includes  
what.

SEC. II. *Be it further enacted*, That personal property shall be construed, for purposes of taxation, to include all goods, chattels, moneys, credits and effects, whatsoever they may be, all ships, boats and vessels belonging to the inhabitants of this State, whether at home or abroad, and all capital invested therein; all money within or without the State due the person to be taxed; all stocks and securities, whether in corporations within this State or in other States, owned by citizens of this State, unless exempt by the laws of the United States or of this State.

Oath of tax  
payer.

SEC. III. *Be it further enacted*, That the oath to be attached to the lists provided for in this Act shall be as follows: "I do solemnly swear that I have carefully read (or have heard read) and have duly considered the questions propounded in the foregoing tax list, and that the value placed by me on the property returned, as shown by said list, is at the true market value thereof; and I further swear that I returned, for the purposes of being taxed thereon, every species of property that I own in my own right, or have control of, either as agent, executor, administrator or otherwise; and that, in making said return for the purpose of being taxed thereon, I have not attempted, either by transferring my property to another or by any other means sought to evade the laws governing taxation in this State. I do further swear that, in making said return, I have done so by estimating the true worth and value of every species of property contained therein." Which oath shall be subscribed by the persons making the return, and the administration and taking of the oath shall be attested by the Receiver of Tax Returns.

Signature  
and attest-  
ation of  
oath.

Comptrol-  
ler-General  
to furnish  
lists.

SEC. IV. *Be it further enacted*, That it shall be the duty of the Comptroller-General to have the lists provided for in this Act printed, with the oath required by preceding sections attached thereto, and at the time of forwarding the digests to the Receivers of Tax Returns, as now required by law, he shall forward to each Receiver of Tax Returns a sufficient number of such lists to enable

PART I.—TITLE II.—TAXES.

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Correct Returns of Property for Taxation.

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them to take the returns of the tax-payers of their respective counties.

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

Approved October 20, 1885.

# **EXHIBIT 34**

## PART I.—TITLE II.—TAXES.

General Tax Act for 1887 and 1888.

## TITLE II.

## TAXES.

## ACTS.

General Tax Act for 1887 and 1888.

Tax for new capitol.

Providing for correct tax returns.

## GENERAL TAX ACT FOR 1887 AND 1888.

An Act to levy and collect a tax for the support of the State government and the public institutions; to pay the interest of the public debt, and for educational and other purposes herein mentioned, for each of the fiscal years eighteen hundred and eighty-seven and eighteen hundred and eighty-eight, and to prescribe what persons, professions and property are liable to taxation; to prescribe the method of collecting said taxes, and to provide penalties and forfeitures for non-payment of taxes, and for other purposes.

General *ad*  
*valorem* tax SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the Governor be authorized and empowered, with the assistance of the Comptroller-General, to assess and levy a tax on the taxable property of this State of two and sixty hundredths of a mill for each of the fiscal years eighteen hundred and eighty-seven and eighteen hundred and eighty-eight.

Specific taxes. SEC. II. *Be it further enacted by the authority aforesaid*, That in addition to the *ad valorem* tax on real and personal property, as required by the Constitution and provided for in the preceding section, the following specific taxes shall be levied and collected for each of said fiscal years eighteen hundred and eighty-seven and eighteen hundred and eighty-eight:

Poll tax. First—Upon each and every male inhabitant of the State, on the first day of April, between the ages of twenty-one and sixty years, a poll tax of one dollar for each of said years 1887 and



## PART I.—TITLE II.—TAXES.

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General Tax Act for 1887 and 1888.

1888, which tax shall be for educational purposes: *Provided*, <sup>Exemptions.</sup> this tax shall not be demanded of blind persons, nor of crippled, maimed or disabled Confederate soldiers relieved of such tax under and by authority of an Act approved July 23d, 1883.

Second—Upon every practitioner of law, medicine or dentistry, <sup>Lawyers, dentists, doctors and officers of various companies</sup> presidents of each of the banks in the State, each agent or firm negotiating loans and charging therefor, the presidents of each of the railroad companies, presidents of each of the express, telegraph, telephone, electric light and gas companies doing business in this State, and in case the president of any such companies do not reside in this State, then in such case upon the superintendent or general agent of such companies who may reside in this State, ten dollars, and no municipal corporation or county authorities shall levy any additional tax on said professions either as license fee or otherwise.

Third—Upon every daguerrean, ambrotype, photographic and similar artist, <sup>Daguerrean and other artists.</sup> ten dollars.

Fourth—Upon every person carrying on the business of auctioneer, for pay or compensation, twenty-five dollars for each county in which they may carry on such business. <sup>Auctioneers.</sup>

Fifth—Upon every keeper of a pool, billiard or bagatelle table kept for public use, whether in a saloon, bar-room, hotel or other public place, <sup>Keepers of pool and other tables.</sup> twenty-five dollars for each table.

Sixth—Upon every keeper of any other table, stand or place for the performance of any game or play, and upon the keeper of any flying horses, or any other game or play (unless kept for exercise or amusement, not prohibited by law, and not kept for gain, directly or indirectly), <sup>Gaming tables, stands, etc</sup> twenty-five dollars in each county.

Seventh—Upon every keeper of a ten-pin alley, or alley of like character, kept for public play, and upon every keeper of a shooting gallery, <sup>Ten-pin alleys. Shooting gallery.</sup> twenty-five dollars for each place of business.

Eighth—Upon every traveling vendor of patent or proprietary medicines, special nostrums, jewelry, paper, soap or other articles of like character, <sup>Traveling vendors.</sup> twenty-five dollars in each county where they may offer such articles for sale.

Ninth—Upon every insurance agent (whether person or firm) <sup>Insurance agents.</sup> doing business in this State, ten dollars, and upon every agent of a matrimonial, natal or nuptial company doing business in this State, fifty dollars, which said agents must pay for each county in which he or they shall solicit business for any of their companies. Said tax shall be paid by said agents to the Comptroller-General and shall be in addition to the license fee required of insurance companies by the Act approved March 19, 1869. The receipt of the Comptroller-General for the payment of this tax, together with his certificate as provided by said Act approved

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March 19, 1869, shall constitute the license for said agents to transact business for their companies in each of the counties designated by said certificates.

**Emigrant agents and their employers.** Tenth—Upon each emigrant agent, or employer or employee of such agent doing business in this State, the sum of five hundred dollars for each county in which such business is conducted.

**Vendors in boats.** Eleventh—Upon every traveling vendor using boats for the purpose of selling goods on the rivers or waters within the limits of this State, the sum of fifty dollars in each county where they may sell their wares, and said tax shall be a lien on the boat and its contents without regard to the ownership thereof.

**Itinerant lightning-rod dealers.** Twelfth—Upon all itinerant lightning-rod dealers or agents, the sum of twenty-five dollars for each and every county in which they may operate.

**Agents for musical instruments.** Thirteenth—Upon every person or firm who, as agent for resident or non-resident owners, holds or keeps for hire or sale any piano or pianos, or other musical instrument, twenty-five dollars for each county in which such person or firm does business.

**Shows and exhibitions.** Fourteenth—Upon all shows and exhibitions (except such as histrionic, musical, dramatic, operatic and elocutionary), including side-shows accompanying circus companies, twenty-five dollars in each and every city or town of five thousand inhabitants; twenty dollars in cities or towns of four thousand and under five thousand inhabitants, and fifteen dollars in cities or towns of less than four thousand inhabitants; said tax, so collected, shall be for educational purposes.

**Circus companies.** Fifteenth—Upon every circus company, two hundred dollars each day it may exhibit in the State of Georgia; said tax shall be for educational purposes.

**Liquor dealers.** Sixteenth—Upon all dealers in spirituous or malt liquors, intoxicating bitters or brandy fruits, or domestic wines, whether dealing in either or all thereof, fifty dollars for each place of business in each county where the same are sold: *Provided*, this tax shall not relieve such dealers from any local tax or prohibitory law in reference to the retail of spirituous or intoxicating liquors, nor be required of those who sell by wholesale spirits manufactured of apples, peaches, grapes, blackberries or other fruits grown on their own lands, when sold in quantities not less than five gallons: *Provided*, that nothing in this Act shall be so construed as to levy a tax on dealers in domestic wines manufactured from grapes grown on their own lands; said tax shall be for educational purposes.

**Sewing machine companies.** Seventeenth—Upon every sewing machine company selling or dealing in sewing machines, by itself or its agents, in this State, and upon all wholesale dealers in sewing machines selling sewing

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17

General Tax Act for 1887 and 1888.

machines manufactured by companies that have not paid the tax herein required, two hundred dollars for each fiscal year or fractional part thereof, to be paid to the Comptroller-General at the time of commencement of business, and in addition to the above amount, said companies or wholesale dealers shall furnish the Comptroller-General a list of all agents authorized to sell machines, and shall pay to said Comptroller-General the sum of ten dollars for each of their agents, in each county, for each fiscal year or fractional part thereof, and upon the payment of said sum, the Comptroller-General shall issue to each of said agents a certificate of authority to transact business in this State; and all sewing machines belonging to such companies, dealers or their agents, in possession of such companies, dealers, their agents or others, shall be liable to seizure and sale for the payment of such license fees and tax. This tax shall be for the whole State, and such companies, their agents and wholesale dealers, shall not be liable for any county tax or license fees by the counties for selling sewing machines therein; and said agents shall be required to register their names with the Ordinary and exhibit their license from the Comptroller-General at the time of registering, and thereafter keep the same posted on their wagons or vehicles, or at their places of business. When a company or wholesale dealer transfers an agent from one county to another, said company or dealers shall notify the Comptroller-General in advance of said transfer. In cases where wholesale dealers sell sewing machines manufactured by different companies, such dealers shall pay the license fees and tax above provided for separately for each company whose manufacture of machines may be sold by such dealers, unless each of said companies has itself paid such license fees and tax. Any person who shall violate the provisions of this section shall be liable to indictment for misdemeanor, and on conviction shall be fined not more than five hundred dollars and not less than one hundred dollars, in the discretion of the court trying the same. If said fine is not paid within the time prescribed by the court, such person so fined shall be imprisoned as prescribed in section 4310 of the Code.

Eighteenth—Upon all dealers in pistols, toy pistols, revolvers, pistol or revolver cartridges, dirks or bowie knives, one hundred dollars for each place of business in each county where the same are sold.

Nineteenth—Upon every individual or firm, or his or their agents, engaged in the business of selling or buying farm products for future delivery (commonly called "futures"), five hundred dollars each per annum for the county where each business is carried on: *Provided*, that this tax shall not be demanded of any cotton ware-

Wholesale  
dealers.List of  
agents.  
Agents'  
tax.Registry of  
sewing  
machine  
agents.Dealers for  
several  
companies

Penalty.

Dealers in  
arms.Dealers in  
futures.

Proviso.

houseman, dealer in cotton or any provision broker who takes orders in the regular course of their trade only for the actual and *bona fide* delivery of cotton and other produce so ordered, and where, by the terms of the contract, it is not left to the option of the party so ordering, or the party taking such order, to avoid the delivery of the produce or products by paying the difference in the market price of such produce or products at the time of delivery: *Provided further*, that such cotton warehouseman, dealer in actual cotton or any provision broker does not carry on the business of buying futures in connection with his or their other business.

**Iron safe companies.** Twentieth—Upon each iron safe company selling or dealing in new iron safes by itself or agent, and upon all dealers in iron safes  
**Dealers.** selling or dealing in new iron safes, and upon any individual or company making a regular business of dealing in or selling second-hand iron safes in this State, twenty-five dollars for each county in which they may do business at the time of the commencement of their business for each fiscal year or fractional part thereof, and all safes belonging to such companies, dealers, their agents or others shall be liable to seizure and sale for payment of such tax. Before such agent or dealer shall be authorized to sell iron safes, as agent for any iron safe company, or as agent  
**Records.** for any dealers in iron safes, he shall make record of the fact of his being such agent or dealer with the Ordinary of the county in which he proposes to do business; and it shall be the duty of said Ordinary to immediately notify the Comptroller-General, and upon failure to register with the Ordinary, as herein required,  
**Penalty.** he shall be liable to indictment for a misdemeanor, and on conviction shall be fined not less than fifty dollars nor more than one hundred dollars, at the discretion of the court trying the same, or be imprisoned, as prescribed in section 4310 of the Code.

**Peddlers of vehicles.** Twenty-first—Upon all itinerant traders and peddlers in buggies, wagons, carts, carriages or like vehicles, twenty-five dollars for each county in which they do business. So much of paragraph 20, section 2, as requires agents or dealers in iron safes to record their agency with the Ordinaries of counties and provides penalties for failing to do so shall apply to the itinerant traders and peddlers named in this paragraph, and it shall be the duty of all Ordinaries to immediately notify the Comptroller-General when such agencies are recorded.

**Peddlers of stoves, etc.** Twenty-second—Upon every peddler of stoves or ranges for cooking purposes, the sum of one hundred dollars in every county in which such peddler may do business. So much of paragraph 20, section 2, as requires agents or dealers in iron safes



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to record their agency with the Ordinaries of counties and provides penalties for failing to do so shall apply to peddlers of stoves and cooking ranges, and it shall be the duty of all Ordinaries to immediately notify the Comptroller-General when such agencies are recorded.

Twenty-third—Upon every person or firm, for himself or agent for resident or non-resident owners, who holds or keeps for hire or sale any billiard, pool or other table of like character, fifty dollars for each county in which such person or firm does business. Dealers in billiard and like tables.

Twenty-fourth—*Be it further enacted by the authority aforesaid,* That blind persons and Confederate soldiers relieved by the proviso in paragraph first of this section from the payment of the tax designated in that paragraph shall be relieved also from the payment of the taxes designated in paragraphs 6, 7, 8 and 11 of this section if carrying on and dependent upon the kinds of business designated therein: *Provided,* that before any person shall be entitled to the benefit of any of the exemptions provided for in this paragraph, he shall go before the Ordinary of the county in which he proposes to carry on business and make and file an affidavit setting forth the facts that he is entitled to such exemption, and that he is the proprietor of the business he proposes to conduct and is conducting the same for himself and not for another. Relief of blind persons and Confederate soldiers. Proviso.

Twenty-fifth—Upon every traveling agent of any nurseryman vending trees or shrubbery in this State, the sum of twenty-five dollars in each county in which said agent may canvass. Agents of nurseries, etc.

SEC. III. *Be it further enacted by the authority aforesaid,* That the taxes provided for in paragraphs 1, 2 and 3 of second section of this Act shall be returned to the Tax Receiver in the county of the residence of the person liable for such tax, and shall, by the receiver of tax returns, be entered upon his digest of taxable property, and that the taxes provided for in paragraphs 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22 and 23 of section second of this Act shall be returned and paid to the Tax Collectors of the counties where such vocations are carried on. Returns of taxes in par. 1, 2 and 3, sec. 2nd. Of other taxes.

SEC. IV. *Be it further enacted by the authority aforesaid,* That the taxes provided for in paragraphs 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22 and 23 of second section of this Act shall be paid in full for the fiscal years for which they are levied to the Tax Collectors of the counties where such vocations are carried on at the time of commencing to do the business specified in said paragraphs. Payment of certain taxes.

20.

## PART I.—TITLE II.—TAXES.

General Tax Act for 1887 and 1888.

Insurance  
companies

SEC. V. *Be it further enacted by the authority aforesaid,* That all foreign and home insurance companies doing business in this State shall pay one per centum on all premiums in money or otherwise received by them: *Provided,* this shall not include return premiums on canceled policies, and in addition to the tax imposed by this Act upon the gross receipts of such insurance companies, all such companies doing brokerage business in this State, such as discounting notes, bills, drafts or exchange, lending money or in any manner doing a business pertaining to banking or brokerage business, shall be taxed upon the capital so employed in the same manner and at the same rate as other moneyed capital in the hands of private individuals is taxed.

Building  
and loan  
associa-  
tions.

Returns.

SEC. VI. *Be it further enacted by the authority aforesaid,* That the presidents of all building and loan associations, and other associations of like character, shall be required to return to the Tax Receiver of the county where such associations are located, at its true market value, the stock of such associations owned by the stockholders thereof, upon which, as shown by the books of such associations, no advance has been made, or money borrowed thereon, by the individual stockholders therein, to be taxed as other moneyed capital in the hands of private individuals is taxed:

Proviso.

*Provided,* that no tax shall be required of real estate and building associations, to be paid upon any portion of their capital which has been loaned or advanced to a shareholder upon real estate, upon which real estate tax is payable by said shareholder.

Returns of  
corpora-  
tions gen-  
erally.

SEC. VII. *Be it further enacted by the authority aforesaid,* That the presidents of all manufacturing and other incorporated companies (or their agents), other than railroad, insurance, telegraph, telephone, electric light, express, sleeping and palace car companies, shall be required to return all their property whatever of their respective companies at its true market value to the Tax Receiver of the county where the same is located, or where the principal business of each company is located, to be taxed for State and county purposes as other property in this State is taxed.

Tax on ex-  
press, tele-  
graph and  
electric  
light com-  
panies.

SEC. VIII. *Be it further enacted,* That all persons or companies, including railroad companies, doing an express, telegraph or electric light business and charging the public therefor in this State, shall pay a tax of one and one-half per cent. on their gross receipts, and all persons, or the superintendent or general agent of each telegraph, express or electric light company, or the president of each railroad company doing such business in

Returns.

this State, shall make a quarterly return under oath as follows: on the last day of March, June, September and December in each year to the Comptroller-General, showing a full account of their



## PART I.—TITLE II.—TAXES.

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General Tax Act for 1887 and 1888.

gross receipts during the quarter ending on such date, and said taxes herein levied upon such gross receipts, as shown by said quarterly returns, shall be paid by the respective persons or companies to the Comptroller-General at the time of making such returns; the gross receipts herein named shall be construed to mean the full amount of all money received within this State. If any person, superintendent, agent or president, as the case may be, whose duty it is to make returns under this paragraph, shall fail so to do within thirty days after the time herein required, such person, superintendent, agent or president shall be liable to indictment, and upon conviction shall be punished as prescribed in section 4310 of the Code of 1882. Penalty for failure.

*Second*—That each telephone company shall pay a tax for each of the years 1887 and 1888 of one dollar for each telephone station or box with instruments complete rented or used by their subscribers, and the superintendent or general manager of the company shall make returns under oath and payments to the Comptroller-General on the dates named in the first paragraph of this section. Telephone companies. Returns.

*Third*—That each company doing business in this State as a sleeping or palace car company only shall pay a tax of two thousand dollars per year for each of the years 1887 and 1888, which tax shall be payable in quarterly installments to the Comptroller-General on the dates named in the first paragraph of this section. Sleeping or palace car companies

SEC. IX. *Be it further enacted by the authority aforesaid,* That no tax shall be assessed upon the capital of banks or banking associations, organized under the authority of this State, or of the United States, and located within this State, but the shares of the stockholders of such bank or banking associations, whether resident or non-resident owners, shall be taxed in the county where such bank or banking associations are located, and not elsewhere, at their true and full market value, at the same rate provided in this Act for the taxation of moneyed capital in the hands of private individuals: *Provided*, that nothing in this section contained shall be construed to relieve such banks or banking associations from the tax on property owned by them, as provided for in section VII of this Act. Bank stock Where taxed. Proviso.

SEC. X. *Be it further enacted by the authority aforesaid,* That the presidents of all railroad companies doing business in this State shall make returns to the Comptroller-General, as now provided by law; for the taxation of the property or gross receipts or net income of railroads, and shall pay to the Comptroller-General the tax to which such property or gross receipts or net income may be subject, according to the provisions of this Act Returns for railroad companies Payment of their taxes.

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## General Tax Act for 1887 and 1888.

and the laws now in force relating to the tax on railroads, and on failure to make returns or refusal to pay tax, said companies shall be liable to all the penalties now provided by law.

Returns of  
corporations.

SEC. XI. *Be it further enacted by the authority aforesaid,* That the presidents or principal agents of all the incorporated companies herein mentioned, except such as are required to make returns to the Tax Receivers of the counties, shall make returns to the Comptroller-General, under the rules and regulations provided by law for such returns and subject to the same penalties and modes of procedure for the enforcement of taxes, from companies or persons required by law to make returns to the Comptroller-General.

Oath for  
tax returns

SEC. XII. *Be it further enacted by the authority aforesaid,* That the oath to be administered to all persons making returns of their taxable property shall be the oath required under the Act of October 20th, 1885, to be attached to the printed lists furnished under said Act and presented to each tax-payer: *Provided,* that non-residents, females and sick persons may subscribe to the oath herein required before any person authorized by law to administer oaths, and cause same to be delivered to the Tax Receiver.

Proviso.

When re-  
turns are  
to be re-  
ceived.

SEC. XIII. *Be it further enacted by the authority aforesaid,* That the Comptroller-General is authorized and empowered to order the Tax Receivers of this State to commence receiving the returns of taxable property immediately after the first day of April of the years 1887 and 1888, and that the Comptroller-General is empowered and required to cause the taxes to be collected and paid into the State treasury by the 20th of December of each of said years 1887 and 1888.

Time of  
payment.

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

Approved December 22d, 1886.

# **EXHIBIT 35**

PART I.—TITLE II.—TAXES.

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General Tax Act for 1889 and 1890.

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**TITLE II.**

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TAXES.

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ACTS.

General Tax Act for 1889 and 1890.  
Providing for finishing payments on New Capitol.  
Providing for furnishing New Capitol.  
Creating Sinking Fund to retire maturing Bonds.

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GENERAL TAX ACT FOR 1889 AND 1890.

No. 123.

An Act to levy and collect a tax for the support of the State government and the public institutions ; for educational purposes in instructing children in the elementary branches of an English education only ; to pay the interest of the public debt, and to pay maimed Confederate soldiers such amounts as are allowed them by law, for each of the fiscal years eighteen hundred and eighty-nine and eighteen hundred and ninety, and to prescribe what persons, professions and property are liable to taxation ; to describe the method of receiving and collecting said taxes ; to prescribe the method of ascertaining the property of this State subject to taxation ; prescribe additional questions to be propounded to tax payers, and to provide penalties and forfeitures for non-payment of taxes, and for other purposes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the Governor be authorized and empowered, with the assistance of the Comptroller-General to assess and levy a tax on the taxable property of this State of two and seven-tenths mills per centum for the fiscal year eighteen hundred and eighty-nine, and two and four-tenths mills per centum for the fiscal year eighteen hundred and ninety. And the Governor be, and is hereby, authorized and empowered by and with the assistance of the Comp-  
General ad  
valorem  
tax.

## PART I —TITLE II.—TAXES

General Tax Act for 1889 and 1890.

|                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Special educational tax.                                      | troller-General to assess and levy, in addition to the foregoing general State tax, a tax of one-half of a mill for the year eighteen hundred and eighty-nine, and a tax of one mill for the year eighteen hundred and ninety, on all of the taxable property of this State for the purpose of raising the funds necessary to meet the appropriations by this General Assembly for educational purposes in instructing children in the elementary branches of an English education only.                                                                                                                                                                                                            |
| Specific taxes.                                               | SEC. II. <i>Be it further enacted by the authority aforesaid,</i> That in addition to the <i>ad valorem</i> tax on real and personal property, as required by the Constitution, and provided for in the preceding section, the following specific taxes shall be levied and collected for each of the said fiscal years, eighteen hundred and eighty-nine and eighteen hundred and ninety.                                                                                                                                                                                                                                                                                                          |
| Poll tax.                                                     | First.—Upon each and every male inhabitant of the State, between the ages of twenty-one and sixty years, on the first day of April, a poll tax of one dollar for each of the said years, 1889 and 1890, which tax shall be for educational purposes in instructing children in the elementary branches of an English education only; <i>Provided</i> , this tax shall not be demanded of blind persons, nor of crippled, maimed or disabled confederate soldiers, relieved of such tax under and by authority of an Act approved July 23, 1883.                                                                                                                                                     |
| Exemptions.                                                   | Second.—Upon every practitioner of law, medicine or dentistry, presidents of each of the banks in the State, each agent or firm negotiating loans, and charging therefor, the presidents of each of the railroad companies, presidents of each of the express, telegraph, telephone, electric light and gas companies, doing business in this State, and in case the presidents of any such companies do not reside in this State, then in such case, upon the superintendent or general agent of such companies who may reside in this State, ten dollars and no municipal corporation or county authorities shall levy any additional tax on said professions either as license fee or otherwise. |
| Lawyers, doctors, dentists and officers of various companies. | Third.—Upon every daguerrean, ambrotype, photographic, and similar artist, ten dollars in each county in which they may carry on business.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Photographic and other artists.                               | Fourth.—Upon every person carrying on the business of auctioneer, for pay or compensation, twenty-five dollars for each county in which they may carry on such business.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Keepers of billiard and other tables.                         | Fifth.—Upon every keeper of a pool, billiard or bagatelle table kept for public use, whether in a saloon, bar-room, hotel or other public place, twenty-five dollars for each table.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Gaming tables, etc.                                           | Sixth.—Upon every keeper of any other table, stand or place for the performance of any game or play, and upon the keeper of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

## PART I.—TITLE II.—TAXES.

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General Tax Act for 1889 and 1890.

any flying horses, or any other game or play, (unless kept for exercise or amusement not prohibited by law), and not kept for gain, directly or indirectly, twenty-five dollars in each county.

Seventh—Upon every keeper of a ten pin alley, or alley of like character, kept for public play, and upon every keeper of a shooting gallery, twenty-five dollars for each place of business. Ten-pin alleys and shooting galleries.

Eighth—Upon every traveling vendor of patent or proprietary medicines, special nostrums, jewelry, paper, soap, or other articles of like character, twenty-five dollars in each county where they may offer such articles for sale. Traveling vendors.

Ninth—Upon every local insurance agent doing business in this State, ten dollars for each county in which they shall solicit business, and upon every agent of a matrimonial, natal or nuptial company, or traveling, special or general agent, of life, fire, accident, or other insurance company doing business in this State, fifty dollars, which said agents must pay before he or they shall be authorized to act as an agent for any of their companies. Said tax shall be paid by said agents to the Comptroller-General, and shall be in addition to the license fee required of insurance companies by the Act approved October 24, 1887. The receipt of the Comptroller-General for the payment of this tax, together with his certificate, as provided by said Act, approved October 24, 1887, shall constitute the license for said agents to transact business for their companies, as designated by said certificates: *Provided*, this tax shall not be required of agents of assessment, life insurance companies, or mutual aid societies. Insurance agents.

Tenth.—Upon each emigrant agent, or employer or employe of such agent doing business in this State, the sum of five hundred dollars for each county in which such business is conducted. Emigrant agents, etc.

Eleventh —Upon every traveling vendor using boats for the purpose of selling goods on the rivers or waters within the limits of this State, the sum of fifty dollars in each county where they may sell their wares, and said tax shall be a lien on the boat and its contents without regard to the ownership thereof. Vendors in boats.

Twelfth.—Upon all itinerant lightning rod dealers or agents, the sum of twenty-five dollars for each and every county in which they may operate. Itinerant lightning-rod dealers.

Thirteenth.—Upon all shows and exhibitions (except such as histrionic, musical, operatic and elocutionary) including side shows accompanying circus companies, twenty-five dollars in each and every city or town of five thousand inhabitants, twenty dollars in cities or towns of four thousand and under five thousand inhabitants, and fifteen dollars in cities or towns of less than four thousand inhabitants. Said tax, so collected, shall be for educational purposes. Shows and exhibitions.



## PART I.—TITLE II.—TAXES.

## General Tax Act for 1889 and 1890.

- Circus companies. Fourteenth—Upon every circus company, two hundred dollars each day it may exhibit in the State of Georgia; said tax shall be for educational purposes.
- Liquor dealers. Fifteenth—Upon all dealers in spirituous or malt liquors, intoxicating bitters or brandy fruits or domestic wines, whether dealing in either or all thereof, fifty dollars for each place of business in each county where the same are sold: *Provided*, this tax shall not relieve such dealers from any local tax or prohibitory law in reference to the retail of spirituous or intoxicating liquors, nor be required of those who sell by wholesale spirits manufactured of apples, peaches, grapes, blackberries or other fruits grown on their own lands, when sold in quantities not less than five gallons: *Provided*, that nothing in this Act shall be so construed as to levy a tax on dealers in domestic wines manufactured from grapes or berries purchased by or grown on lands owned, leased or rented by said dealer. Said tax shall be for educational purposes.
- Proviso. Sixteenth—Upon every peddler or traveling agent selling or offering to sell sewing machines, the sum of twenty five dollars for each county in which they do business.
- Domestic wines exempt. Seventeenth—Upon all dealers in pistols, toy pistols shooting with metallic caps, or cartridges, dirks or bowie knives, twenty-five dollars for each place of business in each county where the same are sold.
- Sewing machine peddlers. Eighteenth—Upon every individual or firm, or his or their agents, engaged in the business of selling or buying farm products, sugar, coffee and salt and meat for future delivery (commonly called "futures"), five hundred dollars each per annum for the county where such business is carried on: *Provided*, that this tax shall not be demanded of any cotton warehouseman, dealer in cotton, or any provision broker, who takes orders in the regular course of their trade only for the actual and *bona fide* delivery of cotton and other produce so ordered, and where, by the terms of the contract, it is not left to the option of the party so ordering, or the party taking such order, to avoid the delivery of the produce or products by paying the difference in the market price of such produce or products at the time of delivery: *Provided further*, that such cotton warehouseman, dealer in actual cotton or any provision broker does not carry on the business of buying futures in connection with his or their other business.
- Dealers in arms. Proviso. Nineteenth—Upon every peddler of stoves or ranges for cooking purposes, or clocks, the sum of one hundred dollars in every county in which such peddler may do business.
- Dealers in futures. Twentieth—Upon every person or firm, for himself or agent for resident or non resident owners, who holds or keeps for hire or sale any billiard, pool or other table of like character, fifty dollars for each county in which such person or firm does business.
- Additional proviso. Stove or clock peddlers. Billiard and pool tables.

## PART I—TITLE II.—TAXES.

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General Tax Act for 1889 and 1890.

Twenty-first—*Be it further enacted by the authority aforesaid,* That blind persons and Confederate soldiers relieved by the proviso in paragraph first of this section, from the payment of the tax designated in that paragraph shall be relieved, also, from the payment of the taxes designated in paragraphs 6, 7, 8 and 11, of this section, if carrying on and dependent upon the kinds of business designated therein: *Provided,* that before any person shall be entitled to the benefit of any of the exemptions provided for in this paragraph, he shall go before the Ordinary of the county in which he proposes to carry on business, and make and file an affidavit, setting forth the facts that he is entitled to such exemption, and that he is the proprietor of the business he proposes to conduct, and is conducting the same for himself and not for another.

Relief of blind persons and Confederate soldiers.

Proviso.

SEC. III. *Be it further enacted by the authority aforesaid,* That the taxes provided for in paragraphs 1 and 2, of section 2, of this Act, shall be returned to the Tax Receiver in the county of the residence of the person liable to such tax, and shall, by the Receiver of Tax Returns, be entered upon his digest of taxable property, and that the taxes provided for in paragraphs 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19 and 20, of section 2, of this Act, shall be returned and paid to the Tax Collectors of the counties where such vocations are carried on.

Return, entry, etc., of certain taxes.

SEC. IV. *Be it further enacted by the authority aforesaid,* That the taxes provided for in paragraphs 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, of section 2, of this Act, shall be paid in full for the fiscal years for which they are levied to the Tax Collectors of the counties where such vocations are carried on at the time of commencing to do the business specified in said paragraphs. Before any person taxed by paragraphs 3, 4, 5, 6, 7, 8, 10, 11, 12, 17, 18, 19 and 20, of section 2, of this Act, shall be authorized to carry on said business, they shall go before the Ordinary of the county in which they propose to do business and register their names, place of business, and at the same time pay their taxes to the Tax Collector; and it shall be the duty of said Ordinary to immediately notify the Comptroller-General and the Tax Collector. Any person failing to register with the Ordinary, as herein required, shall be liable to indictment for a misdemeanor, and on conviction, shall be fined not less than fifty dollars, nor more than two hundred dollars, at the discretion of the court trying the same, or be imprisoned as prescribed by section 4310 of the Code.

Payment of certain taxes.

Registry with Ordinary.

Fine for failure to register.

SEC. V. *Be it further enacted by the authority aforesaid,* That all foreign and home insurance companies doing business in this State shall pay one per cent. on all premiums in money or otherwise received by them: *Provided,* this shall not include return pre-

Insurance companies.

Proviso.

## PART I.—TITLE II.—TAXES.

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miums on cancelled policies; and in addition to the tax imposed by this Act upon the gross receipts of such insurance companies, all such companies doing brokerage business in this State, such as discounting notes, bills, drafts or exchange, lending money, or in any manner doing a business pertaining to banking or brokerage business, shall be taxed upon the capital so employed in the same manner and at the same rate as other moneyed capital in the hands of private individuals is taxed.

Building  
and Loan  
Associa-  
tions.

SEC. VI. *Be it further enacted by the authority aforesaid.* That the presidents of all building and loan associations, and other associations of like character, shall be required to return to the Tax Receiver of the county where such associations are located, at its true market value, the stock of such associations owned by the stockholders thereof, (upon which, as shown by the books of such associations, no advance has been made, or money borrowed thereon, by the individual stockholders therein) to be taxed as other moneyed capital in the hands of private individuals is taxed: *Provided*, That no tax shall be required of real estate and building associations, to be paid upon any portion of their capital which has been loaned or advanced to a shareholder upon real estate, upon which real estate tax is payable by said shareholder.

Proviso.

Returns of  
corpora-  
tions, gen-  
erally.

SEC. VII. *Be it further enacted by the authority aforesaid.* That the Presidents of all manufacturing and other incorporated companies (or their agents) other than railroad, insurance, telegraph, telephone, express, sleeping and palace car companies, shall be required to return all their property whatever of their respective companies at its true market value to the Tax Receiver of the county where the same is located, or where the principal business of each company is located, to be taxed for State and county purposes as other property in this State is taxed. The President of every manufacturing company shall be required to answer under oath, in addition to those now provided by law, the following questions:

President  
must an-  
swer under  
oath.

Questions  
specified.

First--What is the value of raw material on hand April 1st?  
Second—What is the value of manufactured goods or articles on hand April 1st?

Third—What amount of money, bonds, notes, accounts, and choses-in-action of every kind did you own on April 1st?

Fourth—And what other property of every kind did your company own on April 1st?

And such company shall be taxed upon its entire property so ascertained.

Tax on ex-  
press, tele-  
graph and  
electric  
light com-  
panies.

SEC. VIII. *Be it further enacted,* That all persons or companies, including railroad companies, doing an express or telegraph business, and charging the public therefor, in this State, shall pay two and one-half per cent. on their gross receipts; and all persons, or the Superintendent or General Agent of each telegraph or express

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company, or the President of each railroad company doing such business in this State shall make a quarterly return under oath as follows: On the last day of March, June, September and December in each year to the Comptroller-General, showing a full account of their gross receipts during the quarter ending on such date, and said taxes herein levied upon such gross receipts as shown by said quarterly returns shall be paid by the respective persons or companies to the Comptroller-General at the same time of making such returns. The gross receipts herein named shall be construed to mean the full amount of all money received from business done within this State. If any person, superintendent, agent or president, as the case may be, whose duty it is to make returns under this paragraph, shall fail to do so within thirty days after the time herein required, such person, superintendent, agent or president, shall be liable to indictment, and upon conviction shall be punished as prescribed in section 4310 of the Code of 1882.

Quarterly  
returns.Showing  
gross re-  
ceipts.Penalty for  
failure.

Second—That each telephone company shall pay a tax for each of the years, 1889 and 1890 of one dollar for each telephone station or box with instruments complete, rented or used by their subscribers, and the superintendent or general manager of the company shall make returns under oath and payments to the Comptroller General on the dates named in the first paragraph of section.

Telephone  
companies.

Returns.

Third—That each non resident person or company whose sleeping cars are run in this State, except the sleeping cars of railroad companies that are taxed as hereinafter provided for, shall be taxed as follows: Ascertain the whole number of miles of the lines of railroads over which such sleeping cars are run, and ascertain the entire value of all the sleeping cars of such person or company, then tax such sleeping cars at the regular tax rate, in the same proportion to the entire value of such sleeping cars that the length of lines in this State, over which such cars run bears to the length of the lines of all the railroads over which such sleeping cars are run. The return shall be made to Comptroller General by the president, manager, general agent or person in control of such cars in this State. The Comptroller General shall frame such questions as will elicit the information sought, and answers thereto shall be made under oath. If the president, manager general agent or person in control of such sleeping cars, shall fail or refuse to answer under oath the questions so propounded, then the Comptroller General shall get the information from such source or sources as he may, and he shall assess a double tax on such sleeping cars. If the taxes herein provided for are not paid, the Comptroller General shall issue execution against the owner of such cars, which may be levied by the sheriff of any county in

Non-resi-  
dent own-  
ers of sleep-  
ing-cars.

How taxed.

Returns.

Double tax  
where no  
return.



Levy,  
where tax  
not paid.

this State upon the sleeping car or cars of the owner who has failed to pay the taxes.

Bank stock.

SEC. IX. *Be it further enacted by the authority aforesaid,* That no tax shall be assessed upon the capital of banks or banking associations organized under the authority of this State or of the United States and located within this State, but the shares of the stockholders of such bank or banking associations, whether resident or non-resident owners, shall be taxed in the county where such bank or banking associations are located and not elsewhere, at their true and full market value, at the same rate provided in this Act for the taxation of moneyed capital in the hands of private individuals: *Provided,* that nothing in this section contained shall be construed to relieve such banks or banking associations from the tax on property owned by them as provided for in section seven of this Act: *Provided further,* that nothing herein contained shall be construed to levy any tax on real and personal property held or owned by any bank or banking association, the value of which is represented in the market value of its shares of stock. That each bank and banking association shall pay tax on its surplus and individual profits.

Where  
taxed.

Proviso.

Returns for  
railroad  
companies.

SEC. X. *Be it further enacted by the authority aforesaid,* That the presidents of all the railroad companies doing business in this State shall make returns to the Comptroller-General, as now provided by law, for the taxation of the property, of the gross receipts or net income of such railroads, and shall pay to the Comptroller-General the tax to which such property or gross receipts or net income may be subject according to the provisions of this Act, and the laws now in force relating to the tax on railroads, and on failure to make returns, or refusal to pay tax, said companies shall be liable to all the penalties now provided by law. The Comptroller-General shall cause questions to be printed as hereinafter set out, which shall be answered under oath by the president of each railroad company doing business in this State, to-wit:

Payment of  
their taxes.

President  
must an-  
swer under  
oath.

Value of  
tracks, etc.

First—What is the value of your tracks, including main, side and spur tracks and road-bed in this State?

Of depot  
buildings.

Second—What is the value of your depot buildings within this State?

Water  
tanks, etc.

Third—What is the value of your water tanks, pumps, stationary engines, wood sheds, saws and coal structures within this State?

Other  
buildings.

Fourth—What is the value of all other buildings owned by your company within this State and used for railroad purposes? And in this way the real value of the road shall be ascertained. All property owned by railroad companies and not used for railroad purposes shall be returned to the Tax Receiver of the county where it is situated.

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Fifth—How many locomotives does your company own, and what is the value of each? How many passenger cars, and the value of each? How many sleeping cars, and the value of each? How many express cars, and the value of each? How many baggage cars, and the value of each? How many mail cars, and the value of each? How many freight cars, and the value of each? How many "cab" or "caboose" cars, and the value of each? How many stock cars, and the value of each? How many platform cars, and the value of each? How many of all other kinds of cars not herein enumerated, and the value of each?

Locomotives and cars.

Sixth—What is the value of hand cars, pole cars, crank cars and tools and implements of every kind used in railroading that are kept and used within this State by your company?

Tools and implements.

Seventh—And the president of every railroad company resident in this State, and every railroad company whose principal place of doing business is in this State, shall also pay tax on all money of his railroad company on hand on April 1, in each year, and on such dividends as have been declared but not paid out on hand at said date.

Money and unpaid dividends.

Eighth—All the property of railroad companies doing business in this State shall be taxed at the same rate as property of natural persons is taxed, except as follows:

Tax rate.

Exceptions

1st—Except that portion of the property of each railroad company that is exempt by its charter from taxation.

First.

2nd—Except in the case of a railroad company doing business in this State, and whose line of road runs into another State, then its locomotives and cars shall be taxed as follows: The value of all its locomotives and cars shall be ascertained; the length of the line of such railroad company shall be ascertained, and locomotives and cars of such railroad company shall be taxed at the regular tax rate in the same proportion to the entire value of its locomotives and cars that the line in this State bears to the entire line of said company.

Second.

How ascertained.

3rd—Except in case of a railroad company chartered by the laws of another State, but who has a place of general business here, its money on hand, and declared but unpaid dividends on hand in this State on April 1st in each year, shall be taxed as follows: Ascertain the entire length of said line of railroad and the entire money on hand as aforesaid in this State, then such money in this State is to be taxed in the same proportion to the entire money aforesaid that the length of the line in this State bears to the entire line.

Third.

How determined.

Ninth—In the event the Comptroller General is dissatisfied with the returns made by any railroad company of its property for taxation, he shall report the same to the Governor, who shall appoint three competent and disinterested men to examine the property

Assessors provided for.



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General Tax Act for 1889 and 1890.

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and assess the same, who shall be paid each, four dollars per diem for the actual number of days so employed. If the railroad company is dissatisfied with such assessment, arbitration can be had as now provided by law.

Non-resi-  
dent opera-  
tors of  
sleeping  
cars.

License tax  
deter-  
mined.

Tenth—That every railroad company that pulls over its road sleeping cars of any person or corporation not a resident of this State, and except such sleeping cars as are taxed as property of railroad companies as herein provided, such railroad company shall pay a license for pulling such cars in each of the years 1889 and 1890, as follows: A railroad company whose line is not less than fifty, nor more than one hundred miles long, shall pay a license of one hundred dollars. If more than one hundred and not more than one hundred and fifty miles long, one hundred and fifty dollars. If more than one hundred and fifty, and not more than two hundred miles long, two hundred dollars. If two hundred and fifty miles long, two hundred and fifty dollars, and if longer than two hundred and fifty miles, three hundred dollars. Which license tax shall be paid to the Comptroller-General.

Returns of  
corpora-  
tions.

SEC. XI. *Be it further enacted by the authority aforesaid,* That the presidents or principal agents of all the incorporated companies herein mentioned, except such as are required to make returns to the Tax Receivers of the counties, shall make returns to the Comptroller-General, under the rules and regulations provided by law for such returns, and subject to the same penalties and modes of procedure for the enforcement of taxes from companies or persons required by law to make returns to the Comptroller-General.

Oath for  
returns.

Proviso.

SEC. XII. *Be it further enacted by the authority aforesaid,* That the oath to be administered to all persons making returns of their taxable property shall be the oath required under the Act of October 20, 1885, to be attached to the printed lists furnished under said Act, and presented to each tax payer: *Provided,* that non-residents, females and sick persons may subscribe the oath herein required before any person authorized by law to administer oaths, and cause same to be delivered to the Tax Receiver.

When re-  
turns are  
to be re-  
ceived.

SEC. XIII. *Be it further enacted by the authority aforesaid,* That the Comptroller-General is authorized and empowered to order the Tax Receivers of this State to commence receiving the returns of taxable property immediately after the first day of April of the years 1889 and 1890, and that the Comptroller-General is empowered and required to cause the taxes to be collected and paid into the State Treasury by the 20th of Decembereach of said of years 1889 and 1890.

Owners of  
vessels,  
boats, etc.

SEC. XIV. *Be it further enacted by the authority aforesaid,* That any person or company, resident of this State, who is the owner of a vessel, boats or water craft of any description, shall answer under oath the number of vessels, boats and other water crafts

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owned by them and the value of each, and make a return of the same to the Tax Receiver of the county of the residence of such person or company, and the same shall be taxed as other property is taxed: *Provided*, however, that this section shall not apply to vessels, boats or other water crafts owned by corporations or joint stock companies upon whose capital stock a tax is paid as provided in section seven of this Act.

Must re-  
turn same.

Proviso.

SEC. XV. *Be it further enacted by the authority aforesaid*, That in returning property for taxes, all property shall be returned at its value—promissory notes, accounts, judgments, mortgages, liens of all kinds, and all choses-in-action shall be given in at their value, whether solvent or partially solvent. Every person shall return for taxes all jewelry, and all other property of every kind owned by his wife and minor children, unless the members of his or her family return their property for taxation. In addition to the questions now propounded to tax payers by the Tax Receivers, questions shall be framed by the Comptroller General to reach all property upon which a tax is imposed by this Act; and especially the following questions:

Returns  
must be for  
par value.Property of  
wife or  
minor  
children.Additional  
questions:

First—The number of horses, mules, oxen, cows, sheep, hogs, goats, and of all other animals upon which a tax is imposed by law, and state the value of each.

Live stock,

Second—The kind and value of property owned by the wife and minor children of the tax payer, and not returned for taxes by the owners thereof.

Wife's and  
minor chil-  
dren's  
property.

Third—Whether solvent or partially solvent, give the value of your bonds, stocks of non resident companies or corporations or of companies or corporations in this State whose capital stock is not returned by the president of such company or corporation, all notes, accounts, judgments, mortgages, liens and other choses in action of every kind, whether such bonds, stocks, notes, etc., are held by the tax payer in Georgia or held by some other person for him, either in or out of this State. There shall be no deduction from the value of property returned for taxes on account of any indebtedness of such tax payer.

Securities.

SEC. XVI. *Be it further enacted by the authority aforesaid*, That all laws and parts of laws in conflict with this Act be and they are hereby repealed.

Approved December 26, 1888.

## **EXHIBIT 36**

PART I.—TITLE 2.—TAXES.

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General Tax Act.

TITLE II.

TAXES.

ACTS.

General Tax Act.

Amending General Tax Act, Increasing Tax Rate.

Amending General Tax Act, Relieving Certain Liquor Dealers.

Amending General Tax Act, Increasing Tax on Liquor Dealers and Relieving Certain Itinerant Doctors, etc.

Amending General Tax Act, as to Peddlers of Merchandise.

Tax Executions of Municipal Corporations, Interest on, Law Amended.

Board of Equalization as to Taxable Property.

Garnishments for Municipal Taxes.

GENERAL TAX ACT.

No. 131.

An Act to levy and collect a tax for the support of the State Government and the public institutions ; for educational purposes in instructing children in the elementary branches of an English education only ; to pay the interest of the public debt, and to pay maimed Confederate soldiers and widows of Confederates such amounts as are allowed them by law, for each of the fiscal years eighteen hundred and ninety-one and eighteen hundred and ninety-two, and to prescribe what persons, professions and property are liable to taxation ; to prescribe the methods of receiving and collecting said taxes ; to prescribe the method of ascertaining the property of this State subject to taxation ; prescribe additional questions to be propounded to tax-payers, and to provide penalties and forfeitures for non-payment of taxes, and for other purposes.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That the Governor be authorized and empowered, with the assistance of the Comptroller-General, to assess and levy a tax on taxable property of this State for <sup>Rate of</sup> general tax

## General Tax Act.

the fiscal year of eighteen hundred and ninety-one, two and four-tenths mills, and for the fiscal year eighteen hundred and ninety-two, two and one-half mills, and the Governor be, and is hereby authorized and empowered, by and with the assistance of the Comptroller-General, to assess and levy, in addition to the foregoing general State tax, a tax of one and one-third mills for the year eighteen hundred and ninety-one, and a tax of one and one-third mills for the year eighteen hundred and ninety-two, on all the taxable property of this State, for the purpose of raising the funds necessary to meet the appropriations by this General Assembly for educational purposes in instructing children in the elementary branches of an English education only.

Tax for educational purposes.

Specific taxes.

SEC. II. Be it further enacted by the authority aforesaid, That in addition to the *ad valorem* tax on real and personal property, as required by the Constitution, and provided for in the preceding section, the following specific taxes shall be levied and collected for each of the said fiscal years, eighteen hundred and ninety-one and eighteen hundred and ninety-two.

Poll.

First.—Upon each and every male inhabitant of the State, between the ages of twenty-one and sixty years, on the first day of April, a poll tax of one dollar for each of the said years, in 1891 and 1892, which shall be for educational purposes in instructing children in the elementary branches of an English education only; *provided*, this tax shall not be demanded of blind persons, nor of crippled, maimed or disabled Confederate soldiers, relieved of such taxes under and by authority of an Act approved July 23, 1883.

Exemptions.

Lawyers, doctors, dentists and presidents of certain corporations.

If presidents of such corporations be non-residents. Municipal corporations forbidden to tax professions.

Photographic and similar artists.

Auctioneers.

Second.—Upon every practitioner of law, medicine or dentistry, presidents of each of the banks of the State, each agent or firm negotiating loans and charging therefor, the presidents of each of the railroad companies, presidents of each of the express, telegraph, telephone, electric light and gas companies doing business in this State, and in case the presidents of any such companies do not reside in this State, then in such case, upon the superintendent or general agent of such companies who may reside in this State, ten dollars, and no municipal corporation or county authorities shall levy any additional tax on said possessions, either as license fee or otherwise.

Third.—Upon every daguerrean, ambrotype, photographic and similar artist, ten dollars in each county in which they may carry on business.

Fourth.—Upon every person carrying on business of auctioneer for pay or compensation, twenty-five dollars for each county in which they may carry on such business.

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Fifth.—Upon every keeper of a pool, billiard or bagatelle table kept for public use, whether in a saloon, barroom, hotel or other public place, twenty-five dollars for each table. Keepers of pool, billiard or bagatelle tables.

Sixth.—Upon every keeper of any other table, stand or place for the performance of any game or play, and upon the keeper of any flying horses, or any other game or play (unless kept for exercise or amusement not prohibited by law), and not kept for gain, directly or indirectly, twenty-five dollars in each county. Keepers of others tables, games, etc..

Seventh.—Upon every keeper of a ten pin alley or alley of like character, kept for public play, and upon every keeper of a shooting gallery, twenty-five dollars for each place of business. Ten pin and other alleys. Shooting galleries.

Eighth.—Upon every traveling vendor of patent or proprietary medicines, special nostrums, jewelry, paper, soap, or other articles of like character, twenty-five dollars in each county where they may offer such articles for sale. Peddlers.

Ninth.—Upon every local insurance agent or firm of agents doing business in this State, ten dollars for each county in which they shall solicit business, and upon every agent of a matrimonial, natal or nuptial company, one hundred dollars for each county in which they shall do business, and upon every traveling or special or general agent of life, fire, accident or other insurance company doing business in this State, fifty dollars, which said tax must be paid before said agent shall be authorized to act as an agent for any of their companies. Said tax shall be paid by said companies to the Comptroller-General, and shall be in addition to the license fee required of insurance companies by the Act approved October 24, 1887. The receipt of the Comptroller-General for the payment of this tax, together with his certificate, as provided by said Act approved October 24, 1887, shall constitute the license for said agents to transact business for their companies, as designated by said certificates; *provided*, this tax shall not be required of agents of assessments, life insurance companies or mutual aid societies. Local insurance agents. Agents of matrimonial and similar companies. Traveling, special or general insurance agents. Such taxes, how paid. Licenses. Not required of agents of assessments, or mutual aid societies.

Tenth.—Upon each emigrant, agent or employer or employee of such agent doing business in this State, the sum five hundred dollars for each county in which such business is conducted. Emigrant agents.

Eleventh.—Upon every traveling vendor using boats for the purpose of selling goods on the rivers or waters within the limits of this State, the sum of fifty dollars in each county where they may sell their wares, and said tax shall be a lien on the boat and its contents, without regard to the ownership thereof. Peddlers in boats. Such tax a lien.



## General Tax Act.

Lightning  
rod deal-  
ers or  
agents. Twelfth.—Upon all itinerant lightning-rod dealers or agents, the sum of fifty dollars for each and every county in which they operate.

Shows and  
exhibi-  
tions. Thirteenth.—Upon all shows and exhibitions (except such as histrionic, musical, operatic and elocutionary), including side-shows accompanying circus companies, fifty dollars in each and every city or town of five thousand inhabitants, forty dollars in cities or towns of four thousand and under five thousand inhabitants, and thirty dollars in towns of less than four thousand inhabitants. Said tax, so collected, shall be for educational purposes.

Circus  
companies. Fourteenth.—Upon every circus company, three hundred dollars each day it may exhibit in the State of Georgia. Said tax shall be for educational purposes.

Liquor  
dealers. Fifteenth.—Upon all dealers in spirituous or malt liquors, intoxicating bitters or brandy fruits or domestic wines; whether dealing in any or all thereof, fifty dollars for each place of business in each county where the same are sold; *provided*, this tax shall not relieve such dealers from any local tax or prohibitory law in reference to the retail of spirituous or intoxicating liquors, nor be required of those who sell by wholesale spirits manufactured of apples, peaches, grapes, blackberries or other fruits grown on their own lands, when sold in quantities not less than five gallons; *provided*, that nothing in this Act shall be so construed as to levy a tax on dealers in domestic wines manufactured from grapes or berries purchased by or grown on lands owned, leased or rented by said dealer. Said tax shall be for educational purposes.

Dealers in  
domestic  
wines ex-  
empt. *provided*, that nothing in this Act shall be so construed as to levy a tax on dealers in domestic wines manufactured from grapes or berries purchased by or grown on lands owned, leased or rented by said dealer. Said tax shall be for educational purposes.

Dealers in  
pistols and  
other  
weapons. Sixteenth.—Upon all dealers in pistols, toy pistols, shooting cartridges, dirks or Bowie-knives, one hundred dollars for each place of business in each county where the same are sold.

Dealers in  
"futures,"  
etc. Seventeenth.—Upon every individual or firm, or his or their agents, engaged in the business of selling or buying through regularly organized stock and cotton exchanges or boards of trade, farm products, sugar, coffee, and salt and meat, railroad stock and bonds, and stocks and bonds of all kinds, not intended for *bona fide* sale and delivery, but for future delivery (commonly called "futures"), one thousand dollars each per annum for each county where such business is carried on; *provided*, that this tax shall not be demanded of any cotton warehouseman, dealer in cotton, or any provision broker who takes orders in the regular course of their trade only for the actual and *bona fide* delivery of cotton and other produce so ordered, and where, by the terms of the contract, it is not left to the option of the party so ordering,

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or the party taking such order, to avoid the delivery of the produce or products by paying the difference in the market price of such produce or products at the time of delivery; *provided further*, that such cotton warehouseman, dealer in actual cotton, or any provision broker, does not carry on the business of buying "futures" in connection with his or their other business, and upon every individual or firm, or his or their agents, engaged in a like business when they take orders on their own account and determine the loss or gain between them and their patrons by market reports received from any other source whatever, and whose business is generally denominated "bucket shops," the sum of ten thousand dollars.

Eighteenth.—Upon every peddler of stoves or ranges for cooking purposes, the sum of one hundred dollars in every county in which such peddler may do business. Peddlers of stoves or ranges.

Nineteenth.—Upon every person or firm, for himself or agent for resident or non-resident owners, who holds or keeps for hire or sale any billiard, pool or other table of like character, fifty dollars for each county in which such person or firm does business. Dealers in billiard tables and tables of like character.

Twentieth.—Upon each peddler of clocks, one hundred dollars in every county of the State in which said peddler may do business. Clock peddlers.

Twenty-first.—Upon all itinerant doctors, dentists, opticians or specialists of any kind, doing business in this State, ten dollars for each county in which they may do business. Itinerant doctors, dentists, etc.

Twenty-second.—Upon all packing houses doing a cold storage business in this State, whether carried on by the owners thereof, or by their agents, five hundred dollars in each county where said business is carried on. Cold storage.

Twenty-third.—Upon all brewing companies, and upon each agent of non-resident brewing companies, two hundred dollars. Brewing companies and agents.

Twenty-fourth.—Upon each pawnbroker, fifty dollars for each place of business. Pawn-brokers.

Twenty-fifth.—Upon all mercantile and collecting agencies, commercial agencies, and all other agencies of like character, fifty dollars in every county where they have an established office. Commercial and collecting agencies, etc.

SEC. III. Be it further enacted by the authority aforesaid, That the taxes provided for in paragraphs 1 and 2 of section 2 of this Act shall be returned to the Tax-Receiver in the county of the residence of the person liable to such tax, and shall by the Receiver of Tax Returns be entered upon his digest of taxable property, and that the taxes provided for in paragraphs 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, Returns of taxes provided for in pars. 1 and 2 of sec. 2.

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17, 18, 19, 20, 21, 22, 23, 24 and 25 of section 2 of this Act shall be returned and paid to the Tax-Collectors of the counties where such vocations are carried on.

Of taxes provided for in other paragraphs of section 2, except par. 9.

To whom and when to be paid.

Registration of business required.

Failure to register or pay tax.

Insurance companies on gross receipts.

Proviso.

On Insurance companies doing brokerage business.

Returns of building and loan and similar associations.

SEC. IV. Be it further enacted by the authority aforesaid, That the taxes provided for in paragraphs 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 of section 2 of this Act shall be paid in full for the fiscal years for which they are levied to the Tax-Collectors of the counties where such vocations are carried on at the time of commencing to do the business specified in said paragraphs. Before any person taxed by paragraphs 3, 4, 5, 6, 7, 8, 10, 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 of section 2 of this Act shall be authorized to carry on said business, they shall go before the Ordinary of the county in which they propose to do business and register their names, place of business, and at the same time pay their taxes to the Tax-Collector; and it shall be the duty of said Ordinary to immediately notify the Comptroller-General and the Tax-Collector. Any person failing to register with the Ordinary, or, having registered, fail to pay the tax, as herein required, shall be liable to indictment for a misdemeanor, and on conviction, shall be fined not less than double the tax, or be imprisoned as prescribed by section 4310 of the Code, or both, in the discretion of the court; one-half of said fine shall be applied to payment of the tax and the other to fund of fines and forfeitures for use of officers of court.

SEC. V. Be it further enacted by the authority aforesaid, That all foreign and home insurance companies doing business in this State shall pay one *per centum* on all premiums, in money or otherwise, received by them; *provided*, this shall not include return premiums on cancelled policies; and, in addition to the tax imposed by this Act upon the gross receipts of such insurance companies, all such companies doing brokerage business in this State, such as discounting notes, bills, drafts or exchange, lending money or in any manner doing a business pertaining to banking or brokerage business, shall be taxed upon the capital so employed in the same manner and at the same rate as other moneyed capital in the hands of private individuals is taxed.

SEC. VI. Be it further enacted by the authority aforesaid, That the presidents of all building and loan associations and other associations of like character shall be required to return to the Tax-Receiver of the county where such associations are located, at its true market value, the stock of such associations owned by the stockholders thereof (upon which, as shown by the books of such associations, no advance has been made or money borrowed thereon by the individual



## PART I.—TITLE 2.—TAXES.

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## General Tax Act.

stockholders therein), to be taxed as other moneyed capital in the hands of private individuals is taxed; *provided*, that Proviso. no tax shall be required of real estate and building associations to be paid upon any portion of their capital which has been loaned or advanced to a shareholder upon real estate, upon which real estate tax is payable by said shareholder.

SEC. VII. Be it further enacted by the authority aforesaid, That the presidents of all manufacturing and other incorporated companies (or their agents), other than railroad, insurance, telegraph, telephone, express, sleeping and palace car companies, shall be required to return all their property whatever, of their respective companies, at its true market value to the Tax-Receiver of the county where the same is located, or where the principal business of each company is located, to be taxed for State and county purposes as other property in this State is taxed; save and except, that all canals or slackwater navigation companies shall make Of canal or slack-water companies. through their respective executive officers or stockholders in possession of the same returns to the Tax-Receiver of each county in which the same is located, or through which the same shall pass, in whole or in part, of the right of way, locks and dams, toll-houses, structure and all other real estate owned or used by the company, or the stockholders thereof; *provided*, this Act shall not make subject to taxation any property of canals or navigation companies which is not subject to taxation by the laws of the State as now existing. Proviso. The president of every manufacturing company shall be required to answer under oath, in addition to those Oath of presidents of manufacturing companies. now provided by law, the following questions: 1st, What is the value of raw material on hand April 1st? 2d, What is the value of manufactured goods or articles on hand April 1st? 3d, What amount of money, bonds, notes, accounts and choses in action of every kind did you own on April 1st? 4th, What other property of every kind did your company own on April 1st? and such company shall be taxed upon its entire property so ascertained.

SEC. VIII. Be it further enacted, That all persons or companies, including railroad companies, doing an express or telegraph business, and charging the public therefor, in this State, shall pay two and a half per centum on their gross receipts, and all persons, or the superintendent or general agent of each telegraph or express company, or the president of each railroad company doing such business in this State, shall make a quarterly return, under oath, as follows: Tax on express and telegraph companies. Returns. On the last day of March, June, September and December, in each year, to the Comptroller-General, showing a full

## General Tax Act. \*

account of their gross receipts during the quarter ending on such date; and said taxes herein levied upon such gross receipts as shown by said quarterly returns shall be paid by the respective persons or companies to the Comptroller-General at the same time of making such returns; the gross receipts herein named shall be construed to mean the full amount of all money received from business done within this State. If any person, superintendent, agent or president as the case may be, whose duty it is to make returns under this paragraph, shall fail to do so within thirty days after the time herein required, such person, superintendent, agent or president, shall be liable to indictment, and upon conviction shall be punished as prescribed in section 4310 of the Code of 1882.

Payment  
of taxes.

Failure to  
make re-  
turn.

Telephone  
companies.

Returns  
and pay-  
ment of  
tax.

Sleeping  
car com-  
panies.

Returns  
and pay-  
ment of  
tax.

Sewing ma-  
chine com-  
panies and  
dealers.

Lists of  
agents to  
be furnish-  
ed and tax  
paid to  
Comptrol-  
ler-General

Second.—That each telephone company shall pay a tax for each of the years 1891 and 1892, of one dollar for each telephone station or box with instruments complete, rented or used by their subscribers, and the superintendent or general manager of the company shall make returns under oath and payments to the Comptroller-General on the dates named in the first paragraph of this section.

Third.—Each sleeping car company doing business in Georgia shall pay a tax of two and a half per cent. on gross receipts of said company received in the State of Georgia from sale of sleeping car tickets from a place to a place in said State of Georgia, and the superintendents or general manager shall make return, under oath, to the Comptroller-General, as provided in first paragraph of this section, and pay the taxes required by such returns at the time of making such quarterly statements.

SEC. IX. Be it further enacted, That every sewing machine company selling or dealing in sewing machines, by itself or its agents, in this State, and all wholesale and retail dealers in sewing machines selling machines manufactured by companies that have not paid the tax required herein, shall pay two hundred dollars for each fiscal year or fractional part thereof, to be paid to the Comptroller-General at the time of commencement of business, and said companies or dealers shall furnish the Comptroller-General a list of all agents authorized to sell machines of their manufacture or under their control, and shall pay to said Comptroller-General the sum of five dollars for each of said agents, for each fiscal year or fractional part thereof, for each county in which said agent may do business for said company. Upon the payment of said additional sum, the Comptroller-General shall issue to each of said agents a certificate of authority to transact business in this State, and such companies, dealers and

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## General Tax Act.

agents, having paid the taxes required herein, shall be exempted from any county or corporation tax for selling said sewing machines. Before doing business under this Act, all sewing machine agents shall be required to register their names with the Ordinaries of those counties in which they intend to operate, and exhibit to said Ordinaries their license from the Comptroller-General, and to keep such license pasted on their vehicles or at their places of business. Wholesale or retail dealers in sewing-machines shall be required to pay the tax provided herein for each manufacture of sewing machines sold by them, except the manufactures of such companies as have paid the tax required by this Act. All unsold sewing machines belonging to sewing machine companies, dealers or their agents, in possession of said companies, dealers, their agents or others, shall be liable to seizure and sale for payment of such license fees and tax. Any person who shall violate the provision of this section shall be liable to indictment for misdemeanor, and, on conviction, shall be fined not more than five hundred dollars and not less than one hundred, in the discretion of the court trying the same. If said fine is not paid within the time prescribed by the court, such person so fined shall be imprisoned as prescribed in section 4310 of the Code. None of the provisions of this section shall apply to licensed auctioneers selling second-hand sewing machines, or to officers of the law under legal process, or to merchants buying and selling machines on which a license tax has been paid as herein provided, and who keep the said machines and sell and deliver them at their places of business, such sales not being on commission.

Exemption

Registry,  
etc.Dealers to  
pay for  
each man-  
ufacture.Machines  
liable to  
seizure and  
sale for  
tax.Penalty for  
violating  
this sectionProvisions  
not to ap-  
ply to auc-  
tioneers,  
etc.No tax on  
capital of  
banks.Shares of  
stockhold-  
ers to be  
taxed.

Provisos.

SEC. X. Be it further enacted by the authority aforesaid, That no tax shall be assessed upon the capital of banks or banking associations organized under the authority of this State, or of the United States and located within this State, but the shares of the stockholders of such bank or banking associations, whether resident or non-resident owners, shall be taxed in the county where such bank or banking associations are located, and not elsewhere, at their true and full market value, at the same rate provided in this Act for the taxation of moneyed capital in the hands of private individuals; *provided*, that nothing in this section contained shall be construed to relieve such banks or banking associations from the tax on property owned by them, as provided for in section 7 of this Act; *provided further*, that nothing herein contained shall be construed to levy any tax on real or personal property held or owned by any bank or banking association, the value of which is represented in the market value



## General Tax Act.

Surplus and undi- of its shares of stock, that each bank and banking association shall pay tax on its surplus and undivided profits.

SEC. XI. Be it further enacted by the authority aforesaid, That the presidents of all railroad companies doing business in this State shall make returns to the Comptroller-General, as now provided by law for the taxation of the property, of the gross receipts or net income of such railroads, and shall pay to the Comptroller-General the tax to which such property or gross receipts or net income may be subject according to the provisions of this Act, and the laws now of force relating to the tax on railroads; and on failure to make returns or refusal to pay tax, said companies shall be liable to all the penalties now provided by law, and the Comptroller-General is hereby required, upon failure of such companies to make returns, or if made and not satisfactory to said officer, to proceed against such railroads, as provided in section 826(d) of the Code of 1882.

SEC. XII. Be it further enacted by the authority aforesaid, That the presidents or principal agents of all the incorporated companies herein mentioned, except such as are required to make returns to the Tax-Receiver of the counties, shall make returns to the Comptroller-General under the rules and regulations provided by law for such returns, and subject to the same penalties and modes of procedure for the enforcement of taxes from companies or persons required by law to make returns to the Comptroller-General.

SEC. XIII. Be it further enacted by the authority aforesaid, That any person or company, resident of this State, who is the owner of a vessel, boats or water-craft of any description, shall answer, under oath, the number of vessels, boats and other water-crafts owned by them and the value of each, and make a return of the same to the Tax-Receiver of the county of the residence of such person or company, and the same shall be taxed as other property is taxed.

SEC. XIV. Be it further enacted by the authority aforesaid, That in returning property for taxes, all property shall be returned at its value—promissory notes, accounts, judgments, mortgages, liens of all kinds and all choses in action shall be given in at their value, whether solvent or partially solvent. Every person shall return for taxes all jewelry and other property of every kind owned by his wife and minor children, unless the members of his or her family return their property for taxation. In addition to the questions now propounded to tax-payers by the Tax-Receivers, questions shall be framed by the Comptroller-General to reach all property upon which a tax is imposed by this Act, and especially the following questions :

## PART I.—TITLE 2.—TAXES.

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## General Tax Act.

First.—The number of horses, mules, oxen, cows, sheep, hogs, goats, and of all other animals upon which a tax is imposed by law, and state the value of each.

Second.—The kind and value of property owned by the wife and minor children of the tax-payer and not returned for taxes by the owner thereof.

Third.—Whether solvent or partially solvent, give the value of your bonds, stocks of non-resident companies or corporations, or of companies or corporations in this State, whose capital stock is not returned by the president of such company or corporation, all notes, accounts, judgments, mortgages, liens and other choses in action of every kind, whether such bonds, stocks, notes, etc., are held by the tax-payers in Georgia, or held by some other person for him, either in or out of this State. There shall be no deduction from the value of property returned for taxes on account of any indebtedness of such tax-payer.

No deductions for indebtedness of tax payers.

SEC. XV. Be it further enacted by the authority aforesaid, That the oath to be administered to all persons making returns of their taxable property shall be the oath required under the Act of October 20, 1885, to be attached to the printed list furnished under said Act, and presented to each tax-payer; *provided*, that non-residents, females and sick persons may subscribe the oath herein required before any person authorized by law to administer oaths, and cause same to be delivered to the Tax-Receiver.

Oaths to be administered to persons making returns.

Oaths of non-residents, females and sick persons.

SEC. XVI. Be it further enacted by the authority aforesaid, That the Comptroller-General is authorized and empowered to order the Tax-Receivers of this State to commence receiving the returns of taxable property immediately after the 1st day of April of the years 1891 and 1892, and that the Comptroller-General is empowered and required to cause the taxes to be collected and paid into the State Treasury by the 20th of December of each of said years 1891 and 1892.

When returns shall be received

When taxes to be collected.

SEC. XVII. Be it further enacted by the authority aforesaid, That blind persons and Confederate soldiers relieved by the proviso in paragraph 1 of section 2, from the payment of the tax designated in that paragraph, shall be relieved also from the payment of the taxes designated in paragraphs 6, 7, 8 and 11 of section 2, if carrying on and dependent upon the kinds of business designated therein; *provided*, that before any person shall be entitled to the benefit of any of the exemptions provided for it in this section, he shall go before the Ordinary of the county in which he purposes to carry on business, and make and file an affidavit setting forth the facts that he is entitled to such exemptions,

Relief of blind persons and Confederate soldiers.

Proviso.

# **EXHIBIT 37**

TITLE II.

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TAXES AND PUBLIC DEBT.

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## ACTS.

General Tax Act.

Repealing Act Creating Board of Equalization.

Providing Sinking Fund to Retire Maturing State Bonds.

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## GENERAL TAX ACT.

## No. 133.

An Act to levy and collect a tax for the support of the State Government and the public institutions; for educational purposes in instructing children in the elementary branches of an English education only; to pay the interest on the public debt, and to pay maimed Confederate soldiers and widows of Confederates such amounts as are allowed them by law for each of the fiscal years eighteen hundred and ninety-three and eighteen hundred and ninety-four, and to prescribe what persons, professions and property are liable to taxation; to prescribe the methods of receiving and collecting said taxes; to prescribe the method of ascertaining the property of this State subject to taxation; prescribe additional questions to be propounded to tax-payers, and to provide penalties and forfeitures for non-payment of taxes, and for other puposes.

General  
ad valorem  
tax for 1893  
and 1894.

SECTION 1. Be it enacted by the General Assembly of the State of Georgia, That the Governor be authorized and empowered, with the assistance of the Comptroller-General, to assess and levy a tax on the taxable property of this State for each of the fiscal years eighteen hundred and ninety-three and eighteen hundred and ninety-four of two mills and ninety-three one hundredths of a mill, and the Governor be, and is, hereby

## PART I.—TITLE 2.—TAXES.

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## General Tax Act.

authorized and empowered, by and with the assistance of the Comptroller-General, to assess and levy, in addition to the foregoing general State tax, a tax of one mill and forty-four one hundredths of a mill for each of the years eighteen hundred and ninety-three and eighteen hundred and ninety-four on all of the taxable property of this State, for the purpose of raising the funds necessary to meet the appropriations of this General Assembly for educational purposes in instructing children in the elementary branches of an English education only.

General tax for educational purposes.

SEC. 2. Be it further enacted by the authority aforesaid, That in addition to the *ad valorem* tax on real estate and personal property, as required by the Constitution, and provided for in the preceding section, the following specific taxes shall be levied and collected for each of the said fiscal years eighteen hundred and ninety-three and eighteen hundred and ninety-four.

Specific taxes.

*First.*—Upon each and every male inhabitant of the State, between the ages of twenty-one and sixty years, on the days fixed for return of property for taxation, a poll tax of one dollar, which shall be for educational purposes in instructing children in the elementary branches of an English education only; *provided*, this tax shall not be demanded of blind persons, nor of crippled, maimed or disabled. Confederate soldiers, relieved of such taxes under and by authority of an act approved July 23, 1883.

Poll tax.

Persons exempt.

*Second.*—Upon every practitioner of law, medicine or dentistry, presidents of each of the banks of the State, each agent or firm negotiating loans and charging therefor, the presidents of each of the railroad companies, presidents of each of the express, telegraph, telephone, electric light and gas companies doing business in this State, and in case the presidents of any such companies do not reside in this State, then in such case, upon the superintendent or general agent of such companies who may reside in this State, ten dollars, and no municipal corporation or county authorities shall levy any additional tax on said professions either as a license fee or otherwise.

Lawyers, physicians, dentists, loan ag'ts corporation, presidents, superintendents or general agents.

No additional tax by municipal corporations.

*Third.*—Upon every daguerrean, ambrotype, photographic and similar artist, ten dollars in each county in which they may carry on business.

Photographic and similar artists.

*Fourth.*—Upon every person carrying on the business of auctioneer, for pay or compensation, twenty-five dollars for each county in which they may carry on such business.

Auctioneers.

*Fifth.*—Upon every keeper of a pool, billiard or bagatelle table, kept for public use, whether in a saloon, barroom, hotel or other public place, twenty-five dollars for each table.

Keepers of billiard tables, etc.

## General Tax Act.

Keepers of  
other ta-  
bles,  
games, etc.

*Sixth.*—Upon every keeper of any other table, stand or place for the performance of any game or play, and upon the keeper of any flying horses, or any other game or play (unless kept for exercise or amusement not prohibited by law and not kept for gain, directly or indirectly), twenty-five dollars in each county.

Ten pin  
and other  
alleys.  
Shooting  
galleries.

*Seventh.*—Upon every keeper of a ten pin alley or alley of like character, kept for public play, and upon every keeper of a shooting gallery, twenty-five dollars for each place of business.

Travelling  
vendors of  
patent  
medicines,  
etc.

*Eighth.*—Upon every travelling vendor of patent or proprietary medicines, special nostrums, jewelry, paper, soap or other merchandise, fifty dollars in each county where they may offer such articles for sale.

Local in-  
surance  
agents, etc.

*Ninth.*—Upon every local insurance agent or firm of agents doing business in this State, ten dollars for each county in which they shall solicit business, and upon every agent of a matrimonial, natal or nuptial company, one hundred dollars for each county in which they shall do business, and upon every traveling or special or general agent of life, fire, accident or other insurance company doing business in this State, fifty dollars, which said tax must be paid before said agents shall be authorized to act as agents for any of their companies. Said tax

Special or  
general in-  
surance  
agents.

To whom  
tax to be  
paid by  
such  
agents.

What shall  
constitute  
the license  
of such  
agents.

Not requir-  
ed of  
agents of  
assessment  
or mutual  
aid com-  
panies.

Nor of rail-  
road ticket  
agents sell-  
ing acci-  
dent insur-  
ance.

Emigrant  
agents, etc.

shall be paid by said companies to the Comptroller-General, and shall be in addition to the license fee required of insurance companies by the act approved October 24th, 1887. The receipts of the Comptroller-General for the payment of this tax, together with his certificate as provided by said act approved October 24th, 1887, shall constitute the license for said agents to transact business for their companies as designated by said certificates; *provided*, this tax shall not be required of agents of assessment life insurance companies or mutual aid societies; *provided further*, that railroad ticket agents selling accident insurance tickets shall not be deemed insurance agents in the sense of this section, and this section shall not apply to railroad ticket agents selling accident insurance tickets, and that railroad ticket agents who sell accident insurance tickets shall not be required to pay the said tax.

*Tenth.*—Upon each emigrant agent or employer or employee of such agents doing business in this State, the sum of five hundred dollars for each county in which such business is conducted.

Venders  
using  
boats.  
Lien for  
tax.

*Eleventh.*—Upon every traveling vendor using boats for the purpose of selling goods on the rivers or waters within the limits of the State, the sum of fifty dollars in each county



## PART I.—TITLE 2.—TAXES.

25

## General Tax Act.

where they may sell their wares, and said tax shall be a lien on the boat and its contents, without regard to the ownership thereof.

*Twelfth*.—Upon all itinerant lightning rod dealers or agents, the sum of fifty dollars for each and every county in which they operate. Itinerant lightning rod dealers or agents.

*Thirteenth*.—Upon all shows and exhibitions (except such as histrionic, musical, operatic and elocutionary), including the side-shows accompanying circus companies, fifty dollars in each and every city or town of five thousand inhabitants; forty dollars in cities or towns of four thousand and under five thousand inhabitants, and thirty dollars in towns of less than four thousand inhabitants. Said tax, so collected, shall be for educational purposes. Shows and exhibitions.

*Fourteenth*.—Upon every circus company or others, giving an exhibition beneath or within a canvas enclosure advertised in print or by parade, or in any manner whatsoever as a circus, menagerie, hippodrome, spectacle or show implying a circus, three hundred dollars each day it may exhibit in the State of Georgia. Said tax shall be for educational purposes. To be for educational purposes. Circuses, etc.

*Fifteenth*.—Upon all dealers in spirituous or malt liquors, intoxicating bitters or brandy fruits or domestic wines, whether dealing in any or all thereof, one hundred dollars for each place of business in each county where the same are sold; *provided*, this tax shall not relieve such dealers from any local tax or prohibitory law in reference to the retail of spirituous or intoxicating liquors, nor be required of those who sell by wholesale spirits manufactured of apples, peaches, grapes, blackberries or other fruits grown on their own lands when sold in quantities not less than five gallons; *provided*, that nothing in this act shall be so construed as to levy a tax on dealers in domestic wines manufactured from grapes or berries purchased by or grown on lands owned, leased or rented by said dealer. Said tax shall be for educational purposes. Liquor dealers. Tax to be for educational purposes.

*Sixteenth*.—Upon all dealers in pistols, toy pistols shooting cartridges, dirks, Bowie knives or metal knucks, one hundred dollars for each place of business in each county where the same are sold. Dealers in pistols, etc.

*Seventeenth*.—Upon every individual or firm, or his or their agents, engaged in the business of selling or buying through regularly organized stock and cotton exchanges or boards of trade, farm products, sugar, coffee and salt and meat, railroad stock and bonds, and stock and bonds of all kinds, not intended for *bona fide* sale and delivery, but for future delivery (com- Dealers in "futures."

## General Tax Act.

- monly called "futures"), one thousand dollars each per annum for each county where such business is carried on; *provided*, that this tax shall not be demanded of any cotton warehouseman, dealer in cotton, or any provision broker who takes orders in the regular course of their trade only for the actual and *bona fide* delivery of cotton and other produce so ordered, and whereby the terms of the contract it is not left to the option of the party so ordering, or the party taking such order, to avoid the delivery of the produce or products, by paying the difference in the market price of such produce or products at the time of delivery; *provided further*, that such cotton warehouseman, dealer in actual cotton, or any provision broker does not carry on the business of buying "futures" in connection with his or their other business, and upon every individual or firm, or his or their agents, engaged in a like business, when they take orders on their own account and determine the loss or gain between them and their patrons by market reports received from any other source whatever, and whose business is generally denominated "bucket shops," the sum of ten thousand dollars.
- Eighteenth.*—Upon every peddler of stoves or ranges for cooking purposes, the sum of one hundred dollars in every county in which such peddler may do business.
- Nineteenth.*—Upon every person or firm, for himself or agent for resident or non-resident owners, who holds or keeps for hire or sale any billiard, pool or other table of like character, fifty dollars for each county in which such person or firm does business.
- Twentieth.*—Upon each peddler of clocks one hundred dollars in each county of the State in which said peddler may do business.
- Twenty-first.*—Upon all itinerant doctors, dentists, opticians or specialists of any kind, doing business in this State, ten dollars for each county in which they may do business; *provided*, the provisions of this paragraph shall not apply to persons whose fixed place of business is in a county of this State and have paid the tax required by paragraph 2 of section 2.
- Twenty-second.*—Upon all packing houses or dealers doing a cold storage business in this State, whether carried on by the owners thereof or by their agents, five hundred dollars in each county where said business is carried on.
- Twenty-third.*—Upon all brewing companies, and upon each agent of non-resident brewing companies, two hundred dollars.

Not appli-  
cable to  
those tak-  
ing orders  
for actual  
delivery,  
etc.

If dealing  
in "fu-  
tures" not  
also car-  
ried on.

"Bucket  
shops."

Peddlers of  
stoves or  
ranges.

Sellers, etc.  
of billiard  
and like ta-  
bles.

Clock ped-  
dlers.

Itinerant  
doctors,  
dentists,  
etc.

Packing  
houses or  
cold stor-  
age.

Breweries.

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## General Tax Act.

*Twenty-fourth.*—Upon each pawnbroker, fifty dollars for each place of business. Pawnbrokers.

*Twenty-fifth.*—Upon all mercantile and collecting agencies, commercial agencies, and all other agencies of like character; fifty dollars in every county where they have an established office. Collecting and commercial agencies, etc.

SEC. 3. Be it further enacted by the authority aforesaid, That the taxes provided for in paragraphs 1 and 2 of section 2 of this act shall be returned to the tax-receiver in the county of the residence of the person liable to such tax, and shall by the receiver of tax returns be entered upon his digest of taxable property, and that the taxes provided for in paragraphs 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 of section 2 of this act shall be returned and paid to the tax-collectors of the counties where such vocations are carried on. Tax returns and payment.

\* SEC. 4. Be it further enacted by the authority aforesaid, That the taxes provided for in paragraphs 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 of section 2 of this act shall be paid in full for the fiscal years for which they are levied, to the tax-collectors of the counties where such vocations are carried on at the time of commencing to do business specified in said paragraphs. Before any person taxed by paragraphs 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 of section 2 of this act shall be authorized to carry on said business, they shall go before the ordinary of the county in which they propose to do business and register their names, place of business, and at the same time pay their taxes to the tax-collector; and it shall be the duty of said ordinary to immediately notify the Comptroller-General and the tax-collector. Any person failing to register with the ordinary, or having registered, failing to pay the tax as herein required, shall be liable to indictment for misdemeanor, and on conviction shall be fined not less than double the tax, or be imprisoned as prescribed by section 4310 of the Code, or both in the discretion of the court; one-half of said fine shall be applied to the payment of the tax, and the other to the fund of fines and forfeitures for use of officers of court. Payment of taxes on vocations.

SEC. 5. Be it further enacted by the authority aforesaid, That all foreign and home insurance companies doing business in this State shall pay one *per centum* on all premiums, in money or otherwise, received by them; *provided*, this shall not include return premiums on cancelled policies; and, in addition to the Registration of business, etc.

Penalty for failure to register.

Tax on gross receipts of insurance companies.

## General Tax Act.

Additional  
tax where  
brokerage  
or banking  
business is  
done.

tax imposed by this act upon the gross receipts of such insurance companies, all such companies doing brokerage business in this State, such as discounting notes, bills, drafts or exchange, lending money or in any manner doing a business pertaining to banking or brokerage business, shall be taxed upon the capital so employed in the same manner and at the same rate as other moneyed capital in the hands of private individuals is taxed.

Tax on  
gross re-  
ceipts of  
guaranty  
and similar  
companies.

SEC. 6. Be it further enacted by the authority aforesaid, That all foreign and home fidelity guarantee companies, or other companies furnishing bonds, or similar associations, doing business in this State, shall pay one per centum on all premiums in money or otherwise received by them, and the agents, general, special or local, as the case may be, of said companies shall make returns to the Comptroller-General on the same terms and in the same manner as insurance companies.

How re-  
turns to be  
made,

Returns of  
building  
and loan  
and similar  
associa-  
tions.

SEC. 7. Be it further enacted by the authority aforesaid, That the presidents of all building and loan associations, and other associations of like character, shall be required to return to the tax-receiver of the county where such associations are located, at its true market value, the stock of such associations owned by the stockholders thereof (upon which, as shown by the books of such associations, no advance has been made or money borrowed thereon by the individual stockholders therein), to be taxed as other moneyed capital in the hands of private individuals is taxed; *provided*, this shall not exempt such associations from paying the fees required by the act approved October 19th, 1891.

Tax upon  
stock in,  
etc.

Returns,  
generally  
of corpora-  
tions.

SEC. 8. Be it further enacted by the authority aforesaid, That the presidents of all manufacturing and other incorporated companies (or their agents), other than railroad, insurance, telegraph, telephone, express, sleeping and palace car companies, shall be required to return all their property whatever, of their respective companies, at its true market value to the tax-receiver of the county where the same is located, or where the principal business of each company is located, to be taxed for State and county purposes as other property in this State is taxed; save and except, that all canal or slackwater navigation companies shall make through their respective executive officers or stockholders in possession of the same, returns to the tax-receiver of each county in which the same is located or through which the same shall pass, in whole or in part, of the right of way, locks and dams, toll houses, structures and all other real estate owned or used by the company or the stockholders

Returns of  
canal or  
slack wa-  
ter naviga-  
tion com-  
panies.



## PART I.—TITLE 2.—TAXES.

29

## General Tax Act.

thereof; *provided*, this act shall not make subject to taxation any property of canal or navigation companies which is not subject to taxation by the laws of the State as now existing. The president of every manufacturing company shall be required to answer under oath, in addition to those now provided by law, the following questions:

Questions to be answered by presidents of manufacturing companies.

*First.*—What is the value of raw material on hand on the day fixed for return of property for taxation?

*Second.*—What is the value of manufactured goods or articles on hand on the day fixed for the return of property for taxation?

*Third.*—What amount of money, bonds, notes, accounts and choses in action of every kind did you own on the day fixed for return of property for taxation?

*Fourth.*—What other property of every kind did your company own on the day fixed for the return of property for taxation? And such company shall be taxed upon its entire property so ascertained.

SEC. 9. Be it further enacted by the authority aforesaid, That all persons or companies, including railroad companies doing an express or telegraph business and charging the public therefor, in this State, shall pay two and one-half per centum on their gross receipts, and all persons, or the superintendent or general agent of each telegraph or express company, or the president of each railroad company doing such business in this State, shall make a quarterly return, under oath, as follows: On the last day of March, June, September and December, in each year, to the Comptroller-General, showing a full account of their gross receipts during the quarter ending on such date; and said taxes herein levied upon such gross receipts as shown by said quarterly returns, shall be paid by the respective persons or companies to the Comptroller-General at the same time of making such returns; the gross receipts herein named shall be construed to mean the full amount of all money received from business done within this State. If any person, superintendent, agent or president, as the case may be, whose duty it is to make returns under this paragraph, shall fail to do so within thirty days after the time herein required, such person, superintendent, agent or president shall be liable to indictment, and upon conviction shall be punished as prescribed in section 4310 of the Code of 1882.

Tax on persons or companies doing express or telegraph business.

Returns of such persons or companies.

To whom and when tax to be paid.

Meaning of "gross receipts."

Penalty for failure to make returns.

*Second.*—That each telephone company shall pay a tax of one dollar for each telephone station or box with instruments complete, rented or used by their subscribers, and the superin-

Tax on telephone companies.

## General Tax Act.

Returns  
and pay-  
ment of  
tax.

tendent or general manager of the company shall make returns under oath and payments to the Comptroller-General on the dates named in the first paragraph of this section.

Sleeping  
cars.

*Third.*—That each non-resident, person or company whose sleeping cars are run in this State shall be taxed as follows: Ascertain the whole number of miles of railroads over which such sleeping cars are run, and ascertain the entire value of all sleeping cars of such person or company, then tax such sleeping cars at the regular tax rate imposed upon the property of this State, in the same proportion to the entire value of such sleeping cars that the length of the lines in this State over which such cars run bears to the length of the lines of all railroads over which such sleeping cars are run. The return shall be made to the Comptroller-General by the president, manager, general agent or person in control of such cars in this State. The Comptroller-General shall frame such questions as will elicit the information sought, and answers thereto shall be made under oath. If the officers above referred to in control of such sleeping cars shall fail or refuse to answer under oath the questions so propounded, then the Comptroller-General shall obtain the information from such sources as he may, and he shall assess a double tax on such sleeping cars. If the taxes herein provided for are not paid, the Comptroller-General shall issue executions against the owners of such cars, which may be levied by the sheriff of any county in this State upon the sleeping car or cars of the owner who has failed to pay these taxes.

By and to  
whom re-  
turns to be  
made.Questions  
to be  
framed by  
Comptroller-  
General.Penalty for  
failure to  
answer  
questions.Collection  
of unpaid  
tax.Sewing ma-  
chine com-  
panies and  
dealers in  
sewing ma-  
chines.  
Lists of  
agents.Tax for  
agents.Certificate  
to be is-  
sued to  
agents.

SEC. 10. Be it further enacted by the authority aforesaid, That every sewing machine company selling or dealing in sewing machines, by itself or its agents, in this state, and all wholesale and retail dealers in sewing machines selling machines manufactured by companies that have not paid the tax required herein, shall pay two hundred dollars for the fiscal year or fractional part thereof, to be paid to the Comptroller-General at the time of commencement of business, and said companies or dealers shall furnish the Comptroller-General a list of agents authorized to sell machines of their manufacture or under their control, and shall pay to said Comptroller-General the sum of five dollars for each of said agents, for the fiscal year or fractional part thereof, for each county in which said agent may do business for said company. Upon the payment of said additional sum, the Comptroller-General shall issue to each of said agents a certificate of authority to transact business in this State, and such companies, dealers and agents, having paid the taxes re-



## PART I.—TITLE 2.—TAXES.

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## General Tax Act.

quired herein, shall be exempted from any county or corporation tax for selling said sewing machines. Before doing business under this Act, all sewing machine agents shall be required to register their names with the ordinaries of those counties in which they intend to operate, and exhibit to said ordinaries their license from the Comptroller-General, and to keep such license posted on their vehicles or at their place of business. Wholesale or retail dealers in sewing machines shall be required to pay the tax provided herein for each manufacture of sewing machines sold by them, except the manufacture of such companies as have paid the tax required by this Act. All unsold sewing machines belonging to sewing machine companies, dealers or their agents in possession of said companies, dealers, their agents or others, shall be liable to seizure and sale for payment of such license, fees and tax. Any person who shall violate the provisions of this section shall be liable to indictment for a misdemeanor, and on conviction shall be punished as prescribed in section 4310 of the Code. None of the provisions of this section shall apply to licensed auctioneers selling second-hand sewing machines, or to officers of the law under legal process, or to merchants buying and selling machines on which a license tax has been paid as herein provided, and who keep the said machines and sell and deliver them at their places of business, such sales not being on commission.

Exemption from county or corporation tax.

Registration, etc. of sewing machine agents.

Tax to be paid by dealers.

Lien on machines for taxes.

Penalty for violation of this section.

Certain exemptions from provisions of this section.

SEC. 11. Be it further enacted, by the authority aforesaid, That no tax shall be assessed upon the capital of banks or banking associations organized under the authority of this State, or, of the United States, and located within this State, but the shares of the stockholders of such bank or banking associations whether resident or non-resident owners, shall be taxed in the county where such bank or banking associations are located, and not elsewhere, at their true and full market value, at the same rate provided in this act for the taxation of moneyed capital in the hands of private individuals; *provided*, that nothing in this section contained shall be construed to relieve such banks or banking associations from the tax on property owned by them and provided for in section 7 of this act; and *provided further*, that nothing herein contained shall be construed to levy any tax on the real or personal property held or owned by any bank or banking association doing business in this State, the value of which is represented in the market value of the shares of its stock as returned to the tax-receiver by said bank and banking associations.

No tax on capital stock of banks.

Shares of stockholders to be taxed.

Banks not relieved from property tax.

Property not taxed when its value represented in value of stock.

## General Tax Act.

**Returns for railroad companies.** **SEC. 12.** Be it further enacted by the authority aforesaid, That the president of all railroad companies doing business in this State shall make returns to the Comptroller-General, in the manner provided by law for the taxation of the property of the gross receipts on net income of such railroads, and shall

**Payment of tax.** pay the Comptroller-General the tax to which such property or gross receipts or net income may be subject according to the provision of this act and the laws now of force relating to the tax on railroads; and on failure to make returns or refusal to pay tax, said companies shall be liable to all penalties now provided by law, and the Comptroller-General is hereby re-

**Penalty for failure to make returns or pay tax.** quired, upon failure of such companies to make returns, or if made, and not satisfactory to said office, to proceed against such companies as provided in section 826(d) of the Code of 1882.

**Returns of corporations where not required to be made to tax receivers, to be made to Comptroller-General.** **SEC. 13.** Be it further enacted by the authority aforesaid, That the presidents and principal agents of all the incorporated companies herein mentioned, except such as are required to make returns to the tax-receivers of the counties, shall make returns to the Comptroller-General under the rules and regulations provided by law for such returns, and subject to the same penalties and the modes of procedure for the enforcement of taxes from companies or persons required by law to make returns to the Comptroller-General.

**General rules for, etc.**

**Returns of owners of vessels, etc.** **SEC. 14.** Be it further enacted by the authority aforesaid, That any person or company, resident of this State, who is the owner of a vessel, boats, or water-craft of any description, shall answer, under oath, the number of vessels, boats and other water-crafts owned by them and the value of each, and make returns of the same to the tax-receiver of the county of the residence of such person or company, and the same shall be taxed as other property is taxed.

**General rules governing returns of property.** **SEC. 15.** Be it further enacted by the authority aforesaid, That in returning property for taxes, all property shall be returned at its value; promissory notes, accounts, judgments, mortgages, liens of all kinds and all choses in action shall be given in at their value, whether solvent or partially solvent. Every person shall return for taxes all jewelry and other property of every kind owned by his wife and minor children, unless the members of his or her family return their property for taxation. In addition to the questions now propounded to tax-payers by the tax-receivers, questions shall be framed by the Comptroller-General to reach all property upon which a tax is imposed by this Act, and especially the following questions:

**Additional questions to be asked tax-payers.**

## PART I.—TITLE 2.—TAXES.

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## General Tax Act.

*First.*—The number of horses, mules, oxen, cows, sheep, hogs, goats, and of all other animals upon which a tax is imposed by law and state the value of each.

*Second.*—The kind and value of property owned by the wife and minor children of the tax-payer and not returned for taxes by the owner thereof.

*Third.*—Whether solvent or partially solvent, give the value of your bonds, stocks of non-resident companies or corporations, or of companies or corporations in this State whose capital stock is not returned by the president of such company or corporation, all notes, accounts, judgments, mortgages, liens and other choses in action of every kind, whether such bonds, stocks, notes, etc., are held by the tax-payers in Georgia, or held by some other person for him, either in or out of this State. There shall be no deduction from the value of property returned for taxes on account of any indebtedness of such tax-payer.

SEC. 16. Be it further enacted by the authority aforesaid, That the oath to be administered to all persons making returns of their taxable property shall be the oath required under the act of October 20th, 1885, to be attached to the printed list furnished under said Act, and presented to each tax-payer; *provided*, that non-residents, females and sick persons may subscribe the oath herein required before any person authorized by law to administer oaths, and cause same to be delivered to the tax-receiver.

SEC. 17. Be it further enacted by the authority aforesaid, That the Comptroller-General is authorized and empowered to order the tax-receivers of this State to commence receiving the returns of taxable property immediately after the first day of April of each of the years eighteen hundred and ninety-three (1893) and eighteen hundred and ninety-four (1894), and that the Comptroller-General is empowered and required to cause the taxes to be collected and paid into the State Treasury by the 20th of December of each of the years 1893 and 1894.

SEC. 18. Be it further enacted by the authority aforesaid, That blind persons and Confederate soldiers, relieved by the proviso in paragraph 1, section 2, from the payment of the tax designated in that paragraph, shall be relieved also from the payment of the taxes designated in paragraphs 6, 7, 8 and 11 of section 2, if carrying on and dependent upon the kinds of business designated therein; *provided*, that before any person shall be entitled to the benefit of any of the exemptions provided for in this section, he shall go before the ordinary of the

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 Repealing Act Creating Board of Equalization.
 

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county in which he purposes to carry on business, and make and file an affidavit setting forth the facts that he is entitled to such exemptions, that he is proprietor of the business he proposes to conduct, and is conducting the same for himself and not for others.

Day to be  
fixed for  
making re-  
turn of  
taxes.

SEC. 19. Be it further enacted, That immediately after the first day of April of each of the years 1893 and 1894, the Governor, Comptroller-General and State Treasurer shall fix a day between January 1st and April 1st of each of the years 1893 and 1894 as a day for making a return of taxes instead of April 1st, which day shall not be fixed until after April 1st of each of the years 1893 and 1894.

SEC. 20. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and they are, hereby repealed.

Approved December 23, 1892.

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 REPEALING ACT CREATING BOARD OF EQUALIZATION.
 

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## No. 113.

An Act to repeal an act approved August 14th, 1891, entitled an act to provide a Board of Equalization of real and personal property subject to taxation in this State, and for other purposes, and to restore the law as it existed prior to August 14th, 1891.

Act of Au-  
gust 14,  
1891,  
providing  
for Board  
of Equali-  
zation, re-  
pealed.

SECTION 1. Be it enacted by the General Assembly of the State of Georgia, That an act, approved August 14th, 1891, entitled an act to provide a Board of Equalization of real and personal property subject to taxation in this State, be, and the same is, hereby repealed.

Former  
laws affect-  
ed by said  
Act re-  
vived.

SEC. 2. Be it further enacted, That all laws which were, in any way repealed or modified by the act hereby repealed be, and the same are, hereby restored to full force.

SEC. 3. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved December 22, 1892.

# **EXHIBIT 38**

## PART I.—TITLE 2.—TAXES AND PUBLIC DEBT.

General Tax Act for 1895 and 1896.

## TITLE II.

## TAXES AND PUBLIC DEBT.

## ACTS.

General Tax Act for 1895 and 1896.

Creation of Sinking Fund to Retire State Bonds.

Manner of Entering on Digest Names of Colored Tax-payers.

## GENERAL TAX ACT FOR 1895 AND 1896.

## No. 151.

An Act to levy and collect a tax for the support of the State government and the public institutions, for educational purposes in instructing children in the elementary branches of an English education only; to pay the interest on the public debt, and to pay maimed Confederate soldiers and widows of Confederates such amounts as are allowed them by law for each of the fiscal years eighteen hundred and ninety-five and eighteen hundred and ninety-six; and to prescribe what persons, professions, and property are liable to taxation; to prescribe the methods of receiving and collecting said taxes; to prescribe the method of ascertaining the property of this State subject to taxation; prescribe additional questions to be propounded to tax-payers, and to provide penalties and forfeitures for non-payment of taxes, and for other purposes.

General  
ad valorem  
tax.Ad valo-  
rem tax for  
school pur-  
poses.

SECTION I. Be it enacted by the General Assembly of the State of Georgia, That the Governor be authorized and empowered, with the assistance of the Comptroller-General, to assess and levy a tax on the taxable property of this State for each of the fiscal years eighteen hundred and ninety-five and eighteen hundred and ninety-six of two mills and  $\frac{80}{100}$ ths of a mill, and the Governor be, and is, hereby authorized and empowered, by and with the assistance of the Comptroller-General, to assess and levy, in addition to the foregoing general State tax, a tax of one mill and one-half of a mill for each of the years eighteen hundred and ninety-five and eigh-



## PART I.—TITLE 2.—TAXES AND PUBLIC DEBT.

19

General Tax Act for 1895 and 1896.

teen hundred and ninety-six on all of the taxable property of this State, for the purpose of raising the funds necessary to meet the appropriations of this General Assembly for educational purposes in instructing children in the elementary branches of an English education only.

SEC. II. Be it further enacted by the authority aforesaid, That, in addition to the *ad valorem* tax on real estate and personal property, as required by the Constitution and provided for in the preceding section, the following specific taxes shall be levied and collected for each of said fiscal years eighteen hundred and ninety-five and eighteen hundred and ninety-six.

*First.*—Upon each and every male inhabitant of the State, between the ages of twenty-one and sixty years, on the days fixed for return of property for taxation, a poll tax of one (\$1) dollar, which shall be for educational purposes in instructing children in the elementary branches of an English education only; *provided*, this tax shall not be demanded of blind persons, nor of crippled, maimed, or disabled Confederate soldiers, relieved of such taxes under and by authority of an Act approved July 23, 1883.

*Second.*—Upon every practitioner of law, medicine, or dentistry, presidents of each of the banks of the State, each agent or firm negotiating loans and charging therefor, the presidents of each of the railroad companies, presidents of each of the express, telegraph, telephone, electric light, and gas companies doing business in this State, and in case the presidents of any such companies do not reside in this State, then, in such case, upon the superintendent or general agent of such companies who may reside in this State, ten (\$10) dollars, and no municipal corporation or county authorities shall levy any additional tax on said professions either as a license fee or otherwise.

*Third.*—Upon every daguerrean, ambrotype, photographic, and similar artist, ten (\$10) dollars in each county in which they may carry on business; *provided*, this tax shall not be required of any Confederate soldier.

*Fourth.*—Upon every person carrying on the business of auctioneer, for pay or compensation, twenty-five (\$25) dollars for each county in which they may carry on such business.

*Fifth.*—Upon every keeper of a pool, billiard, or bagatelle table, kept for public use, whether in a bar-room, hotel, or other public place, twenty-five (\$25) dollars for each table.

*Sixth.*—Upon every keeper of any other table, stand, or place for the performance of any game or play; and upon the keeper of any flying-horses, or any other game or play, unless kept for exercise or amusement not prohibited by law, and not kept for gain, directly or indirectly, twenty-five (\$25) dollars in each county.

## General Tax Act for 1895 and 1896.

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|---------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Keepers of ten-pin alleys, etc.                   | <i>Seventh.</i> —Upon every keeper of a ten-pin alley, or alley of like character, kept for public play, and upon every keeper of a shooting-gallery, twenty-five (\$25) dollars for each place of business.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Shooting galleries.                               | <i>Eighth.</i> —Upon every traveling vendor of patent or proprietary medicines, special nostrums, jewelry, paper, soap, or other merchandise, fifty (\$50) dollars in each county where they may offer such articles for sale.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Peddlers.                                         | <i>Ninth.</i> —Upon every local insurance agent or firm of agents, or insurance broker or firm of brokers doing business in this State, ten (\$10) dollars for each county in which they shall solicit business; and upon every agent of a matrimonial, natal, or nuptial company, one hundred (\$100.00) dollars for each county in which they shall do business; and upon every traveling or special or general agent of life, fire, accident, or other insurance company doing business in this State, fifty (\$50) dollars, which said tax must be paid before said agents shall be authorized to act as agents for any of their companies. Said tax shall be paid by said companies to the Comptroller-General, and shall be in addition to the license fee required of insurance companies by the Act approved October 24, 1887. The receipts of the Comptroller-General for the payment of this tax, together with his certificate, as provided by said Act, approved October 24, 1887, shall constitute the license for said agents to transact business for their companies as designated by said certificates; <i>provided</i> , this tax shall not be required of agents of assessment life insurance companies or mutual aid societies; <i>provided further</i> , that railroad ticket agents selling accident insurance tickets shall not be deemed insurance agents in the sense of this section, and this section shall not apply to railroad ticket agents selling accident insurance tickets, and that railroad ticket agents who sell accident insurance tickets shall not be required to pay the said tax; <i>provided further</i> , that this tax shall not be required of agents of industrial life insurance companies writing what are known as industrial life insurance premiums, on which are payable, in weekly instalments, not exceeding \$1.05 per week. |
| Local insurance agents.                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Agents of matrimonial companies, etc.             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Travelling, special, or general insurance agents. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| License of such agents.                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Exemption from.                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Emigrant agents.                                  | <i>Tenth.</i> —Upon each emigrant agent or employer or employee of such agents doing business in this State, the sum of five hundred dollars for each county in which such business is conducted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Vendors using boats                               | <i>Eleventh.</i> —Upon every traveling vendor using boats for the purpose of selling goods on the rivers or waters within the limits of this State, the sum of fifty (\$50.00) dollars in each county where they may sell their wares, and said tax shall be a lien on the boat and its contents, without regard to the ownership thereof.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Tax to be lien on boat and contents.              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Itinerant lightning-rod dealers or agents.        | <i>Twelfth.</i> —Upon all itinerant lightning-rod dealers or agents, the sum of fifty (\$50.00) dollars for each and every county in which they operate.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## PART I.—TITLE 2.—TAXES AND PUBLIC DEBT.

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General Tax Act for 1895 and 1896.

*Thirteenth.*—Upon all shows and exhibitions (except such as Shows and exhibitions histrionic, musical, operatic, and elocutionary), including the side-shows accompanying circus companies, fifty (\$50.00) dollars in each and every city or town of five thousand inhabitants; forty dollars in cities or towns of four thousand and under five thousand inhabitants, and thirty dollars in towns of less than four thousand inhabitants; said tax, so collected, shall be for educational purposes. Tax to be used for educational purposes

*Fourteenth.*—Upon every circus company, or others giving an exhibition beneath or within a canvas enclosure, advertised in print or by parade, or in any manner whatsoever as a circus, menagerie, hippodrome, spectacle, or show implying a circus, three hundred dollars each day it may exhibit in the State of Georgia; said tax shall be for educational purposes. Circus companies, etc. Tax to be used for educational purposes

*Fifteenth.*—Upon all dealers in spirituous or malt liquors, intoxicating bitters, or brandy fruits or domestic wines, whether dealing in any or all thereof, one hundred dollars for each place of business in each county where the same are sold; *provided*, that parties engaged in the manufacture of spirituous or malt liquors under license by the government, who are prohibited by any local law from selling the same in the county where manufactured, shall not be subject to this tax unless they carry on the business of retailing or wholesaling such spirituous or malt liquors in some other county where the sale is not prohibited; *provided*, this tax shall not relieve such dealers from any local tax or prohibitory law in reference to the retail of spirituous or intoxicating liquors, nor be required of those who sell by wholesale spirits manufactured of apples, peaches, grapes, blackberries, or other fruits grown on their own lands when sold in quantities not less than five gallons; *provided*, that nothing in this act shall be construed as to levy a tax on dealers in domestic wines manufactured from grapes or berries purchased by or grown on lands owned, leased, or rented by said dealer; said tax shall be for educational purposes. Liquor dealers. Exemptions from tax. Tax to be used for educational purposes

*Sixteenth.*—Upon all dealers in pistols, toy pistols shooting cartridges, pistol or rifle cartridges, dirks, bowie-knives, or metal knucks, twenty-five dollars for each place of business in the county where the same are sold. Dealers in pistols and other weapons.

*Seventeenth.*—Upon every individual or firm, or his or their agents, engaged in the business of selling or buying through regularly organized stock and cotton exchanges, or boards of trade, farm products, sugar, coffee, and salt and meat, railroad stocks and bonds, and stocks and bonds of all kinds, not intended for *bona fide* sale and delivery, but for future delivery (commonly called “futures”), one thousand dollars each per annum for each county where such business is carried on; *provided*, that this tax shall not be demanded of any cotton warehouseman, dealer in cotton, or any pro- Dealers in “futures.” Exemptions from

## General Tax Act for 1895 and 1896.

vision broker who takes orders in the regular course of their trade, only for the actual and *bona fide* delivery of cotton and other produce so ordered, and where, by the terms of the contract, it is not left to the option of the party so ordering, or the party taking such order, to avoid the delivery of the produce or products by paying the difference in the market price of such produce or products at the time of delivery; *provided further*, that such cotton warehouseman, dealer in actual cotton, or any provision broker does not carry on the business of buying “futures” in connection with his or their other business, and upon every individual or firm, or his or their agents, engaged in a like business, when they take orders on their own account and determine the loss or gain between them and their patrons by market reports received from any source whatever, and whose business is generally denominated “bucket shops,” the sum of ten thousand dollars.

*Eighteenth.*—Upon every peddler of stoves or ranges for cooking purposes, the sum of one hundred dollars in every county in which such peddler may do business; and upon each traveling vendor of

patent churns and patent fences, the sum of ten dollars in each county in which they offer such articles for sale.

*Nineteenth.*—Upon all packing-houses or dealers doing business in this State, whether carried on by the owners thereof or by their agents, fifty dollars (\$50) in each county where said business is carried on.

*Twentieth.*—Upon every person or firm, for himself or agent for resident or non-resident owners, who keeps or holds for hire or sale any billiard, pool, or other table of like character, fifty (\$50) dollars for each county in which such person or firm does business.

*Twenty-first.*—Upon each peddler of clocks, one hundred dollars in each county of the State in which said peddler may do business.

*Twenty-second.*—Upon all itinerant doctors, dentists, opticians, or specialists of any kind doing business in this State, ten dollars for each county in which they may do business; *provided*, the provisions of this paragraph shall not apply to persons whose fixed place of business is in a county of this State and have paid the tax required by paragraph 2 of section 2.

*Twenty-third.*—Upon all brewing companies, two hundred dollars.

*Twenty-fourth.*—Upon each pawn-broker, fifty dollars for each place of business.

*Twenty-fifth.*—Upon all mercantile and collecting agencies, commercial agencies, and all other agencies of like character, fifty dollars in every county where they have established an office.

SEC. III. Be it further enacted by the authority aforesaid, That the taxes provided for in paragraphs 1 and 2 of section 2 of this Act, shall be returned to the tax-receiver in the county of the resi-



## PART I.--TITLE 2.--TAXES AND PUBLIC DEBT.

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dence of the persons liable to such tax, and shall, by the receiver of tax-returns, be entered upon his digest of taxable property, and that the taxes provided for in paragraphs 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 of section 2 of this Act shall be returned and paid to the tax-collectors of the counties where such vocations are carried on.

SEC. IV. Be it further enacted by the authority aforesaid, That the taxes provided for in paragraphs 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 of section 2 of this Act shall be paid in full for the fiscal years for which they are levied to the tax-collectors of the counties where such vocations are carried on at the time of commencing to do business specified in said paragraphs. Before any person taxed by paragraphs 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 of section 2 of this Act shall be authorized to carry on said business, they shall go before the ordinary of the county in which they propose to do business and register their names, place of business, and at the same time pay their taxes to the tax-collector, and it shall be the duty of said ordinary to immediately notify the Comptroller-General and the tax-collector. Any person failing to register with the ordinary, or, having registered, failing to pay the tax as herein required, shall be liable to indictment for misdemeanor, and, on conviction, shall be fined not less than double the tax, or be imprisoned as prescribed by section 4310 of the Code, or both, in the discretion of the court. One-half of said fine shall be applied to the payment of the tax, and the other to the fund of fines and forfeitures for use of officers of court.

SEC. V. Be it further enacted by the authority aforesaid, That all foreign and home insurance companies, or insurance brokers placing insurance on property in this State, doing business in this State, shall pay one *per centum* on all premiums in money or otherwise received by them; *provided*, this shall not include return premiums on cancelled policies; *provided further*, that this shall not apply to mutual, co-operative, or assessment fire companies organized for mutual protection against losses by fire, and receiving no premiums other than the assessment of its own members; and in addition to the tax imposed by this Act upon the gross receipts of such insurance companies, all such companies doing brokerage business in this State, such as discounting notes, bills, drafts, or exchange, lending money, or in any manner doing a business pertaining to banking or brokerage business, shall be taxed upon the capital so employed in the same manner and at the same rate as other moneyed capital in the hands of private individuals is taxed.

SEC. VI. Be it further enacted by the authority aforesaid, That all foreign and home fidelity guarantee companies, or other companies

General rule as to whom and when taxes to be paid.

Registration of business.

Failure to register to pay business tax.

Tax on insurance companies or brokers.

Exemptions from.

Insurance companies doing brokerage business.

Fidelity guarantee companies etc.

General Tax Act for 1895 and 1896.

furnishing bonds, or similar associations doing business in this State, shall pay one *per centum* on all premiums, in money or otherwise, received by them, and the agents, general or special or local, as the case may be, of said companies shall make returns to the Comptroller-General on the same terms and in the same manner as insurance companies.

Returns of  
building  
and loan  
associa-  
tions, etc.

Exemption  
from.

This tax to  
be in lieu  
of others.

SEC. VII. Be it further enacted by the authority aforesaid, That the president of all building and loan associations or other associations of like character shall be required to return to the tax-receiver of the county where such associations are located, at its true market value, the stock of such associations owned by the stockholders thereof (upon which, as shown by the books of such association, no advance has been made or money borrowed thereon by the individual stockholders therein), to be taxed as other moneyed capital in the hands of private individuals is taxed; *provided*, that no tax shall be required of building and loan associations to be paid upon any portion of their capital which has been loaned or advanced to a shareholder upon real estate, upon which real estate tax is payable by said shareholders; *and provided further*, that the taxes required by this section shall be in lieu of all other taxes and licenses, whether State, county or municipal, against said associations, except a business license by the town or city in which the principal office of any such association is located, and except a fee required to be paid the State Treasurer by the Act approved October 19, 1891.

Returns of  
corpora-  
tions, other  
than rail-  
road, insur-  
ance, ex-  
press, etc.,  
companies.

Canal or  
slack-water  
navigation  
companies.

Questions  
to be an-  
swered by  
presidents  
of manu-  
facturing  
companies.

SEC. VIII. Be it further enacted by the authority aforesaid, That the presidents of all manufacturing and other incorporated companies, or their agents, other than railroad, insurance, telegraph, telephone, express, sleeping and palace car companies, shall be required to return all their property whatever of their respective companies at its true market value to the tax-receiver of the county where the same is located, or where the principal business of each company is located, to be taxed for State and county purposes as other property in this State is taxed; save and except that all canal or slack-water navigation companies shall make, through their respective executive officers or stockholders in possession of the same, returns to the tax-receiver of each county in which the same is located, or through which the same shall pass, in whole or in part, of the right of way, locks and dams, toll-houses, structures, and all other real estate owned or used by the company or the stockholders thereof; *provided*, this Act shall not make subject to taxation any property of canal or navigation companies which is not subject to taxation by the laws of this State as now existing. The president of every manufacturing company shall be required to answer under oath, in addition to those now provided by law, the following questions:



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General Tax Act for 1895 and 1896.

*First.*—What is the value of raw material on hand on the day fixed for return of property for taxation?

*Second.*—What is the value of manufactured goods or articles on hand on the day fixed for the return of property for taxation?

*Third.*—What amount of money, bonds, notes, accounts, and choses in action of every kind did you own on the day fixed for return of property for taxation?

*Fourth.*—What other property of every kind did your company own on the day fixed for the return of property for taxation?

And such company shall be taxed upon its entire property so ascertained.

SEC. IX. Be it further enacted by the authority aforesaid, That all persons or companies, including railroad companies, doing an express or telegraph business and charging the public therefor, in this State, shall pay two and one-half *per centum* on their gross receipts, and all persons, or the superintendent or general agent of each telegraph or express company, or the president of each railroad company doing such business in this State, shall make a quarterly return, under oath, as follows: Tax on companies doing express or telegraph business.  
Returns of.

On the last day of March, June, September, and December, in each year, to the Comptroller-General, showing a full account of their gross receipts during the quarter ending on such date; and said taxes herein levied upon such gross receipts as shown by said quarterly returns shall be paid by the respective persons or companies to the Comptroller-General at the same time of making such returns; the gross receipts herein named shall be construed to mean the full amount of all money received from all business done within this State. If any person, superintendent, agent, or president, as the case may be, whose duty it is to make returns under this paragraph, shall fail to do so within thirty days after the time herein required, such person, superintendent, agent, or president shall be liable to indictment, and upon conviction shall be punished as prescribed in section 4310 of the Code of 1882. Failure to make return.

*Second.*—That each telephone company shall pay a tax of one dollar for each telephone station or box with instruments complete, rented or used by their subscribers, and the superintendent or general manager of the company, shall make returns, under oath, and payments to the Comptroller-General on the dates named in the first paragraph of this section. Tax on telephone companies.  
Returns of.

*Third.*—That each non-resident person or company, whose sleeping-cars are run in this State, shall be taxed as follows: Ascertain the whole number of miles of railroads over which such sleeping-cars are run, and ascertain the entire value of all sleeping-cars of such person or company, then tax such sleeping-cars at the regular tax rate imposed upon the property of this State, in the Sleeping-cars.

## General Tax Act for 1895 and 1896.

same proportion to the entire value of such sleeping-cars, that the length of the lines in this State over which such cars run bears to the length of the lines of all railroads over which such sleeping-cars are run. The returns shall be made to the Comptroller-General by the president, manager, general agent, or person in control of such cars in this State. The Comptroller-General shall frame such questions as will elicit the information sought, and answers thereto shall be made under oath. If the officers above referred to in control of such sleeping-cars shall fail or refuse to answer, under oath, the questions so propounded, then the Comptroller-General shall obtain the information from such sources as he may, and he shall assess a double tax on such sleeping-cars. If the taxes herein provided for are not paid, the Comptroller-General shall issue executions against the owners of such cars, which may be levied by the sheriff of any county in this State upon the sleeping-car or cars of the owner who has failed to pay these taxes.

SEC. X. Be it further enacted by the authority aforesaid, That every sewing-machine company selling or dealing in sewing-machines, by itself or its agents in this State, and all wholesale and retail dealers in sewing-machines selling machines manufactured by companies that have not paid the tax required herein, shall pay two hundred dollars for the fiscal year, or fractional part thereof, to be paid to the Comptroller-General at the time of commencement of business, and said companies or dealers shall furnish the Comptroller-General a list of agents authorized to sell machines of their manufacture, or under their control, and shall pay to said Comptroller-General the sum of five dollars for each of said agents for the fiscal year, or fractional part thereof, for each county in which said agent may do business for said company. Upon the payment of said additional sum, the Comptroller-General shall issue to each of said agents a certificate of authority to transact business in this State, and such companies, dealers, and agents, having paid the taxes required herein, shall be exempted from any county or corporation tax for selling said sewing-machines. Before doing business under this act, all sewing-machine agents shall be required to register their names with the ordinaries of those counties in which they intend to operate and exhibit to said ordinaries their license from the Comptroller-General, and to keep such license posted on their vehicles or at their places of business. Wholesale or retail dealers in sewing-machines shall be required to pay the tax provided herein for each manufacture of sewing-machines sold by them, except the manufacture of such companies as have paid the tax required by this Act. All unsold sewing-machines belonging to sewing-machine companies, dealers, or their agents, in possession

Returns of.

Failure to make proper return.

Failure to pay tax.

Sewing-machine companies or dealers.

Lists of agents.

Tax on agents.

Agent's certificate

Exemption from county or corporation tax.

Registration of agents, etc.

Tax for each manufacture of machines.

Lien on unsold machines.

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of said companies, dealers, their agents, or others, shall be liable to seizure and sale for payment of such fees, license, and tax. Any person who shall violate the provisions of this section shall be liable to indictment for a misdemeanor, and on conviction shall be punished as prescribed in section 4310 of the Code. None of the provisions of this section shall apply to licensed auctioneers selling second-hand sewing-machines, or to officers of the law under legal process, or to merchants buying and selling machines on which a license tax has been paid, as herein provided, and who keep the said machines and sell and deliver them at their places of business, such sales not being on commission.

Penalty for violations of this section.

Exemptions.

SEC. XI. Be it further enacted by the authority aforesaid, That no tax shall be assessed upon the capital of banks or of banking associations organized under the authority of this State or of the United States, and located within this State; but the shares of the stockholders of such bank or banking associations, whether resident or non-resident owners, shall be taxed in the county where such bank or banking associations are located, and not elsewhere, at their true and full market value at the same rate provided in this Act for taxation of moneyed capital in the hands of private individuals; *provided*, that nothing in this section contained shall be construed to relieve such banks or banking associations from the tax on property owned by them and provided for in section 8 of this Act.

Tax on bank stock.

SEC. XII. Be it further enacted by the authority aforesaid, That the president of all railroad companies doing business in this State shall make returns to the Comptroller-General in the manner provided by law for the taxation of the property, of the gross receipt or net income of such railroads, and shall pay the Comptroller-General the tax to which such property or gross receipts or net income may be subject according to the provisions of this Act and the laws now of force relating to the tax on railroads; and, on failure to make returns or refusal to pay tax, said companies shall be liable to all the penalties now provided by law, and the Comptroller-General is hereby required, upon failure of such companies to make returns, or if made and not satisfactory to said officer, to proceed against such companies as provided in section 826(d) of the Code of 1882.

Returns of railroad companies.

Payment of tax

Failure to make return or pay tax.

SEC. XIII. Be it further enacted by the authority aforesaid, That the president and principal agents of all the incorporated companies herein mentioned, except such as are required to make returns to the tax-receivers of the counties, shall make returns to the Comptroller-General, under the rules and regulations provided by law for such returns, and subject to the same penalties and the modes of procedure for the enforcement of taxes from companies or persons required by law to make returns to the Comptroller-General.

Corporations to make returns to Comp.-General, etc

## General Tax Act for 1895 and 1896.

Questions  
to be an-  
swered by  
owners of  
vessels, etc.

Returns of  
and tax on.

General  
rule as to  
returns for  
ad valorem  
tax.

Additional  
questions  
for to be  
framed by  
Comp.-  
General

Especially.

No  
deduction  
on account  
of indebt-  
edness of  
tax-payer.

Oath of  
person  
making  
return.

SEC. XIV. Be it further enacted by the authority aforesaid, That any person or company, resident of this State, who is the owner of a vessel, boats, or water-craft of any description, shall answer under oath the number of vessels, boats, and other water-crafts owned by them and the value of each, and make returns of the same to the tax-receiver of the county of the residence of such person or company, and the same shall be taxed as other property is taxed.

SEC. XV. Be it further enacted by the authority aforesaid, That in returning property for taxes, all property shall be returned at its value; promissory notes, accounts, judgments, mortgages, liens of all kinds, and all choses in action shall be given in at their value, whether solvent or partially solvent. Every person shall return for taxes all jewelry and other property of every kind owned by his wife and minor children, unless the members of his family or her family return their property for taxation. In addition to the questions now propounded to tax-payers by the tax-receivers, questions shall be framed by the Comptroller-General to reach all property upon which a tax is imposed by this Act, and especially the following questions:

*First.*—The number of horses, mules, oxen, cows, sheep, hogs, goats, and of all other animals upon which a tax is imposed by law, and state the value of each.

*Second.*—The kind and value of property owned by the wife and minor children of the tax-payer and not returned for taxes by the owner thereof.

*Third.*—Whether solvent or partially solvent, give the value of your bonds, stock of non-resident companies or corporations, or of companies or corporations in this State whose capital stock is not returned by the president of such company or corporation, all notes, accounts, judgments, mortgages, liens, and other choses in action of every kind, whether such bonds, stocks, notes, etc., are held by the tax-payers in Georgia, or held by some other person for him either in or out of this State. There shall be no deduction from the value of property returned for taxes on account of any indebtedness of such tax-payer.

SEC. XVI. Be it further enacted by the authority aforesaid, That the oath to be administered to all persons making returns of their taxable property shall be the oath required under the Act of October 20, 1885, to be attached to the printed list furnished under said Act and presented to each tax-payer; *provided*, that non-residents, females, and sick persons may subscribe the oath herein required before any person authorized by law to administer oaths, and cause same to be delivered to the tax-receiver.

## PART I.—TITLE 2.—TAXES AND PUBLIC DEBT.

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SEC. XVII. Be it further enacted by the authority aforesaid, That the Comptroller-General is authorized and empowered to order the tax-receivers of this State to commence receiving the returns of taxable property immediately after the first day of April of each of the years eighteen hundred and ninety-five (1895) and eighteen hundred and ninety-six (1896), and that the Comptroller-General is empowered and required to cause the taxes to be collected and paid into the State treasury by the 20th of December of each of the years 1895 and 1896.

When  
returns to  
be receivedWhen  
taxes to be  
paid.

SEC. XVIII. Be it further enacted by the authority aforesaid, That blind persons, Confederate soldiers, and all other persons so deformed by nature as to render them unfit for manual labor, relieved by the proviso in paragraph 1, section 2, from the payment of the tax designated in that paragraph, shall be relieved also from the payment of the taxes designated in paragraphs 6, 7, 8, and 11 of section 2, if carrying on and dependent upon the kinds of business designated therein; *provided*, that before any person shall be entitled to the benefit of any of the exemptions provided for in this section, he shall go before the ordinary of the county in which he proposes to carry on business, and make and file an affidavit setting forth the facts that he is entitled to such exemption, that he is proprietor of the business he proposes to conduct, and is conducting the same for himself, and not for others.

Exemp-  
tions of  
blind  
persons.  
soldiers.  
and  
persons  
deformed.

SEC. XIX. Be it further enacted by the authority aforesaid, That immediately after the first day of March of each of the years 1895 and 1896, the Governor, Comptroller-General, and State Treasurer shall fix a day between January the 1st and April the 1st of each of the years 1895 and 1896, as a day for making a return of taxes, instead of April 1st, which day shall not be fixed until March 1st of each of the years 1895 and 1896, as provided by Act approved December 20, 1893.

Day for  
making  
returns,  
how fixed.

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

Approved December 18, 1894.

# **EXHIBIT 39**



## PART I.—TITLE II.—TAXES.

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 For Support of State Government 1883-84.
 

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## TITLE II.

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 TAXES.
 

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 ACTS.
 

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## FOR SUPPORT OF STATE GOVERNMENT 1883-84.

To extend time for returning wild lands and payment of taxes thereon for 1882.  
 Taxation of railroads by counties and municipal corporations on property not used  
 in their ordinary business.  
 For taxing rolling stock and personal property of railroads partly in this and  
 partly in other States.  
 Amending of Act of September 28th, 1881, as to record of wild land returns,  
 notification to owner, etc.

## FOR SUPPORT OF STATE GOVERNMENT 1883-84.

## No. 18

An Act to levy and collect a tax for the support of the State Government and the public institutions; to pay the interest and maturing principal of the public debt and for educational and other purposes herein mentioned for each of the fiscal years eighteen hundred and eighty-three and eighteen hundred and eighty-four.

Tax for  
1883-4.

Not to ex-  
ceed two  
and one-  
half tenths  
of one per  
cent.

Specific  
taxes.

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the Governor be authorized and empowered, with the assistance of the Comptroller-General, to assess and levy a tax on the taxable property of the State, which will not exceed two and one-half tenths of one per cent. for each of the fiscal years eighteen hundred and eighty-three and eighteen hundred and eighty-four.

SEC. II. *Be it further enacted by the authority aforesaid,* That in addition to the *ad valorem* tax on real and personal property, as required by the Constitution, and provided for in the preceding section, the following specific taxes shall be levied and collected for each of said fiscal years of eighteen hundred and eighty-three and eighteen hundred and eighty-four :

## PART I.—TITLE II—TAXES.

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For Support of State Government 1883-84.

First—Upon every practitioner of law, medicine, or dentistry, ten dollars; and no municipal corporation or county authorities, shall levy any additional tax on said professions, either as license, fee or otherwise.

Practitioners of law, medicine and dentistry.

Second—Upon every daguerrean, ambrotype, photographic and similar artist, ten dollars.

Daguerrean and similar artists.

Third—Upon every person carrying on the business of an auctioneer, twenty-five dollars for each county in which they may carry on such business.

Auctioneers

Fourth—Upon every keeper of a pool, billiard or bagatelle table, kept for public use (whether in a saloon, barroom, hotel or other public place), twenty-five dollars for each table.

Keepers of pool, billiard and bagatelle tables.

Fifth—Upon every keeper of any other table, stand or place, or any game or play, with or without a name (unless kept for exercise or amusement, not prohibited by law, and not kept for gain, directly or indirectly), fifty dollars in each county.

Of any other table, stand or place for games.

Sixth—Upon every keeper of a ten pin alley, or other alley of like character kept for public play, twenty-five dollars for each place of business.

Tenpin and other alleys.

Seventh—Upon every traveling vendor of patent or proprietary medicines, special nostrums, jewelry, paper, soap or other articles of like character, twenty-five dollars in each county where they may offer such articles for sale; *provided*, this shall not apply to maimed Confederate soldiers, who are now, or may hereafter be licensed, by the ordinaries of the various counties to peddle without license, in conformity with section 534, Code of 1872.

Traveling Vendors of patent medicines, etc.

Eighth—Upon every person or firm soliciting policies of insurance or otherwise acting as agent of an insurance company, ten dollars in each county in this State in which such firm, person or agent may solicit business, and upon every person or firm soliciting business, or acting as agent for any matrimonial, natal, or nuptial association or company, twenty-five dollars for each company in each county in which such person, firm or agent may solicit business.

Agents of insurance companies.

Of matrimonial, natal or nuptial associations.

Ninth—Upon each emigrant agent, employer or ememployé of such agent doing business in this State, the sum of five hundred dollars for each county in which such business is conducted.

Emigrant agents and their employees.

Tenth—Upon traveling vendors using boats for the purpose of selling goods on the rivers within the limits of this State, the sum of fifty dollars in each county where they may sell their wares, and said tax shall be a lien on the boat and its contents without regard to ownership thereof.

Traveling Vendors using boats.

Eleventh—Upon all lightning rod dealers, the sum of twenty-five dollars for each and every county in which they may operate.

Lightning-rod dealers.

Twelfth—Upon every person or firm who, as agent for resident or non-resident owner, holds or keeps for hire or sale on commission any piano or pianos, or other musical instruments, the sum of twenty-five dollars for each county in which such person or firm does business.

Agents for dealers or owners of musical instruments.

Thirteenth—Upon each and every male inhabitant in this State, on the first day of April, between the ages of twenty-one and sixty

Poll-tax.

## PART I.—TITLE II.—TAXES.

For Support of State Government 1883-84.

- years, a poll tax of one dollar for each of said years 1883 and 1884, which tax shall be for educational purposes.
- Shows and Exhibitions.** Fourteenth—Upon all shows and exhibitions (except such as histrionic, musical, dramatical, operatic and elocutionary), including side-shows accompanying circus companies, twenty-five dollars in each and every city or town of five thousand inhabitants; twenty dollars in city or town of four thousand and under five thousand inhabitants; and fifteen dollars in city or town with less than four thousand inhabitants; said tax so collected shall be for educational purposes.
- Circus Companies.** Fifteenth—Upon every circus company, two hundred dollars each day it may exhibit in the State of Georgia; said tax shall be for educational purposes.
- Liquor dealers.** Sixteenth—Upon all dealers in spirituous or malt liquors and intoxicating bitters, whether dealing in either or all thereof, the sum of twenty-five dollars for each place of business in each county where same are sold; *provided*, this tax shall not relieve such dealers from any local tax or prohibitory law in reference to the retail of spirituous and intoxicating liquors or intoxicating bitters, nor be required of those who sell by wholesale spirits manufactured of apples, peaches, grapes or other fruits grown on their own lands when sold in quantities not less than five gallons; said tax shall be for educational purposes.
- Proviso.**
- Sewing Machine Agents and dealers.** Seventeenth—Upon every person acting as the agent, other than the general agent or manager of sewing machine companies, or of wholesale dealers in sewing machines, or of the general agent or manager of sewing machine companies, or any person selling for a retail dealer, or any retail dealer who shall peddle sewing machines, ten dollars in each county where said person may do business as such agent of such sewing machine company, or as the agent of any general agent or manager of sewing machine companies, or as the agent of any wholesale or retail dealer in sewing machines, or such peddler for the purpose of selling single machines to consumers, and not for the purpose of selling to other dealers exclusively; *provided*, that this tax of ten dollars shall not apply to maimed Confederate soldiers, who are now or may hereafter be licensed by the ordinaries of the various counties to peddle without license, in conformity with section 534, Code of 1873; *provided*, *further*, that such maimed soldiers shall peddle said machines in their own right, and not as agent or employes of another. This tax upon such agents shall operate as a lien upon any property of the person or firm (for whom the agent is doing business) to be found in the State; and before such agent or peddler, being a retail dealer, shall be authorized to sell sewing machines as an agent of such sewing machine company, or as the agent of a general agent or manager of sewing machine companies, or as the agent of such wholesale or retail dealer in sewing machines as herein defined, he shall make record of the fact of his being such an agent with the ordinary of the county in which he or she proposes to do business, and upon failure to do so shall be liable to indictment, and on conviction shall be fined in a sum of not less than fifty dollars, nor
- Proviso in favor of maimed confederate soldiers.**
- This tax to be a lien on property of principal.**
- Record to be made with Ordinary.**
- Penalty for failure.**

## PART I.—TITLE II.—TAXES.

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For Support of State Government 1883-84.

more than one hundred dollars, at the discretion of the court trying same, and one-half of such fine shall go to any person who shall report the violation of this law.

Eighteenth—And upon all dealers in pistols, revolvers, dirk or Bowie knives, the sum of twenty-five dollars for each place of business in each county where the same are sold, and said tax shall be for educational purposes. The tax provided by this paragraph shall be assessed against all dealers in the articles herein enumerated, on and after the first day of April, 1883, and such dealer shall not be liable for said tax of twenty-five dollars prior to the first of April, 1883. Dealers in weapons.

SEC. III. *Be it further enacted by the authority aforesaid,* That the taxes provided for in paragraphs 1, 2 and 13, shall be returned to the tax receiver in the county of the residence of the person liable for such tax, and shall by the receiver of tax returns be entered upon his digest of taxable property; and that the taxes provided for in paragraphs 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17 and 18 of section II of this Act, shall be returned and paid to the tax collectors of the counties where such vocations are carried on. Returns for taxes in certain paragraphs. Of counties where avocations are carried on.

SEC. IV. *Be it further enacted by the authority aforesaid,* That the taxes provided for in paragraphs 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17 and 18, of section II of this Act, shall be paid in full for the fiscal years for which they are levied to the tax collectors of the counties where such vocations are carried on at the time of commencing to do business specified in said paragraphs. Payments of certain taxes.

SEC. V. *Be it further enacted by the authority aforesaid,* That all foreign and home insurance companies doing business in this State shall pay one per cent. on all premiums in money or otherwise received by them, and in addition to the tax imposed by this Act on the gross receipts of such insurance companies; all such companies doing a brokerage business in this State, such as discounting notes, bills, drafts or exchange, lending money, or in any manner doing a business pertaining to banking or brokerage business, shall be taxed upon the capital so employed in the same manner and at the same rate as other moneyed capital in the hands of private individuals is taxed; and every individual or firm engaged in the business of selling or buying farm products for future delivery (commonly called "futures") shall pay a tax of two hundred dollars each per annum; *provided*, that this tax shall not be demanded of any cotton warehouseman, dealer in actual cotton, or any provision broker who takes orders in the regular course of their trade. Insurance companies. When brokerage business is done. Farm products for future delivery. Proviso.

SEC. VI. *Be it further enacted by the authority aforesaid,* That the president of all building and loan associations, or associations of like character, shall be required to return to the tax receiver of the county where such associations are located, at its true market value, the stock of such associations owned by the stockholders thereof, upon which, as shown by the books of such associations, no advance has been made on money borrowed thereon by the individual stockholders therein, to be taxed as other money capital in the hands of private individuals is taxed; *provided*, that no tax shall be re- Building and loan associations. Proviso.

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For Support of State Government 1883-84.

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quired of real estate and building associations to be paid upon any portion of its capital which has been loaned or advanced to a shareholder upon real estate, upon which real estate tax is payable by said shareholder.

Returns to be made by Presidents of manufacturing and other corporations.

SEC. VII. *Be it further enacted by the authority aforesaid,* That the president of all manufacturing and other incorporated companies (or their agents), other than railroad, insurance, telegraph, telephone, express, sleeping and palace car companies shall be required to return all of their property whatever of their respective companies, at its true market value, to the tax receiver of the county where same is located (or where the principal business of each company is located), to be taxed for State and county purposes, as other property in this State is taxed.

Taxes and returns for express, telegraph, telephone, sleeping and palace car companies.

SEC. VIII. *Be it further enacted by the authority aforesaid,* That all express, telegraph, telephone and sleeping and palace car companies doing business in this State shall pay a tax of one per cent. on their gross receipts, and the superintendent or general agent of each express, telegraph, telephone, sleeping and palace car company doing business in this State shall make a quarterly return, under oath, as follows: on the last day of March, June, September and December of each year to the Comptroller-General, showing an account of their gross receipts during the quarter ending on that day, and said taxes herein levied upon such gross receipts, as shown by said quarterly returns, shall be paid by the respective companies to the Comptroller-General at the time of making said return.

Sewing machine companies and wholesale dealers.

SEC. IX. *Be it further enacted,* That each sewing machine company, home or foreign, selling or dealing in sewing machines, of home or foreign manufacture, by itself or its agents, in this State, and all wholesale dealers in sewing machines selling sewing machines of home or foreign manufacture to other wholesale or retail dealers shall pay the sum of two hundred dollars for each fiscal year or fractional part thereof to the Comptroller-General at the time of commencement of business for each fiscal year or fractional part thereof, and all sewing machines belonging to such companies, dealers or their agents, in possession of such companies, dealers, their agents or others, shall be liable to seizure and sale for the payment of such tax. This tax shall be for the whole State, and such companies, their general agents and wholesale dealers, shall not be liable for any county tax or license fees by the counties for selling sewing machines therein. In cases where wholesale dealers sell sewing machines manufactured by different companies, such dealers shall pay the tax above provided for separately for each company whose manufacture of machines may be sold by such dealers. Any person who, after the first day of April, 1883, shall violate the provisions of this section shall be liable to indictment, and on conviction shall be fined in a sum of not more than two hundred and fifty dollars and not less than fifty dollars, in the discretion of the court trying the same, and one-half of such fine shall be paid to any person who may report the violation of the provisions of this section.

Not liable for local taxes.

Tax to be paid for each company.

SEC. X. *Be it further enacted by the authority aforesaid,* That each iron safe company selling or dealing in new iron safes, by itself or



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For Support of State Government 1883-84.

agent, and all dealers in iron safes selling or dealing in new iron safes, and any individual or company making a regular business in dealing in or selling second hand iron safes in this State, shall pay to the Comptroller-General two hundred dollars at the time of commencement of business for each fiscal year or fractional part thereof, and all safes belonging to such companies, dealers or their agents, in possession of such companies, dealers, their agents or others, shall be liable to seizure and sale for payment of such tax.

Iron safe  
companies  
and dealers  
in iron  
safes.

SEC. XI. *Be it further enacted by the authority aforesaid,* That no tax shall be assessed upon the capital of banks or banking associations organized under the authority of this State, or of the United States, and located in this State, but the shares of the stockholders of such banks or banking associations, whether resident or non-resident owners, shall be taxed in the county where such banks or banking associations, whether resident or non-resident owners, shall be taxed in the county where such banks or banking associations are located, and not elsewhere, at the same rate provided in this Act for the taxation of moneyed capital in the hands of private individuals; *provided,* that nothing in this section contained shall be construed to relieve such banks or banking associations from the tax on property owned by them as provided in section 7 of this Act.

Banks and  
Banking  
Associa-  
tions.

Proviso.

SEC. XII. *Be it further enacted by the authority aforesaid,* That the presidents of all railroad companies doing business in this State shall make return to the Comptroller-General as now provided by law for the taxation of the property or gross receipts or net income of railroads, and shall pay to the Comptroller-General the tax to which such property or gross receipts or net income may be subject, according to the provisions of this Act and the laws now in force relating to tax on railroads; and on failure to make returns or refusal to pay tax, said companies shall be liable to all the penalties now provided by law.

Returns  
and pay-  
ment of tax  
on railroad  
companies.

Penalty for  
failure to  
return and  
pay tax.

SEC. XIII. *Be it further enacted by the authority aforesaid,* That the president or principal agents of all incorporated companies herein mentioned, except such as are required to make return to the tax receivers of the counties, shall make returns to the Comptroller-General, under the rules and regulations provided by law for such returns, and subject to the same penalties and modes of procedure for the enforcement of taxes from companies or persons required by law to make returns to the Comptroller-General.

Returns for  
corpora-  
tions to be  
made to  
Comptrol-  
ler General,  
except  
such as are  
to be made  
to tax re-  
ceivers.

SEC. XIV. *Be it further enacted by the authority aforesaid,* That the oath to be administered to all persons making returns of their taxable property shall be in the following words: "You do solemnly swear that you will true answers make to all lawful questions which I may put to you touching the return you are about to make; and that you will make a true return of all your cash or moneyed capital, and every other species of property at its true and full market value, on the first day of April, preceding, to the best of your knowledge and belief, so help you God;" and it shall be the duty of the officers receiving such returns to inquire of each and every person taking such oath, touching all his taxable property and the market value of same, and to propound such questions as may be published

Oath to be  
taken in  
making re-  
turns.

Duty of  
officers to  
make in-  
quiry.



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To Extend the Time for Returning Wild Lands and Payment of Taxes thereon for 1882.

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by the Comptroller-General under the law for the purpose of eliciting full and true returns of the taxable property of this State.

Power of  
Comptrol-  
ler-General  
as to time  
for making  
returns and  
payment.

SEC. XV. *Be it further enacted by the authority aforesaid,* That the Comptroller-General is authorized and empowered to order the tax receivers of this State to commence receiving the returns of taxable property immediately after the first day of April of the years 1883 and 1884, and the Comptroller-General is empowered and required to cause the taxes to be collected and paid into the State Treasury by the twentieth day of December of each of said years 1883 and 1884.

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

Approved December 9, 1882.

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TO EXTEND THE TIME FOR RETURNING WILD LANDS AND  
PAYMENT OF TAXES THEREON FOR 1882.

No 38.

An Act to extend the time for returning wild lands for taxation in this State, and for the payment of taxes due on such lands for the year 1882, and for other purposes herein mentioned.

Act of Sep.  
28, 1881, re-  
quiring re-  
turns made  
and taxes  
paid in  
counties  
where wild  
lands lie.

WHEREAS, the General Assembly of the State of Georgia passed an Act, approved September 28, 1881, providing for the return of wild lands to the receiver of tax returns and the tax thereon to be paid to the tax collectors of the counties where such lands are located; and *whereas*, the said law going into effect before the provisions of the same were generally known to the owners of such lands, thereby causing a large number of such owners to be late in making their returns of such lands to the proper receiver for taxation, as required by the Act above mentioned; and *whereas*, in a number of counties in this State delays have occurred in the levying of the tax for county purposes, whereby owners or their agents of such lands in such counties have been unable to ascertain the amount of tax due for the present year and to pay the same to the tax collector in the time prescribed by law: therefore,

Time ex-  
tended for  
returning  
wild lands.

Tax re-  
ceivers to  
receive re-  
turns of  
wild land  
for 1882 and  
report same  
to Compt-  
roller-Gen-  
eral.

SECTION I. *Be it enacted by the General Assembly of Georgia,* That the time for returning wild lands in this State for the year 1882 be extended until the first day of February, 1883, and the receivers of the several counties are hereby empowered and required to receive such returns as may be made of such lands as provided by said Act of September 28, 1881, and to enter same upon wild land digest retained in their county showing returns of such lands for the year 1882, and when such returns as may be made under provision of this Act are received by them, they shall forward a copy of same to the Comptroller-General so that he may enter the same on the digest

# **EXHIBIT 40**

§ 491. *Licenses issued by probate judge ; contents ; rights limited ; fee for issuing.*—Upon the payment of such amount to the probate judge, he shall issue the license, which shall set forth the name of the person, firm, company, or corporation, the business which it is proposed to carry on, and the location where it is to be established ; or, if a peddler, whether he proposes to travel on foot, on horse, or in a wagon ; and such license shall not be transferable, nor shall it entitle the holder thereof to carry on or exercise any other business or profession than the one therein named, nor at any other location than the one therein specified ; and the probate judge shall be paid for making out such license a fee of not more than fifty cents by the person receiving the same. (1)

§ 492. *List of licenses granted, and amount of taxes received therefor furnished solicitor for grand jury.*—The probate judge in each county, on the first day of each circuit court, must furnish to the acting solicitor, to be by him laid before the grand jury, a statement in writing showing the licenses granted and the taxes received thereon within the last twelve months preceding such court, to whom and for what such license was granted.

§ 493. *Quarterly list, with money received, certified to auditor : per cent. allowed probate judge.*—In the second week in March, and every three months thereafter, the judge of probate shall forward to the auditor of the state a certified list of all licenses issued by the probate judge, together with the money received by him on such licenses, and shall receive the same per cent. for such services as is allowed by law for receiving and paying out money for the counties.

§ 494. *License for one year : expires December 31 : after July first half prices of licenses, and for what required.*—All licenses shall expire on the thirty-first day of December in each year, and shall be for one year, unless the business licensed shall commence after the first of July, in which case the price of the license shall be one-half the amount of a year's license. The prices of licenses shall be as follows, to-wit :

<sup>a</sup> As amended.  
Feb. 9, 1877, p.  
16

1. *a* For each public race track, at or within five miles of any city or town containing less than five thousand inhabitants, one hundred dollars ; at or within five miles of any city or town containing more than five thousand inhabitants, two hundred dollars.

2. For retailers of spirituous, vinous or malt liquors, on any steamboat or water craft, one hundred dollars ; in any city, town or village of less than one thousand inhabitants, or any other place, fifty dollars ; and in any city, town or village of more than one thousand, and less than five thousand inhabitants, one hundred dollars ; in any city of over five thousand inhabitants, one hundred and twenty-five dollars.

Any person who sells or disposes of spirituous, vinous or malt liquors, or intoxicating bitters, in any quantity less than one quart shall be deemed a retail dealer ; but each retailer of spirituous, vinous or malt liquors, outside the following described boundaries in the city of Mobile, to-wit :

Right bank of Mobile river on the east, Church street on the south, Joachim street on the west, St. Michael street on the north, including those settled on the north side of St. Michael street, on the west side of Joachim, and on the south side of Church street, shall be charged a state license of seventy-five dollars ; but dealers in lager beer exclusively shall be charged one-fourth the rates

(1) In absence of licensed principal, clerk may legally carry on business under the license. - 37 Ala. 151.

charged for license for selling ardent spirits ; and any person who takes out and pays for a retail license, shall not be required to take out a license as a wholesale dealer ; and when a retail license is taken out after the first of January, the price of the license shall be the same as for a license for twelve months.

3. For wholesale dealers in spirituous, vinous or malt liquors, in any place of less than one thousand inhabitants, thirty dollars ; in any place of over one thousand and under three thousand inhabitants, fifty dollars ; in any city of over three thousand inhabitants, seventy-five dollars ; but wholesale dealers living outside of the limits prescribed in preceding section in the city of Mobile, shall be charged fifty dollars.

Any person dealing in said articles who shall sell, barter or exchange, or in any way dispose of or permit to be taken, spirituous, vinous or malt liquors in any quantity less than one quart, or who shall permit the same to be drunk by the glass or single drink in or about his place of business, shall be deemed a retail dealer ; and any dealer so disposing of spirituous, vinous or malt liquors, only in quantity of one quart or more, shall be deemed a wholesale dealer ; but any person having taken out a license as a retail dealer, is authorized to sell at wholesale without additional license.

4. For compounders and rectifiers of spirituous or vinous liquors, one hundred dollars. Any person who rectifies, purifies, or refines distilled spirits or wines, by any process, or who mixes distilled spirits or wines with any chemicals, or compounds liquors for sale under any name, shall be deemed a compounder and rectifier ; but a wholesale dealer, who pays under the preceding paragraph an equal or larger license tax, shall be exempt from this tax.

5. For distillers of spirituous liquors, fifty dollars ; but this shall not apply to the distilling of fruits.

6. For brewers, fifteen dollars.

7. For pawn brokers, fifty dollars.

8. For peddlers in a wagon, forty dollars ; for peddlers on a horse, twenty dollars ; for peddlers on foot, ten dollars. A peddler's license shall entitle him to peddle only in the county where it is taken out ; but this shall not apply to any articles produced or manufactured in this state, except as otherwise provided. And it is hereby made the duty of justices of the peace and notaries public in this state to demand of peddlers in their several precincts their licenses ; and unless they exhibit the same, or show that they have a right under the law to peddle the articles carried by them without a license, such justices and notaries public must issue warrants for the arrest of such peddlers, returnable to any court in said county having criminal jurisdiction, which warrants may be executed by the sheriff or any constable of the county. (1) <sup>a March 8, 1876, p. 101.</sup> But it shall be lawful for any citizen of this state having but one arm or one leg, or who labors under any other physical disability of making a livelihood by labor, to peddle in any county in this state by taking out a license in any one county, the payment of such license tax to be evidenced by the receipt of any judge of probate. Before such person shall engage in peddling, he shall obtain a certificate from two regularly practicing physicians, setting forth the character of the disability under which he labors, and that the same is sufficient to bring him within this provision ;

(1) Making it misdemeanor to peddle without license constitutional.—51 Ala. 52.



and the certificate shall be a condition precedent to this exemption.\*

10. For bowling alleys, for the use of which money or other compensation is charged, twenty-five dollars for each alley.

11. For billiard tables, for the use of which money or any compensation is charged, twenty-five dollars for each table; and this amount for every billiard table on the premises where a bar or drinking saloon is kept, whether its use is charged for or not. (2)

12. For any table on which the game of pool is played, one hundred dollars.

13. For bagatelle or jenny lind tables, fifty dollars; and the same amount for any other table or device of any kind from which any kind of profit is derived to the keeper.

b Amendment,  
Jan. 22, 1877,  
p. 12.

14. b For theatres in towns or cities containing more than two thousand inhabitants, \$50 00; in towns or cities containing less than two thousand inhabitants, \$25 00; but the owners or managers of theatres holding such licenses must issue tickets of admission to all persons whom they admit to their exhibitions, and must thereon assign a particular seat to each such visitor in such part of the theatre as the convenience of the owners or managers may require.

15. For dealers in pistols, bowie-knives and dirk-knives, whether the principal stock in trade or not, fifty dollars.

16. For peddlers of medicines or other articles of like character, twenty-five dollars for each county in which they peddle.

17. For each sewing machine company, selling sewing machines by themselves or their agents, one hundred dollars as a state tax. The payment of this tax to the state, evidenced by the receipt of any probate judge, shall exempt the company from payment of this state tax in any other county; but each county in which the company may have an agent, a license of twenty dollars shall be paid for county purposes.

c Amendment,  
Feb. 9, 1877, p.  
18.

18. c For each exhibition of a circus in towns or cities having more than five thousand inhabitants, one hundred dollars; in all other places, fifty dollars.

19. For each exhibition of a menagerie or museum, twenty dollars.

20. For each exhibition of a side-show accompanying a circus, menagerie or museum, ten dollars.

21. For each exhibition of feats of legerdemain or slight-of-hand, or other exhibition, or entertainments, ten dollars.

22. For concerts, musical entertainments and public lectures, where charges are made for admission and not given for charitable purposes, each entertainment five dollars.

23. For each shooting gallery, twenty-five dollars.

24. For each chicken or cock pit, twenty-five dollars.

§ 495. *Fifty per cent. may be added by county; commissions of probate judge.*—The courts of county commissioners are hereby authorized to add to the price of licenses, for county purposes, such sums as they may designate, not to exceed fifty per cent. on the state licenses, except as herein otherwise provided, and the judge of probate is allowed two and a half per cent. for the collection and payment of the license money to the officer to whom it is to be paid, to be deducted from his said collections.

§ 496. *Retailing on steamboats; licenses posted up, and forfeited*

\* Subdivision 9, requiring drummers, commercial travelers or agents, who sell by samples, to pay license tax, repealed December 14, 1876, p. 11.  
(2) 49 Ala. 37.

# **EXHIBIT 41**



No. 3.]

AN ACT.

[H. B. 940.]

To fix the rate of taxation in this State.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That on all property liable to taxation in this State, there shall be assessed and collected a tax of five and one-half tenths of one per centum for the fiscal year ending September 30th, 1888, and five-tenths of one per centum for each year thereafter.

Where collected.

Approved February 28th, 1887.

No. 4.]

AN ACT

[H. B. 211.]

To amend sections 4 and 11, and sub-division 8 of section 2, sub-divisions 2, 5 and 6 of section 6, and sub-divisions 2, 3, 4, 5, 6, 9, 10, 17, 18, 20, 29, 31, 32, 33 and 34 of section 14, and to repeal sub-division 8 of section 6, of an act entitled "An Act to levy taxes for the use of the State and the counties thereof," approved December 12, 1884, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of Alabama,* That sections 4 and 11, and sub-division 8 of section 2, and sub-divisions 2, 5 and 6 of section 6, and sub-divisions 2, 3, 4, 5, 6, 9, 10, 17, 18, 20, 29, 31, 32, 33 and 34 of section 14 of an act to levy taxes for the use of the State and the counties thereof, approved December 12, 1884, be and they are hereby amended so as to read as follows: That sub-division 8 of section 2 be amended so as to read as follows: 8. The following property to be selected by the head of each family, viz: household and kitchen furniture, not to exceed in value one hundred and fifty dollars; one yoke of oxen, one cart or wagon, two cows and calves, twenty head of stock hogs, ten head of sheep, all poultry, all agricultural products of the preceding year which are on hand, in the hands of the producer on the first of January thereafter, provisions and supplies on hand for the current year for the use of the family and the making of the crop, all wearing apparel, all looms and

Sections amended.

Property exempt.

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Proviso.

spinning wheels, kept for use of the family, farming tools to the value of twenty-five dollars, tools and implements of mechanics to the value of twenty-five dollars, one sewing machine in each family when the taxable property does not exceed two hundred and fifty dollars; *Provided*, that no property or subject of taxation shall be exempt from taxation, nor shall any credit, abatement, or deduction be allowed therefrom, unless such property or subject of taxation is entered by the tax-payer upon his assessment list and returned by him under oath to the tax assessor.

When taxes  
are due.

SEC. 2. That section 4. be amended so as to read as follows: All taxes, unless otherwise herein directed, shall become due and payable on the first day of October in each year, and shall become delinquent if not paid on or before the thirty-first day of December in each year, except in cases where parties are about to remove from the county, and except also poll taxes, which shall become delinquent if not paid on or before the first day of December in each year, after which last date as to poll taxes, the tax collector may proceed to enforce payment by garnishment, or the seizure and sale of personal property, as herein provided for the collection of other delinquent taxes.

SEC. 3. That sub-divisions 2, 5 and 6 of section 6, be amended so as to read as follows:

Insurance  
companies.

2. On gross amount of premiums (after deducting therefrom the expenditures, losses paid and return premiums) received from their business in this State during each tax year by any life, fire or marine insurance company not chartered by this State, and doing business herein by agents or otherwise, at the rate of one per cent., each agent in this State of any insurance company organized under the laws of any other State or country and doing business in this State, shall annually, in the month of January, return to the assessor

Agent must  
make state-  
ment.]

of the county in which such agency is located, a sworn statement of the gross receipts of such agency for the year ending on the first day of the month, including all notes, accounts and other things received or agreed upon as a compensation for insurance at such agency, with a statement of expenditures, losses paid and return premiums, and the company shall be charged with taxes at the place of such agency on the amount

so returned, and the agent shall also be personally responsible for such taxes, and may retain in his hand a sufficient amount of the company's assets to pay the same unless the same shall be paid by the company, but no corporation not incorporated under the laws of the State, nor any foreign society, firm or partnership shall do business in this State except through an agent duly authorized, and accredited for the purposes of said business and for all purposes connected with licenses and taxation and service of process, said agent to be appointed by authentic act, and a certified copy of the act to be deposited in the office of the Auditor of this State. Any person or firm who shall fill up or sign a policy or certificate of insurance, on open marine or fire insurance policy, or otherwise issue by a corporation or association, or persons not located or represented in this State by a legally authorized agent, shall be considered an agent of such corporation, or association, and shall be liable for all licenses, taxes and penalties enforced by the provisions of this act, upon such person, corporation and association, as if represented by a legally appointed agent; any agent or company refusing or failing to make returns within the time prescribed by law or refusing to pay the amount assessed as tax shall forever be debarred from doing business in this State.

Agent responsible for taxes.

Foreign companies must have an agent.

Who are agents.

Penalty.

5. On the gross receipts during such tax year of all cotton pickeries, cotton seed oil mills, and from the storage of cotton or merchandise or produce, and on the gross amount of income, of all gas works, electric light companies, water works, ferries, toll bridges, public mills and gins used in ginning for tolls, cotton compresses, after deducting the expense of carrying on such business at the rate of one per cent.

Oil and gas works.

6. On the gross amount of the receipts by any and every telegraph, telephone, and express company, derived from the business done by it in this State, at the rate of two dollars on the hundred dollars.

Telegraph and express companies.

SEC. 4. That section 11 be amended so as to read as follows: Section 11. On the last secular day in March and every three months thereafter, the judge of probate shall forward to the auditor of the State a certified list of all licenses issued by him, and at the same time pay to the State treasurer the money received by him for

Judge of probate makes return to auditor.

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Penalty on  
probate judg-  
es for failure.

such licenses belonging to the State, and to the county treasurer the portion belonging to the county, and shall receive two and a half per cent. for the collection and payment of the license money to the officer, State or county, to whom it is to be paid, to be deducted from his said collection. If any probate judge fails to comply with the provisions of this section within ten days after the date at which he is required to make a report of licenses issued and money received by him, the auditor shall forthwith report the facts to the Governor, who shall cite said judge to show why he has not made returns of such certified lists of licenses as required by law, and if such judge fails to show sufficient cause for such failure, the Governor shall direct the attorney general to institute impeachment proceedings against such delinquent probate judge before the Supreme Court of the State.

Steamboat  
and railroad  
license.

SEC. 5. That subdivisions 2, 3, 4, 5, 6, 9, 10, 17, 18, 29, 31, 32 and 34 of section 14 be amended so as to read as follows: Section 14, subdivision—

How enforced.

2. For the retail of spirituous, vinous or malt liquors on any steamboat or water craft or on any sleeping, dining or buffet car, two hundred and fifty dollars, for the collection of which the State shall have a preferred lien on all such steamboats or other water crafts and cars named for the amount required by law to be paid for such licenses to retail vinous, spirituous or malt liquors on such steamboat or water craft and cars, to be enforced wherever such liquors are retailed by any person on any such boat or water craft or cars, with the knowledge or consent of the captain or conductor without having first procured a license, as provided by law, and the tax collector of any county, where such vessels may ply or cars run, is required to enforce this lien, in the same manner, and by the same proceedings as are authorized for the collection of taxes on steamboats and on railroad cars.

Retail  
license.

3. For retailers of spirituous, vinous, or malt liquors, except as hereinafter provided in any city, town, village, or any other place of less than one thousand inhabitants, one hundred and twenty-five dollars, and in any city, town or village of more than one thousand inhabitants and less than three thousand inhabitants, one hundred and seventy-five dollars, and any city con-

taining three thousand inhabitants or more, and less than ten thousand inhabitants, two hundred and fifty dollars, in any city of more than ten thousand inhabitants, three hundred dollars. *Provided, further,* that dealers in lager beer exclusively, shall be charged one-fourth of the rates charged for retailers of spirituous, vinous or malt liquors, as graded above, and any person who takes out and pays for a retail license shall not be required to take out a license as a wholesale dealer, and when a retail license is taken out after the first day of January and before the first day of July, the price of the license shall be the same as for a license for twelve months. Lager beer.

4. For wholesale dealers in spirituous, vinous or malt liquors in any place, two hundred dollars. Any person dealing in said articles, who shall sell, barter or exchange, or in any way dispose of, or permit to be taken, spirituous, vinous or malt liquors in any quantity less than one quart, or who shall permit the same to be drunk by the glass, or single drink, in or about his place of business, shall be deemed a retail dealer, and any dealer so disposing of spirituous, vinous or malt liquors, only in the quantity of one quart or more, shall be deemed a wholesale dealer, but any person having taken out a license as a retail dealer, is authorized to sell at wholesale without additional license. Wholesale dealers.

5. For compounders and rectifiers of spirituous, or vinous liquors, two hundred dollars; any person who rectifies, purifies or refines distilled spirits or wines by any process, or who mixes distilled spirits or wines with any chemicals, or compounds liquors for sale under any name, shall be deemed a compounder and rectifier. Rectifiers.

6. For distillers of spirituous liquors, two hundred dollars; but this shall not apply to the distilling of fruits. Distillers.

9. For peddlers in a wagon drawn by one horse or other animal, forty dollars; if drawn by two horses or other animals, fifty-five dollars; for peddlers on a horse or other animal, twenty-five dollars; for peddlers on foot, fifteen dollars; for peddlers accompanied by singers or performers on any musical instrument, one hundred dollars; *provided,* that peddlers of tin ware only, who shall pay all lawful fees and one-third of the Peddlers.

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license fees herein provided, shall be entitled to such license; *Provided further*, that peddlers of wooden and stone or clay hollow-ware only, shall not be required to procure a license. A peddler's license shall entitle him to peddle only in the county where it is taken out; and it is hereby made the duty of county court judges, justices of the peace, notaries public, mayors, recorders and intendants of cities or towns, sheriffs, deputy sheriffs, constables, city or town marshals, policemen, and all other officers authorized by law to make arrests, to demand of peddlers, itinerant dealers and travelling agents their licenses, and unless they exhibit same, or show that they have the right to peddle the goods carried by them, or to carry on the business they are engaged in, without a license, such county court judges, justices, notaries, with powers of a justice, mayors, recorders, intendants, must issue warrants for the arrest of such peddlers, itinerant dealers or travelling agents, returnable to any court in the county having criminal jurisdiction, which warrants may be executed by the sheriff, deputy sheriff, any constable of the county, any city or town marshal, policeman or any other officer having authority to make arrests; but it shall be lawful for any person having but one arm, or but one leg, or who labors under any other physical disability, of making a livelihood by labor, to peddle in any county in the State free of license on the filing of the certificates of two regularly licensed physicians, in the office of probate of the county of his permanent residence, to the effect that such cripple is permanently disabled, and that he cannot by labor make a livelihood for himself and family. This shall not be so construed as to require a license on peddlers of fish, oysters, game, fresh meats, poultry, fruit and all farm products raised by the seller.

10. Upon transient or itinerant auctioneers or dealers in goods, wares or merchandise, other than licensed  
**Auctioneers.** peddlers and traveling agents of wholesale dealers in said articles, making sale thereof by sample, fifty dollars; itinerant dealers in fruit trees, vines, shrubs or  
**Fruit tree** plants of any kind, fifty dollars.  
**dealers.**

17. For dealers in pistols or pistol cartridges, or  
**Pistols, &c.** bowie knives, or dirk knives, whether principal stock in trade or not, three hundred dollars.



18. For peddlers of medicines or other articles of like character, spectacles or eye-glasses, one hundred dollars for each county in which they peddle. For Medicines. peddlers of medicines, with vocal or instrumental music, or both, two hundred and fifty dollars for each county in which they peddle.

20. For each sewing machine, stove, range or clock company selling sewing machines, stoves, ranges or clocks, either themselves or by their agents, or through Sewing machines, stores and clocks. consignees, and all persons who engage in the business of selling sewing machines, stoves, ranges or clocks, shall pay to the State twenty-five dollars for each county in which they may so sell, but when merchants engaged in a general business keep sewing machines, stoves, ranges or clocks as a part of their stock in trade, they shall not be required to pay the tax herein provided, in the county in which they are engaged in such general business.

29. For each company of traders, or fortune tellers, usually known as gypsies, ten dollars for each Fortune tellers. county.

31. For fortune tellers, twenty-five dollars.

32. The owner or master of any steamboat or other water craft plying in any rivers of the State, who engage in the business of buying, selling or bartering any goods, wares, merchandise, produce or commodity Steamboats. whatever on or from said boat, must pay a license of two hundred and fifty dollars, and the party so licensed shall thereby be entitled to carry on such business on the boat therein named, in any county in which said boat is navigated, provided cities and towns in which such person engages in such business, may impose such license as is exacted of like business in said city or town. The owner, conductor, or person in charge of every supply car, or car from which any goods, Selling goods on cars. wares or merchandise are sold, whether to the servants of the railroad company or others, must pay a license of one hundred dollars, and the person so licensed shall thereby be entitled to carry on such business in the car therein named in any county in which said car is run or drawn, but each of said counties may charge a license therefor of ten dollars.

33. For travelling agents of wholesale dealers in goods, wares and merchandise a tax of ten dollars, to

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Drummers.

be taken out in only one county, and should any such agent fail to take out such license all contracts made by him shall be void, and in any proceedings to enforce any such contract, the burden of proof shall be upon the party selling such goods, wares and merchandise, to show that such license has been taken out at the time such contract was made.

Playing cards.

Dealing in futures.

34. Each dealer in playing cards, five dollars. Any person who engages in the business of buying or selling futures for speculation or on commission, shall pay a license tax of three hundred dollars, provided this shall not be held to legalize any contract which would otherwise be invalid.

SEC. 15. *Be it further enacted*, That sub-division eight of section six is hereby repealed.

Lee county.

SEC. 16. *Be it further enacted*, That the one-fourth of one per cent. levied and assessed in the county of Lee for the tax year beginning January 1st, 1886, to reimburse the State for the investment of certain revenues in the compromise and settlement of the railroad bonded indebtedness of said county, shall be collected by the tax commissioner of said county as he collects the State and county tax, and shall be paid into the State Treasury, and the postponement of said tax of one-fourth of one per cent. shall not be construed to be for any other year than the tax years 1887 and 1888.

Approved December 11, 1886.

No. 5.]

AN ACT

[H. B. 245.]

To make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for interest on the public debt, and for public schools.

SECTION 1. *Be it enacted by the General Assembly of Alabama*, That the following sums of money, or so much of each sum as may be necessary, be and they are hereby appropriated for the purposes hereinafter specified, to be paid out of any moneys in the Treasury not otherwise appropriated, for the fiscal years end-

# **EXHIBIT 42**

## ARTICLE 15.

LICENSE TAXES; FROM WHOM AND FOR WHAT BUSINESSES REQUIRED;  
PRICES; COUNTY LEVY.

**4122 (629). Persons required to take out licenses, and prices to be paid therefor.**—Licenses are required of all persons engaging in, or carrying on any business, or doing any act in this section specified, for which shall be paid, for the use of the state, the following taxes, to wit:

1. For each public race-track, at or within five miles of any city or town containing less than five thousand inhabitants, one hundred dollars; at or within five miles of any city or town containing more than five thousand inhabitants, two hundred dollars.

2. For the retail of spirituous, vinous, or malt liquors, on any steamboat or other water-craft, or on any sleeping, dining, or buffet car, two hundred and fifty dollars, for which the state shall have a preferred lien on such steamboat or other water-craft, and cars named; and such lien may be enforced whenever any such liquors are retailed by any person on such steamboat or other water-craft, or cars, with the knowledge or consent of the captain, or conductor, without having first procured a license therefor, as provided by law; and the tax-collector of any county in which such steamboat or other water-craft may ply, or cars run, is required to enforce such lien in the same manner, and by the same proceedings, as are authorized for the collection of taxes on steamboats and on railroad-cars.

3. For retailers of spirituous, vinous or malt liquors except as here-<sup>Feb. 18,</sup>  
inafter provided, in any city, town, village, or any other place of less<sup>1895,</sup>  
than one thousand inhabitants, one hundred and fifty dollars; in any<sup>p. 1192, §48.</sup>  
city, town, or village of more than one thousand inhabitants and less  
than three thousand inhabitants, two hundred dollars; in any city  
containing three thousand inhabitants or more, and less than ten  
thousand inhabitants, two hundred and seventy-five dollars; and in  
any city of more than ten thousand inhabitants, three hundred and  
twenty-five dollars. But dealers in lager-beer exclusively shall be  
charged one-fourth of the above rates. Any person who pays for and  
takes out a license as a retailer, shall not be required to pay for and  
take out a license as a wholesale dealer in such liquors; and when a  
retail license is taken out after the first day of January, and before  
the first day of July, the price of the license shall be the same as for  
a license for twelve months. Any person who sells or disposes of  
spirituous, vinous, or malt liquors, or intoxicating bitters, in any  
quantity less than a quart, shall be deemed a retail dealer; *Provided*,  
nothing in this paragraph shall be so construed as to alter, repeal or  
modify any license now authorized and required to be paid to any  
district, city or municipality for municipal purposes.

Allred v. State, 89 Ala. 112; State v. Fleming, 112 Ala. 179.

4. For wholesale dealers in spirituous, vinous, or malt liquors in  
any place, two hundred dollars. Any person dealing in said arti-

cles, who shall sell, barter, or exchange, or in any way dispose of, or permit to be taken, spirituous, vinous, or malt liquors, in any quantity less than one quart, or who shall permit the same to be drunk by the glass, or single drink, in or about his place of business, shall be deemed a retail dealer; and any dealer so disposing of spirituous, vinous, or malt liquors, only in the quantity of one quart or more, shall be deemed a wholesale dealer; but any person having taken out a license as retail dealer is authorized to sell at wholesale without additional license.

5. For compounders and rectifiers of spirituous or vinous liquors, two hundred dollars. Any person who rectifies, purifies or refines distilled spirits or wines, by any process, or who mixes distilled spirits or wines with any chemicals, or compounds liquors for sale under any name, shall be deemed a compounder and rectifier.

Dec. 10,  
1892, p. 71. 6. For distillers of spirituous liquors, twenty-five dollars; but this shall not apply to the distilling of fruits.

Grant v. State, 73 Ala. 13; Johnson v. State, 44 Ala. 414.

Feb. 18,  
1895,  
p. 1192, §45. 7. For brewers, one hundred dollars. Every agency of a brewery of another state doing business in this state, shall pay the same license.

8. For bowling-alleys, for the use of which money or other compensation is charged, twenty-five dollars for each alley; and for each bowling-alley kept in connection with a drinking-saloon, whether compensation is charged or not, twenty-five dollars.

9. For each billiard-table, for the use of which money or other compensation is charged, and which is not kept in connection with the business of a barroom or drinking-saloon, twenty-five dollars.

10. For each billiard-table kept in connection with the business of a barroom or drinking-saloon, whether its use be charged for or not, fifty dollars.

11. For each table upon which the game of pin-pool is played, one hundred dollars.

12. For each table upon which a game of pool is played with fifteen balls, more or less, and not pin-pool, for the use of which money or other thing of value is charged, or when kept in connection with a barroom or drinking-saloon, whether its use be charged for or not, fifty dollars.

13. For each bagatelle or Jenny-Lind table, or any other table or device of any kind from which any kind of profit is derived by the keeper, fifty dollars.

14. For each table or device, or set of domino-bones, kept in connection with a barroom or drinking-saloon for use in playing the game commonly known as dominoes, twenty-five dollars; and for each dice-box and dice kept in a barroom or drinking-saloon, twenty-five dollars.

15. For each theatre in towns or cities containing more than eight thousand inhabitants, one hundred dollars; but this price shall not be charged for licenses for open-air or summer theatres, such as at Mobile on the bay-shore, and known as Frascati, but for each

such open-air or summer theatre, twenty-five dollars; in towns or cities containing less than eight thousand and more than two thousand inhabitants, fifty dollars; and in towns or cities containing less than two thousand inhabitants, twenty-five dollars; but the owner or manager of any theatre holding any such license must issue tickets of admission to all persons whom they admit to their exhibitions, and must thereon assign a particular seat to each such person, in such part of the theatre as the convenience of such owner or manager may require. This license shall only extend to dramatic and operatic exhibitions; and if any doubt arises as to the character of an entertainment proposed to be exhibited in any theatre, the judge of probate of the county in which the theatre is situated shall determine whether or not it is covered by the theatrical license.

16. For each public hall let for hire, twenty-five dollars.

17. For each concert, musical entertainment, public lecture, or other public exhibition or entertainment, where charges are made for admission, or for the use of any instrument or device, or the participation in any exercise or entertainment, not given for charitable, school, or religious purposes, and not otherwise provided for, five dollars; but the provisions of this subdivision shall not apply to exhibitions or entertainments given in theatres, where the owner or manager thereof has taken out license as owner or manager.

Mosby v. State, 98 Ala. 50.

18. For each day's exhibition of a circus in towns or cities having more than five thousand inhabitants, or within two miles thereof, one hundred and fifty dollars; in all other places, one hundred dollars.

19. For each exhibition of a menagerie or museum, twenty dollars.

20. For each exhibition of a side-show accompanying a circus, menagerie, or museum, ten dollars.

21. For each exhibition of feats of legerdemain or sleight of hand, or other exhibition or entertainment of like kind, ten dollars.

22. For each fortune-teller, twenty-five dollars.

23. For each company of traders or fortune-tellers, usually known as gypsies, ten dollars for each county.

24. For each shooting-gallery, twenty-five dollars.

25. For each skating-rink, twenty-five dollars.

26. For dealers in playing-cards, five dollars.

27. For dealers in pistols, or pistol cartridges, or bowie-knives, or dirk-knives, whether principal stock in trade or not, three hundred dollars. Any cartridges, whether called rifle or pistol cartridges, or by any other name, that can be used in a pistol, shall be deemed pistol cartridges within the meaning of this subdivision. Any person or firm who orders for another, or delivers any cartridges within this state, shall be deemed a dealer under this provision.\*

Porter v. State, 58 Ala. 66.

28. For dealers in cigarettes, whether principal stock in trade or

\*As amended by revenue committee.

Dec. 13,  
1892, p. 183.

Feb. 18,  
1895,  
p. 1102,  
§14.



# **EXHIBIT 43**

## REVENUE LAWS.

No. 903)

AN ACT

(H. 935

To amend the Revenue Laws of the State of Alabama.

Goods, wares  
or merchan-  
dise

Section 1. Be it enacted by the General Assembly of Alabama, That section 3911 of the Code be amended so as to make sub-division four of said section read as follows: 4. "All stocks of goods, wares and merchandise, the assessment to be on the average amount on hand during the preceding year, but the amount so assessed shall in no case be less than the capital actually employed in the business of the originally invoiced price of said goods, wares and merchandise, to be taken and furnished to the tax assessor as hereinafter provided, and this shall include all goods, wares and merchandise kept on plantations or elsewhere, or by railroad companies or manufacturing companies, or other associations, corporations or persons, for sale or to be dealt out to laborers or employees for profit, or on account of their wages; and shall include all goods, wares and merchandise offered for sale by any person commencing business subsequently to the first day of October of the current year, but in such case the tax shall be apportioned according to the date at which the business shall be commenced, so that if commenced after the first day of January, the tax shall be three-fourths of the tax for the whole year; if commenced after the first day of April, the tax shall be one-half of the tax for the whole year: Provided, that the assessment herein provided for shall not include the products raised on the farms, in the hands of the original producer.

Gross incomes

Sec. 2. Be it further enacted, That section 3912 of the Code be amended so as to make sub-division three of said section read as follows: 3. On the gross incomes of all toll-bridges and ferries, and also all canals, ditches, channels, passes, tram-roads

and poll-roads, used for transporting timber or other valuable commodities of commerce, at the rate that property is taxed.

Sec. 3. Be it further enacted, That section 3915 of the Code be amended so as to read as follows: That each sleeping car company doing business in this State, for one or more passengers, other than interstate, taken up at one point in this State, and delivered at another point in this State, and transported wholly within this State, shall pay in advance on the first day of January of each year, to the State treasurer, a privilege tax of twelve hundred and fifty dollars, and no sleeping car company which has paid the privilege tax hereby required shall be liable to pay any other privilege tax in this State, but its real estate, fixtures and other local property, shall be subject to taxation as other property in this State.

Sec. 4. Be it further enacted, That section 3916 of the Code be amended so as to read as follows: Each building and loan association organized under the laws of this State or any other State or county, doing business in this State, shall pay in advance, on the first day of each year, to the State treasurer, a privilege tax of one dollar for each one thousand dollars of the first one hundred thousand dollars paid in on its capital stock, and fifty cents for each one thousand dollars paid in on its capital stock over one hundred thousand dollars, but shall not be required to pay taxes upon its mortgages or real estate. And every such association, foreign or domestic, shall also be assessed for taxation, and shall pay taxes upon its office furniture and real estate in this State.

Sec. 5. Be it further enacted, That section 3985 of the Code be amended so as to read as follows. It shall be the duty of the Court of County Commissioners at the term commencing on the first day of the June term to levy the amount of taxes required for the expenses of the county for the current year, not to exceed one-half of one per cent. on the value of the taxable property, and the amount of other subjects of taxation in the county, as assessed for revenue to the State, as shown by the book of assessments after it has been corrected.

Duty of collector      Sec. 6. Be it further enacted, That section 4030 of the Code be amended so as to read as follows: It is the duty of the collector, when engaged in the collection of taxes, for any year, if he discovers that any person or property within his county has not been assessed by the assessor with the tax or taxes lawfully chargeable to such person or property for that year, or any preceding year, not more than five years before that time, forthwith to assess and collect the taxes due on the same, and in writing notify the assessor of the fact so discovered in order that proper assessment of unassessed taxes may be made; and the collector has the same authority to administer oaths and propound questions as the assessor has, and any party failing or refusing to answer such questions or to give in his property shall be liable to the same penalties as provided in cases where parties fail or refuse to give in their property to the assessor, or answer the questions required to be propounded by the assessor: Provided, that in such assessments of escaped taxes the taxpayer on giving notice to the tax collector, shall have the right to have his assessment passed on by the Court of County Commissioners, and such assessment modified, allowed or rejected, as the evidence adduced to said Court shall require.

Redemption of lands      Sec. 7. Be it further enacted, That section 4097 of the Code be amended so as to read as follows: When lands which have been bid in by the State are redeemed, the judge of probate must, during the month in which such redemption is made, remit the State treasurer, at the expense of the State, the proportion of the redemption money belonging to the State, and pay into the county treasury the proportion of such money belonging to the county and to the proper authorities the proportion belonging to the school fund, if any; and upon all such money so paid over during the month of collection, he is entitled to commissions at the rate of two and one-half per cent., which he may deduct therefrom; but he shall not be allowed any commissions on any money not so paid over; and on the last business day in March, and every three months thereafter, the judge of probate shall certify to the auditor and

to the county treasurer, upon blanks to be furnished by the auditor, a full and correct statement of all real estate bid in by the State and redeemed, showing separately the amount of State, county and school taxes, and penalties and costs, received by him on such redemption.

Sec. 8. Be it further enacted, That section 4132 of the Code be amended, so as to read as follows. License money  
 "During the month in which any license money is received by the judge of probate, he must remit to the State treasurer, at the expense of the State, all money received by him for licenses belonging to the State, and pay to the county treasurer all money received by him for licenses belonging to the county; and upon all such money so remitted or paid during the week of collection, he is entitled to two and one-half per cent., which he may deduct therefrom; but he shall not be allowed any commission on any money not so remitted or paid; and on the last business day in March, and every three months thereafter, the judge of probate shall forward to the auditor a certified list of all licenses issued by him, stating therein for what business issued, the amount collected for each license, from whom collected, and the date thereof. If any judge of probate fails to comply with the provisions of this section, within ten days after the date at which he is required to make a report of licenses issued and money received by him, the auditor shall forthwith report the facts to the governor, who shall cite such judge to show why he has not made returns of such certified list of licenses, as required by law; and if such judge fails to show sufficient cause for such failure, the governor shall direct the attorney general to institute impeachment proceedings against him before the Supreme Court. Impeachment

Sec. 9. Be it further enacted, That every person holding an office under the authority of this State, shall be required to take out a commission for the same, to be issued by the secretary of State, and the following fees shall be paid to said secretary of state for the commissions so issued by him, to be paid by the secretary of state into the State treasury, to-wit: Commissioners of deeds in other Commissions issued to officers; prices of

States, five dollars; members of the General Assembly, county superintendents of education, justices of the peace, constables, notaries public and county tax commissioners, one dollar. And the judges of the several Courts, the chancellors, the attorney general, the solicitors, the secretary of state, the auditor, the State treasurer, the superintendent of education, the commissioner of agriculture, the railroad commissioners, the clerk of the Supreme Court, the clerks of the City Courts, the clerks of the Circuit Courts, registers in chancery, the convict inspectors, the State tax commissioner, examiners of public accounts, the sheriffs, the tax assessors, tax collectors, county treasurers, county commissioners, or members of the board of revenue, two dollars and fifty cents. That any officers, who by virtue of such office, shall receive either fees or salary as compensation for services as such officer not hereinbefore mentioned, whether existing now or hereafter created, shall be commissioned as aforesaid, and shall pay for such commission, one dollar; and any such officer exercising the duties of his office without having first secured a commission, shall be guilty of a misdemeanor. This section shall apply only to officers hereafter elected or appointed.

Oaths

Duty of  
Auditor

Sec. 10. Be it further enacted, That annually, before commencing to perform the duties for the correction of errors in the assessments, on the second Monday in July of each year, each member of the board of revenue, or Court of County Commissioners, shall take and subscribe the oath set out hereinafter. And it shall be the duty of the auditor to forward annually, in June of each year, to the chairman of such boards of Courts, printed forms for such oaths, together with a circular letter, setting out in full section 3982 of the Code, with the penalties provided by law for failure to comply with the same; and directing that said oath shall be taken and entered upon the minutes of the board or Court, said oath shall be in form and substance, as follows: State of Alabama.—Before me (to be administered by any judge, register, justice of the



peace or notary public), personally appeared——  
 ———, members of the board of revenue,  
 or Court of County Commissioners, of ———  
 county, who on oath declare, and say that while  
 engaged in the duty of correcting errors in as-  
 sessments or passing on the assessment of escaped  
 taxes, they will fix a value on all property assessed  
 for taxes at its fair cash market value; and that  
 they will in no case, where the facts are brought  
 to their knowledge, reduce the value of any prop-  
 erty for taxation, below the fair market value of  
 the property, or what the property would sell for  
 cash, and that they will make diligent effort and  
 inquiry to ascertain the value of all property to  
 be passed on by them. Sworn to and subscribed  
 before me, this ——— day of July, 18—.

Sec. 11. Be it further enacted, That section 3913 <sup>Telegraph</sup>  
 of the Code shall be amended, so as to read as fol- <sup>companies</sup>  
 lows: 3913. Each telegraph company doing busi-  
 ness between points wholly within this State, and  
 without reference to its interstate commerce or  
 governmental business, shall pay, in advance, on  
 the first day of January of each year, to the State  
 treasurer, a privilege tax, based on the mileage of  
 the telegraph line operated by it in this State, as  
 follows: Each telegraph company, whose lines  
 within the State do not exceed one hundred and  
 fifty miles, shall pay at the rate of one dollar per  
 mile; each company whose lines within the State  
 exceed one hundred and fifty miles, shall pay five  
 hundred dollars, together with one dollar for each  
 mile of such lines; and each long-distance telephone  
 company, whose lines within the State do not  
 exceed one hundred and fifty miles shall pay at a  
 rate of fifty cents per mile; and each long-distance  
 telephone company whose lines within the State  
 exceed one hundred miles, shall pay two hundred  
 and fifty dollars; and no telegraph company which  
 has paid the privilege tax herein required shall  
 be liable to pay any additional privilege tax or  
 other tax in this State, except licenses required by  
 cities and towns; and except upon its real estate,  
 fixtures and other local property, which shall be  
 subject to taxation as other property in the State.  
 The payment of such privilege tax to the treasurer

shall be accompanied by a sworn report to the auditor, showing the number of miles of telegraph line operated by such company within this State; and in default of the payment of such tax or the making of such report for sixty days after the first day of January, a penalty of double the amount of such tax shall be imposed upon and collected of such defaulting company.

Telephone  
companies

Sec. 12. Be it further enacted, That section 3943 of the Code shall be amended, so as to read as follows: 3943. The president, secretary or manager of every telephone company, except long-distance telephone companies, owning or operating lines, must annually, on or before the first day of February, make, under oath, to the assessor of the county in which such instruments are located, or such lines are operated, a return of the number of miles of telephone wire in the county belonging to such company, and the value thereof, the number of poles, batteries, instruments and articles of like kind in the county, connected with its business, and the value thereof, and the amount of the gross receipts of such company from its business done in the county during the preceding tax year; and in case such return is not made by any company within the required time, the assessor must ascertain, from the best information he can obtain, the amount and value of such property, and the amount of such receipts; and on the property and receipts so returned or ascertained, the assessor shall assess the taxes against such company; and when there has been a failure on the part of the company to make a return of such property and receipts within the required time, the assessor shall add to the assessment against such company a penalty of fifty per cent. on the amount thereof. Such assessment, as well as the assessment of other taxable property of such company in the county, must be entered by the assessor in the book of assessments.

Long distance  
telephone

Sec. 13. Be it further enacted, That section 3974 of the Code shall be amended, so as to read as follows: "3974. The president, secretary, auditor or managing agent, in this State, of every telegraph or long-distance telephone company, whose line, or any part thereof, is within the State, must an-

nually, on or before the first day of February of each year, make under oath, to the auditor, a return of the number of miles of telegraph wire in the State belonging to such company, and the number of poles, batteries, instruments and articles of all kinds, in the State connected with its business, specifying the several counties in which such property is situated, and the items of property situated in each of such counties; and if any of such companies, its officers, or agents, fail to make such return within the time specified, the auditor must ascertain such items of property and values from the best information he can obtain."

Sec. 14. Be it further enacted, That section 3975 of the Code shall be amended, so as to read as follows: "3975. Report of auditor to State board, assessment and proceedings thereon. The auditor must lay before the State board of assessment, at its next meeting thereafter, such returns; and when not made by any company, he must report to the board the items of property and values of the company failing to make returns, as ascertained by him; and thereupon the board must proceed to examine such returns and reports, determine the value of such property, and assess the same for taxation, as in the case of assessments of the property of railroad companies; and it may add to the assessment against any telegraph or long-distance telephone company, failing to make returns within the required time, a penalty of not exceeding fifty per cent. thereon. Upon the completion of the assessment against any telegraph or long-distance telephone company by the board, the auditor shall give to the tax assessor of the several counties in which such property is situated, and the superintendent or managing agent of such company in this State, the same notification touching such assessment as is required of him in case of assessments against railroad companies; and thereupon such assessors must act in reference to such assessment, and to the assessment of any other property of such company taxable in their counties, as they are directed to act in case of assessments against railroad companies by the State board of assessment."

Report of auditor to State board

## Exemption

Sec. 15. Be it further enacted, That paragraph 2 of section 3907 of the Code be amended, so as to read as follows: "2. All bonds of the United States and of this State, all property, real and personal, of the State, and of the counties and municipal corporations in the State; all cemeteries, and all lots in incorporated cities or towns, or within one of any city or town, to the extent of one acre, and all lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, when the same are used exclusively for religious worship, for schools or for purposes purely charitable; all school furniture and personal property used exclusively for school purposes; and all property, real or personal, to an extent not exceeding twenty-five thousand dollars in value, that may be used exclusively for agricultural or horticultural associations of a public character."

## Licenses

Sec. 16. Be it further enacted, That section 4122 of the Code be amended, so as to read as follows: "Licenses are required of all persons engaged in or carrying on any business or doing any act in this section specified, for which shall be paid for the use of the State, the following taxes, to-wit:

## LICENSES.

## ABSTRACTS.

1st. Abstract companies and persons pursuing the business of furnishing abstracts of title, in towns or cities of twenty thousand inhabitants or more, thirty dollars. In towns and cities from ten to twenty thousand inhabitants, twenty dollars. In towns and cities of less than ten thousand inhabitants, ten dollars.

## AUCTIONEERS.

2d. For each auctioneer, in any city or town of twenty thousand inhabitants or over, a license tax of fifty dollars per annum; in cities or towns of eight thousand inhabitants, and less than twenty thousand, thirty dollars per annum; in cities and

towns of five thousand inhabitants, and less than eight thousand, twenty dollars per annum; in cities or towns of more than one thousand and less than five thousand, five dollars per annum. The term auctioneer, within the meaning of the foregoing provisions, shall be deemed to apply to any person selling goods, wares, merchandise, live stock, or other things of value, at public outcry except as otherwise herein provided, whether a charge is made for the same or not. In the following cases, sales at public outcry may be made for a compensation, without license: First. The estate of a decedent by the personal representative or his agent, according to law, or by the provisions of the will. Second. Property conveyed by deed of trust, mortgage or decree or order. Third. Any person may sell the agricultural products arising from his own or other labor under his control, or his real or personal estate, not purchased or sold on speculation. Fourth. All sales under legal process. For transient or itinerant auctioneers or dealers in goods, wares and merchandise, other than licensed peddlers, and other than traveling agents or wholesale dealers in said articles, making sale thereof by sample, fifty dollars.

#### BAGATELLE OR JENNY LIND TABLES.

3d. For each bagatelle or Jenny Lind table, or any other table or device of any kind from which any kind of profit is derived by the keeper, fifty dollars.

#### BASE BALL PARK.

4th. For each base ball or foot ball park, where admission fees are charged, fifty dollars.

#### BOTTLERS.

5th. For each bottler or bottling association, other than bottlers of mineral water, twenty-five dollars.

**BILLIARD TABLES.**

6th. For each billiard table, for the use of which money or other compensation is charged, and which is not kept in connection with the business of a barroom or drinking saloon, twenty-five dollars.

7th. For each billiard table kept in connection with the business of a barroom or drinking saloon, whether its use be charged for or not, fifty dollars.

**BOWLING ALLEYS.**

8th. For bowling or ten-pin alleys, for the use of which money or other compensation is charged, twenty-five dollars, for each alley; and for each bowling or ten pin alley, kept in connection with a drinking saloon, whether compensation is charged or not, twenty-five dollars.

**BILL POSTERS.**

9th. For each bill poster or person pursuing the business of posting bills, in cities and towns, of twenty thousand inhabitants or more, twenty-five dollars; in towns and cities from ten to twenty thousand inhabitants, fifteen dollars. In towns and cities of less than ten thousand inhabitants, five dollars.

**BROKERS OR COMMISSION MERCHANTS.**

10th. For each broker or commission merchant or dealer in merchandise for a commission, in towns and cities of less than five thousand inhabitants, ten dollars. In towns and cities of five thousand and less than ten thousand inhabitants, fifteen dollars. In towns and cities of ten thousand and less than twenty-five thousand inhabitants, twenty-five dollars. In towns and cities of twenty-five thousand inhabitants or more, fifty dollars.



## BICYCLES.

11th. Each person owning and using a bicycle upon any of the streets of any town or city, or upon any of the public roads of any county within this State, shall pay a privilege tax, in lieu of all other taxes, of twenty-five cents for each bicycle, to be levied for the State only; said license to be taken out as other licenses are required to be taken out, and the payment of such license tax, to be evidenced by the certificate of the probate judge, for which he may charge a fee of not more than ten cents.

12th. Each person or firm keeping bicycles for rent or hire, ten dollars.

## BOOK AGENTS.

13th. Any person other than a merchant paying an advalorem tax on his stock of goods, who shall receive subscriptions for or shall in any manner furnish books, maps, prints, pamphlets, or periodicals, shall pay a privilege tax of ten dollars in each county of this State in which he shall do business. Provided, That this shall not apply to persons distributing or selling by subscription any religious books, pamphlets or periodicals. Provided, further, That no license shall be required of any person who was a Federal or Confederate soldier during the civil war, or to any indigent or disabled person who only sells or furnish books, maps, prints, pamphlets or periodicals to persons residing in the county where such indigent or disabled person resides.

## BREWERS.

14th. For breweries, one hundred dollars. Every agency of a brewery of another State doing business in this State shall pay the same license; and any person, whether retail dealer or not, selling the goods or product of any brewery, shall be deemed and held an agent, unless such brewery shall have an established agency in this State.

## CIGARETTE DEALERS.

15th. For each dealer in cigarettes, whether principal stock in trade or not, in any place outside of the incorporated towns and villages, five dollars. In incorporated towns and cities of five thousand or less, ten dollars. In towns and cities of more than five thousand, and not exceeding ten thousand inhabitants, twenty dollars. In towns and cities of more than ten thousand and not exceeding twenty thousand inhabitants, twenty-five dollars. In all other places thirty-five dollars.

## CIGAR AND TOBACCO STANDS.

16th. For each cigar dealer, whose principal stock in trade is cigars and tobacco, in towns and cities of twenty thousand or more inhabitants, ten dollars. In towns and cities of less than twenty thousand inhabitants, five dollars.

## CIRCUSES.

17th. For each day's exhibition of a circus, in towns or cities having more than five thousand inhabitants, or within two miles thereof, one hundred and fifty dollars; in all other places, one hundred dollars. Every building, space, tent or area, where feats of horsemanship, or acrobatic sports are exhibited, shall be regarded as a circus. For each exhibition of a pony or dog show, exhibiting in towns and cities having more than ten thousand inhabitants, thirty-five dollars. In all other places, twenty-five dollars. For each exhibition of a side show accompanying a circus, menagerie, or museum, ten dollars.

## COLD STORAGE.

18th. Any person doing a cold storage business, ten dollars.

**COMMERCIAL OR MERCANTILE AGENCIES.**

19th. Each and every person, partnership, or corporation, who engage in the business of inquiring into and reporting upon the credit and standing of persons engaged in business in this State, shall pay a license tax of three hundred dollars; and the payment of this tax to the State, evidenced by the receipt of any judge of probate, shall exempt such person, partnership, or corporation, from the payment of such tax in any other county; and payment of such tax shall not, when it has been paid by such person, partnership, or corporation, be required of any of their agents or correspondents in the State.

**CONCERTS OR EXHIBITIONS.**

20th. For each concert, musical entertainment, public lecture, or other public exhibition or entertainment, where charges are made for admission, or for the use of any instrument or device, or the participation in any exercise or entertainment, not given for charitable, school, or religious purposes, and not otherwise provided for, five dollars; but the provisions of this subdivision shall not apply to exhibitions or entertainments given in theatres, where the owner or manager thereof has taken out a license as owner or manager.

**COLLECTING AGENCIES.**

21st. Each collecting agency in towns and cities of twenty thousand inhabitants or more, twenty-five dollars; in towns and cities of less than twenty thousand inhabitants, ten dollars. This tax shall be paid whether such agency has paid the tax as required of commercial, mercantile, mutual benefit, or protective agent or not.

**CONSTRUCTION COMPANIES.**

22d. For each construction company doing business in this State, twenty-five dollars.

**COMPOUNDERS AND RECTIFIERS.**

23d. For compounders and rectifiers of spirituous or vinous liquors, two hundred dollars. Any person who rectifies, purifies or refines distilled spirits or wines by any process, or who mixes distilled spirits or wines with any chemicals, or compounds liquors for sale under any name, shall be deemed a compounder and rectifier.

**COTTON BUYERS.**

24th. Each person engaged in the business of buying cotton, other than merchants buying from their customers who are indebted to them, and officers of cotton factories in this State buying cotton for their own factories, ten dollars.

**CORPORATIONS.**

25th. All corporations doing business in this State, whether organized in this State or another State or county, not otherwise specifically required to pay a license tax, shall pay annually the following privilege taxes: Corporations whose paid up capital stock is under \$10,000, ten dollars. Corporations whose paid up capital stock exceeds \$10,000, and does not exceed fifty thousand dollars, twenty-five dollars; when the paid up capital stock exceeds \$50,000 and not over one hundred thousand dollars, forty dollars; where the paid up capital stock exceeds one hundred thousand dollars and does not exceed two hundred thousand, seventy-five dollars; where the paid up capital stock exceeds two hundred thousand dollars, and does not exceed three hundred thousand dollars, one hundred and twenty-five dollars; where the paid up capital stock exceeds three hundred thousand dollars and does not exceed four hundred thousand dollars, one hundred and seventy dollars; where the paid up capital stock exceeds four hundred thousand dollars and does not exceed five hundred thousand dollars, two hundred dollars; where the paid up capital stock exceeds five hundred thousand dollars and does not exceed one million

dollars, three hundred dollars; where the paid up capital stock exceeds one million dollars, five hundred dollars. When application is made for the license herein provided, it shall be accompanied by the affidavit of the president or other chief officer of the corporation showing the amount of the capital stock of such corporation, but the payment of this tax in one county in the State, as evidenced by the license or official certificate of the judge of probate shall be sufficient: Provided, That the provisions of this subdivision shall not apply to banks and banking institutions regularly organized as such.

#### COAL OR COKE AGENTS OR DEALERS.

26th. Each person, firm or corporation, or their agents, who deal in coal or coke, in towns or cities of twenty thousand or more inhabitants, twenty dollars; in towns and cities over five thousand inhabitants and less than twenty thousand inhabitants, ten dollars. In towns and cities of five thousand inhabitants or less, five dollars. Provided, This shall not apply to persons or companies who sell in quantities of five bushels, or less, or persons who mine their own coal and sell the same in wagon load lots.

#### CARDS, DEALERS IN.

27th. For each dealer in playing cards, five dollars.

#### CANE RACKS.

28th. (See devices).

#### DISTILLERS.

29th. For distillers of spirituous liquors, twenty-five dollars; but this shall not apply to the distilling of fruits.

#### DOG SHOWS.

30th. (See circuses).

**DETECTIVE AGENCIES.**

31st. For each detective agency, company or corporation doing business in this State, fifty dollars.

**DEVICES.**

32d. For each device used by persons as a source of profit to themselves, such as throwing at wooden figures, or any object of like character, cane racks, knife racks, striking an object to test the strength, blowing to test the lungs, or other device of like character, for each county in which it is operated, twenty-five dollars. But this subdivision shall not be so construed as to legalize the operation of any device which is now prohibited by law.

**DUMMY AND ELECTRIC RAILWAYS.**

33d. For each dummy railroad or electric railroad or railway, being operated in this State, the following license taxes: In counties of forty thousand inhabitants or over, fifty dollars; in counties of thirty thousand inhabitants and less than forty thousand, forty dollars; in counties of less than thirty thousand inhabitants, ten dollars.

**DICE AND DICE BOXES AND DOMINOES.**

34th. For each table or device, or set of domino bones, kept in connection with a barroom or drinking saloon for use in playing the game commonly known as dominoes, twenty-five dollars; and for each dice-box and dice kept in a barroom or drinking saloon, twenty-five dollars.

**ELECTRIC LIGHT, GAS AND WATER WORKS.**

35th. For each water works company or corporation, electric light and power company or corporation, gas company or corporation operated by a person or company or corporation for public uses, other than a municipality, shall pay to the State the following license taxes: In cities or towns over twenty thousand inhabitants, one hundred dollars; in cities or towns of ten thousand inhabitants, and less than twenty thousand, fifty dollars; in cities



and towns of five thousand inhabitants and less than ten thousand, twenty-five dollars; in cities or towns of less than five thousand inhabitants, fifteen dollars.

#### EYE GLASSES.

36th. (See peddlers).

#### EXPRESS COMPANIES.

37th. (Express companies, see Sec. 24).

#### FEATHER RENOVATORS.

38th. For each person, firm or agent, soliciting or engaged in cleaning and renovating feathers, in each county, ten dollars.

#### FEES. (See also Stocks and Bonds.)

39th. For dealers in securities, such as notes, accounts, judgments, witness tickets, in counties of fifty thousand inhabitants or over, thirty dollars; in counties of thirty to fifty thousand inhabitants, fifteen dollars; in counties of fifteen to thirty thousand inhabitants, ten dollars; in counties of less than fifteen thousand inhabitants, five dollars. This tax shall apply to the showing of any evidence of indebtedness; but no broker who has paid a privilege tax as such, shall be required to pay this tax.

#### FERRIES AND TOLL BRIDGES.

40th. For each toll-bridge, or bridges where thoroughfare tolls are charged for animals or vehicles crossing the same, or ferry, when not within two miles of the corporate limits of a town or city of two thousand inhabitants, where the income is more than three hundred dollars, and less than six hundred dollars per annum, five dollars; for same, where income is over six hundred dollars per annum, ten dollars; for same, in or within two miles of the corporate limits of any town or city of two thousand inhabitants, and less than five thousand,

fifty dollars; for same, in or within two miles of the corporate limits of a town or city of five thousand inhabitants or more, seventy-five dollars.

#### FLYING JENNIES.

41st. The operator of set of flying jennies, called also 'hobby horses,' and 'merry-go-rounds,' shall pay to the State the following license tax: In cities and towns of twenty thousand inhabitants or over, or within one mile of such, for each week, five dollars; or for each month, ten dollars; or for each year, thirty dollars; in cities or towns of less than twenty thousand inhabitants, or within one mile of such, for each week, two dollars and fifty cents; for each month, five dollars; for each year, twenty dollars. In any locality in the State, other than is provided above, for each week, one dollar; or each month, two dollars and fifty cents; or for each year, ten dollars.

#### FUTURES, DEALERS IN.

42d. For each person or firm engaged in the business of buying or selling futures for speculation, or on a commission, one hundred dollars; but this shall not be held to legalize any contract which would otherwise be invalid.

#### FORTUNE TELLERS.

43d. For each fortune teller, five dollars.

#### FRUIT STANDS.

44th. For each fruit stand, in cities and towns over ten thousand inhabitants, five dollars. In other places, two dollars and fifty cents.

#### GYPSIES AND TRADERS.

45th. For each company of traders, usually known as gypsies, ten dollars for each county.

### HORSE DEALERS.

46th. For each person or firm, bringing into any county of this State, for sale, any horses, mules, jacks, or jennets, by the car load, ten dollars on each car: to be paid in the county in which such stock is offered for sale.

### INSURANCE COMPANIES.

47th. For each insurance company filing copy of charter, or deed of settlement, and financial statement, one hundred dollars; to be paid to the insurance commissioner, as prescribed in section 2601 of the Code of 1896. And all taxes and fees shall be paid as is in said section provided. And this act does not amend or repeal in any way the law now existing as to insurance companies.

48th. For each insurance company doing a banking business, in addition to other special tax, fifty dollars.

### ICE FACTORIES.

49th. For each ice factory, with a capacity of ten tons per day, twenty-five dollars; for each ice factory with a greater capacity than ten tons per day, fifty dollars.

### ITINERANT TRADERS, AUCTIONEERS, AND DEALERS.

50th. For transient, or itinerant auctioneers, or traders, or dealers in goods, wares and merchandise, other than licensed peddlers, and other than traveling agents of wholesale dealers in said articles, making sale thereof by sample, fifty dollars; and this tax shall apply to all dealers who are migratory and do not pay an ad valorem tax.

### KNIFE AND CANE RACKS.

51st. Knife and cane racks. (See devices).

**LAUNDRIES.**

52d. Each laundry, other than those run by hand power, ten dollars; this shall apply to laundries run by hotels for profit, and shall not apply to laundries in towns and villages of less than one thousand inhabitants.

**LIGHTNING ROD AGENTS.**

53d. Each company or person who sells, or delivers or erects lightning rods in this State, shall pay to the State a license tax of fifty dollars. The payment of this tax to the State, evidenced by the receipt of any judge of probate, shall exempt such company, or person, from the payment of such tax in any other county; but in each county in which such company, or person, carries on such business, a license tax of ten dollars shall be paid for county purposes.

**LEGERDEMAIN OR SLEIGHT-OF-HAND.**

54th. For each exhibition of feats of legerdemain, or sleight-of-hand, or other exhibition or entertainment of like kind, ten dollars.

**LIQUORS, DEALERS IN.**

55th. For the retail of spirituous, vinous or malt liquors, on any steamboat, or other water craft, or any sleeping, dining, or buffet car, two hundred and fifty dollars, for which the State shall have a preferred lien on such steamboat, or other water craft, and cars named; and such lien may be enforced whenever any such liquors are retailed by any person on such steamboat, or other water craft, or cars, with the knowledge or consent of the captain, or conductor, without having first procured a license therefor, as provided by law; and the tax collector of any county in which such steamboat, or other water craft, may ply, or cars run, is required to enforce such lien, in the same manner, and by the same proceedings, as are authorized for the collection of taxes on steamboats and on railroad cars.

For retailers of spirituous, vinous, or malt liquors, except as hereinafter provided, in any city, town, village, or any other place of less than one thousand inhabitants, one hundred and seventy-five dollars; in any city, town or village of more than one thousand inhabitants, and less than three thousand inhabitants, two hundred and twenty-five dollars; in any city containing three thousand inhabitants or more, and less than ten thousand inhabitants, three hundred dollars; and in any city of more than ten thousand inhabitants, three hundred and fifty dollars. But dealers in lager beer exclusively shall be charged one-fourth of the above rates. Any person who pays for and takes out a license as a retailer, shall not be required to pay for, and take out a license as a wholesale dealer in such liquors; and when a retail license is taken out, after the first day of January, and before the first day of July, the price of the license shall be the same as for a license for twelve months. Any person who sells, or disposes, of spirituous, vinous, or malt liquors, or intoxicating bitters, in any quantity less than a quart, shall be deemed a retail dealer: Provided, Nothing in this paragraph shall be so construed as to alter, repeal, or modify any license now authorized and required to be paid to any district, city or municipality, or for municipal purposes.

For wholesale dealers in spirituous, vinous, or malt liquors in any place, three hundred and fifty dollars. Any person dealing in said articles, who shall sell, barter, or exchange, or in any way dispose of, or permit to be taken, spirituous, vinous or malt liquors, in any quantity less than one quart, or who shall permit the same to be drunk by the glass, or single drink, in or about his place of business, shall be deemed a retail dealer; and any dealer so disposing of spirituous, vinous, or malt liquors, only in the quantity of one quart or more, shall be deemed a wholesale dealer; but any person having taken out a license as retail dealer is authorized to sell at wholesale without additional license.

Any person engaged in the business of selling cider at retail, or in quantities of less than one gallon, where he is not the manufacturer thereof, whether it be his principal stock in trade or not, shall pay a license tax of ten dollars: Provided, That this shall not apply to retail liquor dealers.

(See also compounders and rectifiers, distillers, brewers.)

#### MENAGERIES AND MUSEUMS.

56th. For each exhibition of menagerie or museum, twenty-five dollars. (See also circuses, concerts and exhibitions).

#### MACHINE SLOTS.

57th. For each machine such as nickle-in-the-slot or other device of like character, whether the same is charged for or not, two dollars. This shall apply to phonographs, weighing machines, music boxes, etc., having the nickle, or penny in the slot device.

#### MERCANTILE AGENCIES.

58th. Mercantile agencies. (See commercial agencies).

#### MONEY LENDERS.

59th. Each company, corporation or association doing business in this State, whose sole or principal business is the loaning of money, whether organized in this State, or in another State or country, and which is not elsewhere subjected to a privilege tax in this section shall pay to the State as other license taxes are paid, one hundred dollars. Provided, the provisions of this sub-division shall not apply to banks, or banking institutions, regularly organized as such.



**NEWS COMPANIES.**

60th. Each news company doing business in this State, three hundred dollars.

**OILS.**

61st. Each agency, person, firm or corporation, selling illuminating or lubricating oils at whole-sale, that is to say, in quantities of twenty-five gallons or more, shall pay a privilege or license tax to the State, of one-half of one per centum on their gross sales; and the State tax commissioner, or his deputy, is authorized and directed to collect and pay such privilege tax into the State treasury, retaining out of the amount collected ten percentum thereof for the compensation and fees of himself and deputies for doing said work; and said State tax commissioner or said deputies, with the approval of the State board of compromise, may collect and receive a gross sum as said privilege or license tax from any corporation, firm, person or agency, selling oils in this State, and said gross sum may be so received and collected in place of and in full settlement of said license tax, so that oils upon which said gross sum has so been paid in full settlement, shall not be subject to the license tax imposed by this section. And this license shall run as other licenses in the State from January to January: Provided, That for the year 1899 three-fourths only of the annual license shall be charged and collected; and the State tax commissioner or his deputies may require sworn statements to be made by said agencies, persons, firms, or corporations, of their gross amounts of sales, for the previous calendar year which may be accepted with the approval of the State board of compromise for fixing the amount of said license for the current year. Any agency, person, firm, or corporation, failing to make said sworn statement when so required, forfeits to the State three times the amount of said license.

**PAWNBROKERS.**

62d. For each pawnbroker, fifty dollars.

## PATENT RIGHTS.

63d. Each person who shall sell or offer to sell the right to manufacture, or use, any machinery or other thing patented under the laws of the United States for each county in which he shall sell or offer to sell such patented machinery or other thing, five dollars.

## PEDDLERS.

64th. For each peddler of medicines or other articles of like character, one hundred dollars for each county in which they peddle; and for each peddler of spectacles or eye glasses, five dollars for each county in which they peddle; for peddlers of medicines with vocal or instrumental music, or both, two hundred and fifty dollars for each county in which they peddle; for peddlers in wagon drawn by one horse, or other animal, forty dollars; in a wagon drawn by two horses, or more, or other animals, fifty-five dollars; on a horse, or other animal, twenty-five dollars; on foot, fifteen dollars; when accompanied by singers or performers on any musical instruments, one hundred dollars; but peddlers of tinware only, and peddlers of wooden and stone- or clay hollowware only, and tanners who manufacture leather goods and peddle these only, shall not be required to procure license. A peddlers' license shall entitle him to peddle only in the county where it is taken out. Any person may demand of peddlers, itinerant dealers and traveling agents their license, and unless they exhibit the same, or show that they have a right under the law to peddle the articles carried by them, or to carry on the business they are engaged in without a license, such person may and is hereby authorized to arrest such peddlers, itinerant dealer or traveling agent, and carry him before the nearest county court judge, justice of the peace, mayor, recorder, intendant of any town, or notary public exercising the power of a justice of the peace, and such officer as such peddler, itinerant dealer or traveling agent is car-

ried before must, if he finds such person to be dealing without a license, forthwith issue a warrant for his arrest, returnable to any Court of the county having criminal jurisdiction, which warrant may be executed by the sheriff, or by any constable of the county, any city or town marshal, policeman, or any officer having authority to make arrests. It shall, however, be lawful for any person having but one arm or leg, or whose sight has been impaired as a result of exposure, injury or disease during his service in the Confederate army, or any other disabled Confederate soldier who is permanently disabled from any cause, or any person who has lost his eye sight in any way so that he is incompetent to perform manual labor (if he shall secure the certificate of a physician and the certificate of the judge of probate of such facts), to peddle in any county of the State free of license; nor shall this act be so construed as to require a license of peddlers of fish, oysters, game, fresh meats, poultry, fruit and all farm products raised by the seller, nor any dealer in books or other literature. For each peddler of clocks doing business in this State, a State license tax of five hundred dollars, and a county license tax of two hundred and fifty dollars for each county in which such business is carried on. That all the citizens of this State, who have resided here for five years next before the passage of this act, who were soldiers of the Confederate States of America, or engaged in the naval service thereof, and do not own property exceeding in value one thousand dollars, be allowed to peddle any produce or merchandise, in any and all of the counties of this State, except in any incorporated village, town or city, without the payment of the license required of such peddlers. That any such soldiers or sailors desiring such license to peddle, must apply to the judge of probate of any county in this State, and make and submit his proof of having been such soldier, or sailor and if it is sufficient to satisfy said judge, he will issue the license without payment of money therefor and such license shall be authority to peddle such commodities in any of the counties of this

State: Provided, That under this act there shall be no peddling of patent medicines.

#### PHOTOGRAPHERS.

65th. For each traveling photograph gallery going from county to county in railroad car, twenty-five dollars.

For each traveling photographer, traveling in any other way, ten dollars.

#### PISTOL, BOWIE OR DIRK KNIVES.

66th. For dealers in pistol, bowie or dirk knives, whether principal stock in trade or not, one hundred dollars.

#### PISTOL OR RIFLE CARTRIDGES.

67th. For wholesale dealers in pistol or rifle cartridges, in towns or cities of twenty thousand or more inhabitants, ten dollars. In all other places, five dollars: Provided, That the wholesale dealers license shall entitle them to sell at retail.

#### PUBLIC HALLS.

68th. For each public hall, let to hire, twenty-five dollars.

#### POOL TABLES.

69th. For each pool table upon which the game of pin pool is played, one hundred dollars.

For each table upon which a game of pool is played with fifteen balls, more or less, and not pin pool, for the use of which money or other thing of value is charged or when kept in connection with a bar-room or drinking saloon, whether its use is charged for or not, fifty dollars.

#### PLUMBERS OR GAS-FITTERS.

70th. For each person or firm doing the business of a plumber and gas fitter, or either, in towns or cities of twenty thousand or more inhabitants, ten dollars.

In all other places, five dollars.

# **EXHIBIT 44**

record, book, paper, contract, return, or other document, or of the official statement of any account between him and the state, in the office of the auditor or treasurer, certified by the auditor, if the original is in his office, or by the treasurer, if in his office, under the great seal of the state, shall be received as evidence in any case in which the original would be competent, unless the defendant shall deny under oath that he made or executed such original.

**627. Assessor and collector may contract for stationery, printing, etc.**—The tax-collector and tax-assessor are authorized to purchase necessary books and stationery, and to contract for the necessary printing in their respective offices, with the approval of the court of county commissioners. Ib. sec. 132.

**628. Penalty against officer failing to pay over money collected.**—Upon a verdict being returned in favor of the state, in any suit brought by the state against any officer charged with the collection of any revenue for the state, and his sureties, or either, for the recovery of any such revenue collected by him, a judgment must be rendered for the amount of such verdict, and twenty per cent. thereon. \* Ib. sec. 41.

## CHAPTER 9.

### LICENSES.

ARTICLE 1.—Business and callings for which licenses are required; prices of licenses.

2.—Issue and expiration of licenses, and other general provisions.

#### ARTICLE I.

BUSINESS AND CALLINGS FOR WHICH LICENSES ARE REQUIRED; PRICES OF LICENSES.

**629. Persons required to take out licenses, and prices to be paid therefor.**—Licenses are required of all persons engaging in, or carrying on any business, or doing any act in this section Dec. 12, 1884,  
p. 3, sec. 14.

\* On Feb. 18, 1887, "An act to amend section 499 of the Code of Alabama," was approved (Pamph. Acts 1886-7, p. 143); and the section, as amended, is as follows:

"Section 499. **Cities and towns may adopt provisions of this chapter.**—Any incorporated city or town in this state may, by an ordinance, adopt the provisions of this chapter, regulating the assessment and collection of taxes by such city officers or agents, so far as the same may be applicable, and shall have the same right to sell property and make titles to property sold for taxes, as is provided for collecting state and county taxes; but any such city or town must first, by ordinance, adopt such parts of this chapter for said purposes as they desire to put in force; but no city (except Mobile, Montgomery, Marion, Brewton, Cullman and Selma), or town, or county shall assess, levy or collect any license tax on any business or occupation, upon which the state does not assess, levy, or collect such license tax. Nothing herein contained shall affect the provisions of the act for the reduction and funding of the debt of the city of Mobile, approved March 9th, 1875. The city council of Opelika may assess, levy and collect a license tax on banks or bankers, the keepers of livery stables, of meat markets, and those engaged in the business of running drays and hacks for hire." The provisions of the chapter referred to (chapter 2 of title VII. of part 1 of Code of 1876) were superseded by subsequent legislation embodied in this Code, in which no provision of like import to that embraced in section 499 of Code of 1876 was contained; and hence, it was omitted by the commissioners from this Code. The chapter referred to corresponds, in subject-matter, with this title of this Code.



specified, for which shall be paid, for the use of the state, the following taxes, to-wit:

- Subd. 1. 1. For each public race-track, at or within five miles of any city or town containing less than five thousand inhabitants, one hundred dollars; at or within five miles of any city or town containing more than five thousand inhabitants, two hundred dollars.
- Subd. 2. 2. For the retail of spirituous, vinous, or malt liquors, on any steamboat or other water-craft, or on any sleeping, dining, or buffet-car, two hundred and fifty dollars, for which the state shall have a preferred lien on such steamboat or other water-craft, and cars named; and such lien may be enforced whenever any such liquors are retailed by any person on such steamboat or other water-craft, or cars, with the knowledge or consent of the captain, or conductor, without having first procured a license therefor, as provided by law; and the tax-collector of any county in which such steamboat or other water-craft may ply, or cars run, is required to enforce such lien in the same manner, and by the same proceedings, as are authorized for the collection of taxes on personal property.
- Subd. 3. 3. For retailers of spirituous, vinous, or malt liquors in any city, town, village, or any other place, of less than one thousand inhabitants, one hundred and twenty-five dollars; in any city, town, or village of more than one thousand, and less than three thousand inhabitants, one hundred and seventy-five dollars; and in any city or town containing three thousand or more, and less than ten thousand inhabitants, two hundred and fifty dollars; and in any city of more than ten thousand inhabitants, three hundred dollars. But dealers in lager beer exclusively shall be charged one-fourth of the above rates. Any person who pays for and takes out a license as a retailer, shall not be required to pay for, and take out a license as a wholesale dealer in such liquors; and when a retail license is taken out after the first day of January, and before the first day of July, the price of the license shall be the same as for a license for twelve months. Any person who sells or disposes of spirituous, vinous, or malt liquors, or intoxicating bitters, in any quantity less than a quart, shall be deemed a retail dealer.
- Subd. 4. 4. For wholesale dealers in spirituous, vinous, or malt liquors in any place, two hundred dollars. Any person dealing in said articles, who shall sell, barter, or exchange, or in any way dispose of, or permit to be taken, spiritous, vinous, or malt liquors, in any quantity less than one quart, or who shall permit the same to be drunk by the glass, or single drink, in or about his place of business, shall be deemed a retail dealer; and any dealer so disposing of spirituous, vinous, or malt liquors, only in the quantity of one quart or more, shall be deemed a wholesale dealer.
- Subd. 5. 5. For compounders and rectifiers of spirituous or vinous liquors, two hundred dollars. Any person who rectifies, purifies, or refines distilled spirits or wines, by any process, or who mixes distilled spirits or wines with any chemicals, or compounds liquors for sale under any name, shall be deemed a compounder and rectifier.

# **EXHIBIT 45**

owner thereof; and upon a failure to comply with the conditions of such delivery bond, the proceedings thereon shall be as at present prescribed by law in case of forfeited delivery bonds.

SEC. 5. *Be it further enacted*, That this Act shall not apply to fiduciaries, or defaulters, or tax sales; and that it take effect from and after its passage.

EDWIN A. KEEBLE,

*Speaker of the House of Representatives,*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed, February 5, 1862.

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## CHAPTER 22.

AN ACT to dismiss suits in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all suits now pending against citizens of this State, for a violation of Section 4747 of the Code of Tennessee, shall be dismissed by the Court before whom the same are pending: *Provided*, the defendant pay or secure the cost.

EDWIN A. KEEBLE,

*Speaker of the House of Representatives,*

EDWARD S. CHEATHAM,

*Speaker of the Senate.*

Passed, February 4, 1862.

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## CHAPTER 23.

AN ACT to amend the law respecting Bowle Knives and other weapons.

*Be it enacted by the General Assembly of the State of Tennessee*, That all laws forbidding the importation, manufacture, selling, or giving away of Bowie knives

or other weapons, and all laws prohibiting the carrying of pistols, Bowie knives, or other weapons, openly and unconcealed, be suspended during the existing war.

EDWIN A. KEEBLE,  
*Speaker of the House of Representatives.*  
EDWARD S. CHEATHAM,  
*Speaker of the Senate.*

Passed, October 30, 1861.

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## CHAPTER 24.

AN ACT to amend the Fee Bill and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Clerks of the County Courts of this State be entitled to receive and they are hereby allowed fifty cents for taking the Bond required to be executed by the fourth Section of an Act passed by the General Assembly of the State of Tennessee, on the 15th day of March, 1860, entitled an Act to prevent the adulteration of spirituous liquors in this State.

SEC. 2. *Be it further enacted,* That said fee shall be paid by the person executing the Bond, and that this Act take effect from and after its passage.

SEC. 3. *Be it further enacted,* That when any of the Clerks of the Circuit Courts in this State are in the army of the State or of the Confederate States of America, or have been for any part of the fiscal year ending the first day of September last, and their deputies failed to make a sworn statement to the Comptroller of the treasury of the taxes and revenue belonging to the public treasury, and received by them on or before the first day of October last, or when they failed to pay over to the Treasurer of the State the taxes and revenue received by them, and belonging to the public treasury, on or before the first day of

# **EXHIBIT 46**

## CHAPTER XCV.

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

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

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

Passed March 14, 1879.

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

J. R. NEAL,  
*Speaker of the Senate.*

Approved March 17, 1879.

ALBERT S. MARKS,  
*Governor.*

---

## CHAPTER XCVI.

AN ACT to Prevent the Sale of Pistols.

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



[ 136 ]

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

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

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

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

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

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

Passed March 14, 1879.

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

J. R. NEAL,  
*Speaker of the Senate.*

Approved March 17, 1879.

ALBERT S. MARKS,  
*Governor.*

---

## CHAPTER XCVII.

AN ACT to amend the Law Taxing Wagons.

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

# **EXHIBIT 47**

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

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

Approved, April 1st, 1881.

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No. XCVI.

AN ACT To Preserve the Public Peace and Prevent Crime.

SECTION

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

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

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

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

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

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

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

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

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

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

Approved, April 1st, 1881.

## CERTIFICATE OF SERVICE

Case Name: **Knife Rights, Inc., et al. v.  
California Attorney General  
Rob Bonta, et al.**

No. **3:23-cv-00474-JES-DDL**

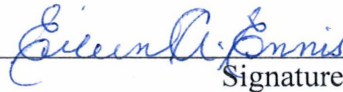
I hereby certify that on March 6, 2024, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

### **EXPERT REPORT AND DECLARATION OF BRENNAN RIVAS**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on March 6, 2024, at Sacramento, California.

Eileen A. Ennis  
Declarant

  
Signature

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Supervising Deputy Attorney General  
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*official capacity as Attorney General of the*  
*State of California*

9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
12

13  
14 **KNIFE RIGHTS, INC., ELIOT**  
15 **KAAGAN, JIM MILLER,**  
16 **GARRISON HAM, NORTH**  
**COUNTY SHOOTING CENTER,**  
**INC., and PWGG L.P.,**

17 Plaintiffs,

18 v.

19 **CALIFORNIA ATTORNEY**  
20 **GENERAL ROB BONTA,**

21 Defendant.  
22  
23  
24  
25  
26  
27  
28

3:23-cv-00474-JES-DDL

**EXPERT REPORT AND  
DECLARATION OF ROBERT  
ESCOBAR**

Dept: 4B  
Judge: The Honorable James E.  
Simmons, Jr.



## **EXPERT REPORT AND DECLARATION OF ROBERT ESCOBAR**

I, Robert Escobar, declare under penalty of perjury that the following is true and correct:

The California Department of Justice has asked me to provide an expert opinion in the above-captioned matter. My declaration and report below provides that opinion in detail. This report and declaration is based on my own personal knowledge and experience, and if I am called to testify as a witness, I could and would testify competently to the truth of the matters discussed in this report and declaration.

### **BACKGROUND AND QUALIFICATIONS**

1. I received a Bachelor's degree in history from the University of Dallas in 1995. This institution requires a thesis and defense for completion of an undergraduate degree. My thesis was on the Boxer Rebellion in China (1899-1901), an event that has a strong connection to the martial arts history of Asia. Since graduating college, my primary occupation has been in business as a project manager and analyst, but I have maintained a deep interest in martial arts and the history of weapons.

2. In martial arts, I have attained a 2nd degree black belt in Goju-Ryu karate and a 1st degree black belt Kobudo (Okinawan-Japanese weapons). I am a black belt member of Budo-Kai International, a martial arts organization which conducts regular seminars, and several of the head instructors leading these seminars have experience in law enforcement or the military or in providing training to one or both. Additionally, I have trained in various martial arts for over 25 years. Besides the martial arts mentioned above, I have been trained in Krav Maga (Israeli military martial art); Brazilian Ju-Jitsu; hybrid wrestling (mixed martial arts); boxing; and HEMA (Historical European Martial Arts).

3. I am a certified Six Sigma© Black Belt, a project management certification, and am currently employed as a Project Manager at FORVIS, a

1 national public accounting firm. In addition to my primary occupation, I am  
2 engaged on a variety of writing and research projects, including researching  
3 historical weapons.

4 4. I am the author of *Saps, Blackjacks and Slungshots: A History of*  
5 *Forgotten Weapons* (Gatekeeper Press 2018). This work identified and addressed a  
6 large gap in the history of impact weaponry and martial arts and was used as a  
7 source by the California Attorney General's Office in *Fouts, et al. v. Becerra*, in  
8 addition to my testimony in that case. I am also the author of *Deadly Ingenuity: A*  
9 *History of Unusual Weapons from around the World and across time* (Gatekeeper  
10 Press 2023). This work sheds light on some historical weapons and fighting  
11 techniques that have not been surveyed before. The book offers a wide-ranging  
12 discussion, covering weaponry and martial arts history from different centuries and  
13 continents.

14 5. My research on historical weapons has been praised by a range of  
15 scholars and authorities on weapons and self-defense, including Massad Ayoob, a  
16 noted firearms and self-defense instructor; Thomas Jodziewicz, Ph.D., Professor  
17 Emeritus, former Chair of the Department of History (University of Dallas) and  
18 president of the Texas Catholic History Society; Ashley Sharpe, Ph.D.,  
19 Anthropologist- Smithsonian Tropical Research Institute; and Sir Christopher  
20 Ricks, FBA (Fellowship of the British Academy, a distinction granted by the  
21 United Kingdom to leading academics), former professor at Oxford University,  
22 currently the William M. and Sara B. Warren Professor of the Humanities at Boston  
23 University.

24 6. I have completed an extensive level of research on the following  
25 weapons: (1) "saps" ("soft," and hard stunning bludgeons, see below); (2)  
26 "blackjacks" (very small, dense clubs that flex during use, see below); (3)  
27 "slungshots" (essentially pocket flails, quite popular for the majority of American  
28 history), which are still made and sold today, usually called monkey fists; (4)

1 “nunchaku” (commonly known as nunchucks); and (5) “billies” (short clubs of  
2 various sorts); and (6) small edged weapons (both professionally made and  
3 improvised such as ice picks and prison shanks/shivs) I have also conducted  
4 extensive research into the straight razor, another weaponry niche which I will  
5 address in an upcoming book. Through this research and my years of research  
6 regarding historical weapons in general and street weapons in particular, I have  
7 gained expertise in the origins and uses of a similar close combat weapon, the  
8 switchblade. My research has included studying a range of source material—from  
9 court cases to medical evidence and hands on experiments—in order to apprise the  
10 effectiveness of these weapons in the hands of both the law and lawless, the trained  
11 and untrained.

12 7. In my research over the years, I have read and collected a wide variety  
13 of sources and antique specimens on the subject of the street weapons of the  
14 western world. By necessity this has included a plentitude of police and criminal  
15 history from court records and newspaper articles in the U.S. and U.K., memoirs by  
16 law enforcers and breakers, as well as current and past training manuals made by  
17 law enforcement and martial artists. Additionally, I have interviewed people with  
18 practical experience with these tools.

19 8. Moreover, my ongoing martial artist training, including earning a  
20 black belt in certain weapons (including kobudo), supplements my scholarly  
21 research with some level of physical experience.

22 9. My conclusions are based on as clinical and fair an assessment of  
23 objective facts as I could produce. I was trained in historical methodology, although  
24 not at a graduate school level. My statements and conclusions in this document are  
25 not based on my personal opinion regarding whether or not weapons should be  
26 legally allowed for civilians.

27 10. I have provided expert witness testimony in *Fouts, et al. v. Becerra*,  
28 No. 3:19-cv-1662 (S.D. Cal.).

11. A true and correct copy of my current curriculum vitae is attached as **Exhibit A** to this declaration.

### **RETENTION AND COMPENSATION**

12. I have been retained by the California Department of Justice to render expert opinions in this case. I am being compensated at a rate of \$150 per hour. My compensation is not contingent on the results of my expert analysis or the substance of my opinions or any testimony in this matter.

### **BASIS FOR OPINION AND MATERIALS CONSIDERED**

13. Counsel for Defendant provided me with the operative Complaint in this matter, copies of the relevant statutes being challenged, and other case-related documents pertinent to this matter. Other than these documents, my report is based on my own independent research.

### **OPINIONS**

#### **I. THE APPEAL OF THE SWITCHBLADE TO CRIMINALS**

14. My research of the history of bladed weapons for this report shows a clear preference by criminals for edged-weapons that are culturally understood to be inherently frightening, including switchblades and their historical precursors.

#### **A. Early Spanish-Version of the Modern Switchblade: The Navaja**

15. While a common word in Spanish today for knife, in historical weaponry, the term “Navaja” specifically refers to the signature Spanish fighting knife of antiquity. These large folding knives were the Spanish version of the Italian stiletto in a cultural context. They were strongly linked to criminal users, specifically the infamous Barateros in the 18<sup>th</sup> and 19<sup>th</sup> centuries. These were gangsters who controlled neighborhoods and extorted or robbed citizens in various ways, most famously with an extortion racket in gambling dens.<sup>1</sup> Rather than opening noiselessly or with a slight click as is the norm with any unfolding knife

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<sup>1</sup> Henry George O’Shea, *O’Shea’s Guide to Spain and Portugal* (1889).

1 that locks into place once fully deployed, Navajas had a ratchet mechanism that  
 2 purposefully clicked loudly and progressively as the blade was being unfolded.<sup>2</sup>  
 3 This loud, multi-click sound advertised the weapon's preparation for use in the  
 4 same intimidating way that a shotgun being cocked does. To quote Blade  
 5 Magazine, "In fact, it became the knife of choice among muggers who would rob  
 6 people in alleyways and other dark urban areas. Victims knew they were about to  
 7 be robbed when they heard the unmistakable popping sound the Navaja made when  
 8 a mugger opened it."<sup>3</sup>

### 9 **B. Australian Gang Usage of the Straight Razor**

10 16. Criminal gangs in Australia (to name just one country) embraced the  
 11 straight razor, even though it is a poor choice as a weapon despite its namesake.  
 12 Note the name "straight razor" actually refers to the obsolete folding shaving aid  
 13 that was ubiquitous before the advent of the safety razor. Straight razors (also  
 14 known as cut-throat razors) are delicate compared to knives both in blade and  
 15 overall body; they were not designed or built to withstand stress.

16 17. Self-defense instructor Ray Floro, creator of Floro Fighting Systems, is  
 17 an edged weapon expert and instructor who "has instructed the US Special Forces,  
 18 Korean Special Forces, various SWAT teams, New Zealand Police..."<sup>4</sup> In a video  
 19 dedicated to switchblades, he describes their blades "as brittle as glass." Similarly,  
 20 in conducting research for this report, I dropped a straight razor onto a hardwood  
 21 floor from roughly elbow height. The handle broke, making the entire knife  
 22 inoperable. Another weakness is that a straight razor is a folding blade with no  
 23 locking mechanism of any kind. The risk of self-injury is thus extremely high  
 24 compared to any other edged weapon. And yet, many gangs used this instrument as

25 <sup>2</sup> For an audible demonstration of the knife being unfolded, see the YouTube  
 26 Video "Spanish Navaja .. (Navaja Arabe 101t..JJ Martinez)",  
<https://youtu.be/UMLjtPyx2QI?si=ggtNj2BAO3tUdyLL>.

27 <sup>3</sup> Mike Ableson, *The Navaja: A Spanish Gem*, Blade (Nov. 16, 2022),  
<https://blademag.com/buyers-guides/the-navaja-a-spanish-gem>.

28 <sup>4</sup> Raymond Floro, *About Page*, Raymond Floro (Dec. 18, 2023),  
<https://rayfloro.net/about/>.

1 a proud symbol of their gang and the violence they were capable of. Returning to  
 2 Australia, the razor gangs from that country's past (1920s and 1930s) are legendary.  
 3 Entire books have focused on them, such as *Daughter of the Razor: An Australian*  
 4 *True Crime Story* (2016), *Razor: Tilly Devine, Kate Leigh and the Razor Gangs*  
 5 (2001), *The Law of the Razor* (2008).

6 18. It is well-documented that the razor was the proud symbol of these  
 7 gangs and that it was used to leverage the fear the public felt towards it. A common  
 8 tactic was to slice the face of a living victim with one and leave them to be a  
 9 walking advertisement of the gang's menacing presence.<sup>5</sup> Mr. Floro and martial arts  
 10 instructor Bradley Steiner, the author of the only book on the razor as a weapon  
 11 (*Close Shaves*, 1980), both attest to the tremendous intimidation factor the sight of  
 12 a straight razor produces when brandished.<sup>6</sup>

13 19. In these two historical precedents (the Navaja and straight razor),  
 14 violent criminals can be seen embracing knives that are readily concealable and  
 15 seen by others as particularly frightening. Switchblades fall comfortably into this  
 16 category of weapons that are particularly well-suited for criminal purposes.

## 17 **II. DANGERS IN USING AN AUTOMATIC KNIFE FOR SELF-DEFENSE**

18 20. An automatic knife is by its nature the most complicated type of knife  
 19 on the market. Comparing it to a fixed blade knife (the simplest) is in my opinion  
 20 like comparing an AR-15 to a revolver, a revolver generally being considered the  
 21 apex of reliability and simplicity in firearms. To better understand the dangers and  
 22 impracticality of using an automatic knife for self-defense, it is helpful to first  
 23 understand the three major knife categories. All knives can be classified into three  
 24 categories: (1) fixed blade, (2) folding, and (3) out to the front ("OTF").

25  
 26  
 27 <sup>5</sup> "The 1920s: the Razor Wars", Sidney Crime Museum (Dec. 18, 2023),  
<https://www.sydneycrimemuseum.com/crime-stories/1920s-the-razor-wars/>.

28 <sup>6</sup> Bradley J. Steiner, *Close Shaves: The Complete Book of Razor Fighting*  
 (1989), <https://azinelibrary.org/approved/32973698-Close-Shaves-Steiner.pdf>.



21. A fixed blade knife is, for all intents and purposes, one solid object featuring no moving parts. As such, it requires no preparatory actions to be taken once in-hand in order be ready for combat. Both folding and OTF knives contain their blades inside of the handle. Consequently, both require preparatory actions once in hand to release the blade before it can be used for defense. Automatic versions of those two types require multiple mechanical parts to enable this, as detailed below under Mechanical Failure. Their complex nature may be why Men's Gear magazine selected 15 knives as the best options for self-defense in 2023 without even one being an automatic knife.<sup>7</sup>

22. Similarly, the Contemporary Fighting Arts website explicitly warns readers against using automatic knives for self-defense: "Avoid using spring blades (i.e. switchblades, stilettos or other novelty knives) when engaged in knife combat. Spring blades are inherently dangerous when knife fighting for some of the following reasons: The internal spring can malfunction in a time of need. The structural integrity of the knife is usually poor and will not hold up in knife combat. The hand grips are usually too thin and often slippery for real world combat situations. They look menacing and have a criminal stigma attached to them."<sup>8</sup>

**A. Mechanical Failure: Failing to Open or Lock**

23. Any automatic mechanism that handles the unfolding or OTF opening requires small moving parts to work in unison. A switch (often a button) and safety (if present and set to the lock position) *and* blade locking mechanism (a different part from the safety lock, which is what ensures the knife will not fold back in on the owner during use) must each work successfully for the knife to be usable in combat. As with any machine or tool, mechanical failure is possible. Moving parts designed to work in unison can fail for a variety of reasons including wear,

<sup>7</sup> "15 Best Self-Defense Knives: Keep Yourself Safe With These Top Picks", *MensGear.net*, <https://mensgear.net/self-defense-knives/>.

<sup>8</sup> "Knife Fighting", *ContemporaryFightingArts.com*, <https://contemporaryfightingarts.com/knife-fighting/>.

1 misalignment, rust, breakage or shoddy construction.<sup>9</sup> A switchblade is no  
 2 exception and involves a higher chance of mechanical failure than other weapons  
 3 that are more commonly used for self-defense.

#### 4 **B. User Error**

5 24. The difficulties presented by using a switchblade properly also make  
 6 switchblades a suboptimal self-defense weapon for the average person. Deployment  
 7 of a switchblade in a self-defense emergency would require reaching into a pocket,  
 8 removing the unseen item in the correct orientation (so the button is where the  
 9 appropriate digit can engage it), gripping it an unnatural way (detailed below),  
 10 pressing the button/flipping the switch and then changing grips into a natural,  
 11 effective one for combative purposes. And all of that is assuming the safety is  
 12 already off, which presents another hurdle to proper deployment.

13 25. Any unfolding switchblade requires the user to hold the knife handle in  
 14 a precarious and unnatural manner in order to let the blade unfold. The back of the  
 15 handle would rest in the palm. Meanwhile, the fingers and thumb would pinch the  
 16 sides of the handle. The cutting edge in this way is on the side opposite the palm  
 17 and does not come into contact with any part of the person's hand. In short, the

18 <sup>9</sup> A YouTube search for, "Switchblade fail" brings up a variety of videos on  
 19 common switchblade operational issues and how to fix them. A sampling of these is  
 20 provided: "Switchblade Knife: Broken Spring Repair in Pictures", YouTube (Dec.  
 21 18, 2023), <https://youtu.be/IGkhQsiYQvI?si=-CB1RemUFZhtPKVd>; "How to fix  
 22 your automatic knife - Switchblade with button hard to press", YouTube (Dec. 18,  
 23 2023), <https://youtu.be/SLSrgXvrsFQ?si=Na20xUX3W525k99->; "How to fix your  
 24 automatic knife - Switchblade with slow or partial opening", YouTube (Dec. 18,  
 25 2023), [https://youtu.be/5EeBbfAa0PM?si=v9uw\\_51A8Ok3kdtl](https://youtu.be/5EeBbfAa0PM?si=v9uw_51A8Ok3kdtl); "How to fix on  
 26 OTF automatic knife misfire", YouTube (Dec. 18, 2023),  
 27 <https://youtube.com/shorts/EaKTvPdVvn0?si=PPfNbDygtVaaA3Xd>; "Most  
 28 Common Problem With OTF Automatic Knives...Simple Fix :)", YouTube (Dec.  
 18, 2023), <https://youtu.be/5EeBbfAa0PM?si=R02RmAzQ1gkOFETe>;  
 "SWITCHBLADE OTF KNIFE MECHANISM MALFUNCTION PART 1",  
 YouTube (Dec. 18, 2023),  
<https://youtu.be/mYXJJ4fnAWo?si=EOeIDln9Kj3liWWY>;  
 "Switchblade Test Fail on Deployment I", YouTube (Dec. 18, 2023),  
<https://youtube.com/shorts/uxcUK6LP5vw?si=sxvucSnW3U5LVwn4>; "What to Do  
 When Your OTF Knife Comes Off Track", YouTube (Dec. 18, 2023),  
<https://youtu.be/Mzn5F8INPR4?si=aiMcJrZR89Cv7Rnw>".

1 object is not fully grasped. Not even one of the five fingers encircles the object, so  
2 that one entire side (lengthwise) is exposed.

3 26. Therefore, any unfolding, automatic knife must be held only partially  
4 so the opening action can take place, otherwise the back of the unfurling blade will  
5 be blocked by the user's fingers. The natural, intuitive way to hold a knife handle or  
6 anything of similar size and shape is with the fingers and thumb fully encircling the  
7 handle/object. In fact, knife fighting martial arts call this the "natural grip" (see  
8 grips overview below in this sub-section). This means automatic knives cannot be  
9 used for self-defense until a significant grip adjustment is made, a transition from A  
10 to B and back to A with A being the natural grip and B being the open ready  
11 position.

12 27. This is a multi-step fine motor skill operation that requires repeated  
13 practice and training in a realistic, adrenalized simulation if it is to be relied upon in  
14 a self-defense scenario.

15 28. If a user operates the opening switch while holding the handle in the  
16 most natural position, various undesired outcomes will result. For a single-edged  
17 blade, the back of the blade would open into the user's fingers and be unable to  
18 unfold for use. A double-edged blade would propel a cutting edge into the user's  
19 own hand (inside of the fingers). In either of those two scenarios, there is the  
20 additional problem that the interrupted opening of the blade means the entire  
21 process must be reset. The operation must be restarted by reinserting the blade  
22 inside the handle, effectively reloading the spring. Once that is done, the button  
23 must be pressed again.

#### 24 C. Additional Dangers Presented by Switchblades

25 29. There are three additional dangers presented by both kinds of  
26 automatic knives.

27 30. The first danger is failure to lock. A manually operated knife is locked  
28 into place when opened by the user. The person thereby has tactile confirmation

1 that the blade has been securely locked and the knife is now safe to use. Anyone  
2 who opens a folding knife one or two handed will easily feel the locking action.  
3 This is because their hand is in direct contact with the blade itself as it is locked into  
4 place. That is not the case with an automatic knife. No part of either hand is  
5 touching the blade, so the user must trust that the blade locking action completed  
6 normally. Locking may fail to take place for the same reasons any machine action  
7 can fail (see mechanical failure causes above). In the midst of a sudden self-defense  
8 situation, the user is unlikely to realize that this failure occurred due to the touchless  
9 operation just described. They would therefore be unaware that they are wielding a  
10 blade that can close back down on their fingers with its cutting edge. And it will do  
11 so if pressure is brought to bear on the back of the blade or even point depending on  
12 the exact angle with the latter. Either way, this can easily occur in the unpredictable  
13 tussle of battle where any number of body parts or foreign objects (wall, door, side  
14 of a car, etc.) can provide the needed resistance to the blade to encourage it to close.  
15 This realistic danger is precisely why folding combat knives have locks in the first  
16 place.

17 31. The second danger is from failure to disengage the safety lock. The  
18 safety that many automatic knives feature is perfectly analogous to a firearm's  
19 safety. This sensible precaution ensures the knife is not accidentally triggered. And  
20 if engaged, then it must be flipped before the knife can be used in self-defense. This  
21 adds an additional step involving a small button or switch and fine motor skills to  
22 those already listed earlier to the muscle-memory/training requirements for the user.  
23 The overall dynamic is similar to firearms: there is a safety that should be engaged  
24 when walking around. Thus, it must be disengaged and then the "trigger" must be  
25 operated for defense use. Without a substantial amount of training, it is highly  
26 unlikely that an individual would be able to quickly and safely disengage a  
27 switchblade's safety lock—and then safely deploy the switchblade, as described  
28 above—in a self-defense situation.

1           32. Finally, switchblades present the substantial danger of accidentally  
2 opening. If a user fails to use the safety lock when stowing the automatic knife,  
3 accidental pressure on the button could trigger the switchblade to open. The owner  
4 may be unaware of this as the knife rests in a pocket, handbag, or other location.  
5 Should the need arise to quickly extract the knife from clothing or a bag, the user  
6 will be surprised to find the knife in the opposite position they expected. They  
7 could also cut themselves on the exposed blade.

8           33. The many pitfalls to automatic knives detailed in this section may be  
9 why the famous knives of the U.S. military and militaries around the world are all  
10 fixed blade. The fact that militaries the world over clearly prefer fixed blade knives  
11 to switchblades underscores the fact that switchblades are not well-suited for self-  
12 defense.

13 **III. IN COMPARISON TO OTHER TYPES OF WEAPONS, SWITCHBLADES ARE**  
14 **PARTICULARLY ILL-SUITED FOR SELF-DEFENSE**

15           34. For several reasons, switchblades are particularly ill-suited to be used  
16 as weapons for self-defense. First, unlike weapons such as handguns, pepper spray,  
17 or tasers that can end or impede a threat from a distance, switchblades are strictly  
18 close-quarters weapons that require hand-to-hand combat skills in order to use  
19 safely and effectively against a threat.

20           35. Second, multiple knife and self-defense writers have observed that  
21 using a knife combatively is an action that lies beyond a mental threshold many are  
22 incapable of crossing. For example, Gershon Ben Keren is a 5th Degree Black Belt  
23 in Krav Maga, the martial art used by the Israeli military. He works in the security  
24 industry and holds Master Degrees in Criminology and Criminal Psychology, as  
25 well as Psychology. He states that, when compared to chemical sprays and batons,  
26 “Knives are used differently, they are not used just to cause pain but to cut and  
27 destroy tissue, and cause blood loss regardless of the part of the body which is  
28 targeted—they are also generally used at close range, rather than at distance. This

1 makes it hard to argue that they are by nature a defensive tool, in the same way that  
 2 a spray, stick or flashlight could be represented as. This is not to say that a knife  
 3 couldn't be used in a defensive capacity or manner just that inherently it would be  
 4 difficult to argue that it is anything but an offensive weapon.”<sup>10</sup>

5 36. Former police officer and current martial arts instructor Mike Pesesko  
 6 warns watchers of his video on self-defense in the case of a home invader that he  
 7 does not believe the average person will be psychologically capable of using a knife  
 8 on an intruder.<sup>11</sup>

9 37. Marc ‘Animal’ MacYoung is a former streetfighter, bodyguard,  
 10 bouncer, correctional institute Director and security guard. He mentions the  
 11 significant mental barrier there is to using a knife effectively on an attacker in  
 12 conjunction with the concept of, “resistance to kill,” which in short is that most  
 13 people feel said resistance and that this resistance increases the closer you get to the  
 14 opponent.<sup>12</sup>

15 38. Combatives instructor Hock Hochheim is, “a former military police  
 16 patrolman and investigator, a former Texas patrol officer and detective, and former  
 17 private investigator.” Although there are many instructors who teach the use of the  
 18 knife, including Mr. Hochheim, he corroborates that there is a considerable anti-  
 19 knife movement/belief in martial arts and self-defense communities. Regarding the  
 20 anti-knife stance, he states, “I get the message from several Krav Maga, self-  
 21 defense and combatives schools around the world...”<sup>13</sup>

22 <sup>10</sup> Gershon Ben Keren, “Defensive Knife Carry”, BostonKravMaga.com  
 23 (Dec. 18, 2023), <https://www.bostonkravmaga.com/blog/krav-maga/krav-maga-weapons/defensive-knife-carry.html>.

24 <sup>11</sup> “Choosing the Best Home Defense Weapon (Besides Guns), YouTube  
 (Dec. 18, 2023), <https://youtu.be/y-PnGz65W-I?si=CjO1Lb-uzzSF6dV>.

25 <sup>12</sup> Marc “Animal” MacYoung & Dianna Gordon MacYoung, “The Cost of  
 Using a Knife”, *No Nonsense Self-Defense* (Dec. 18, 2023)  
 26 <http://www.nononsenseselfdefense.com/costknife.htm>.

27 <sup>13</sup> “Should You Even Dare Use A Knife To Defend Yourself?” Force  
 Necessary: Hock’s Hand, Stick, Knife and Gun Combatives (Dec. 18, 2023),  
 28 <https://www.forcenecessary.com/should-you-even-dare-use-a-knife-to-defend-yourself/>.





1 automatic knives, OTF and unfolding, this can make the knife unusable until further  
2 action is taken—action that an attacker is unlikely to afford the knife owner.

3 43. In sum, switchblades are widely regarded as poor weapons of choice  
4 for self-defense.

5  
6 I declare under penalty of perjury under the laws of the United States of America  
7 that the foregoing is true and correct.

8 Executed on December 20, 2023, at Dallas, TX.

9  
10 Robert Escobar

11 Robert Escobar  
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# **EXHIBIT A**

## ROBERT ESCOBAR

317 Stoneledge  
Irving, TX 75063

robert\_escobar@sbcglobal.net  
469.371.3224

### SUMMARY

A Six Sigma Black Belt, Robert has extensive experience at leading projects as well as launching and managing company level initiatives within finance, accounting and real estate organizations. More than once in his career, Robert has led a project his employer considered the largest in its history. Strengths include strategic analysis, process improvement, facilitation, communication and risk management.

### PROFESSIONAL EXPERIENCE

**BKD-FORVIS, Dallas, TX**

**2015 – PRESENT**

#### Project Manager

- 1 First Project Manager in the company's new project management office.
- 2 Led the adoption, implementation, training and support of Smartsheet®. These duties included acting as the internal consultant and one-man support team for the entire company *in addition to* leading various projects.
- 3 Led what was described as the largest project the company had ever undertaken, a 4 year initiative to create a SharePoint-based intranet, file retention and sharing system with automated record retention. This was while supporting Smartsheet as mentioned above.
- 3 Implemented the Human Resource department's implementation of a new onboarding and offboarding software.
- 4 Led multiple merger projects when BKD and DHG merged into FORVIS, creating a top ten national public accounting firm.

**CELERITY, McLean, VA**

**2010 – 2015**

#### Consultant

- 1 Project Manager at Fannie Mae's national REO (Real Estate Owned) center. Worked on a transformational project that client was taking on to deal with the unprecedented downturn in the housing market.
- 2 Supported various lines of business during a highly challenging time and in a variety of capacities.

**JP MORGAN CHASE, Irving, TX**

**2007 – 2010**

#### Manager- Risk Audit Management & Quality (August 2007 – January 2009)

- 1 Critical leader in the launch of an organization wide risk management and process improvement program. This included personally interviewing and auditing 13 operational teams, designing and overseeing the testing of 221 individual processes and working with management to identify and address critical risks.
- 2 Recommended and created the company's 1<sup>st</sup> ever centralized repository of policies & procedures. This assisted in passing critical bank audits as well as improving efficiency through the use of automated updates and workflows.
- 3 Selected to serve on all offshore outsourcing initiative project teams. In this capacity, identified and addressed a critical gap wherein these projects were not being properly vetted for compliance with legal and regulatory requirements, including the Gramm-Leach-Bliley and Bank Secrecy Acts.

**TOWN NORTH BANK, Dallas, TX**

**2006 – 2007**

**Bank Officer- Business Systems Analyst (April 2006 – August 2007)**

- 1 Successfully led vendor selection, contract negotiation and implementation of a new payment processing partnership, realizing \$20,000/month in savings and negotiating the out of court settlement of a potentially expensive corporate dispute.
- 2 Selected to act as "Internal Consultant" for the Mortgage Warehouse line of business, whose continued growth was highlighted as a Critical Success Factor for the bank. This included observing and interviewing employees and management, documenting processes, identifying operational risk and identifying efficiency solutions. Was then asked to participate in the development of the department's 5 Year Strategic Plan and lead exercises designed to improve the strategic planning capabilities of team management.
- 3 Audited all company departments on the security and efficiency of their paper based systems, creating a detailed deployment plan on how and where to best implement imaging. This included creating a standardized imaging audit procedure and tool set.
- 4 Chosen as Project Manager for the deployment of SharePoint 2007 throughout the organization. SharePoint was a new tool for the company subsequently utilized for managing and documenting audits, projects, policies and procedures.

**WASHINGTON MUTUAL BANK, Irving, TX**

**2004 – 2006**

**Project Manager- Risk Implementation Specialist (Aug 2004 – April 2006)**

- 1 Completed a 'Top Ten' Commercial Group project (e.g. Lockbox Conversion) which touched the entire customer base. In addition, led 3 of the Commercial Group's top 20 projects and 2 of the top 16 in 2005.
- 2 Designed a Risk Rating tool and methodology used to categorize and prioritize all identified process breakages and risks. Also, created the communication vehicle for the program that captured these.
- 3 One of the primary drivers of the company's first structured project prioritization effort. This involved creating and launching a local project governance board and acting as Council Chair.
- 4 Led initiative to review all MFL title policies. This put the company concurrent with policy review work for the first time since process inception. Also, identified a solution that eliminated the need to review most Title Policies going forward, thus greatly reducing cycle time and workload. Implementation involved successfully negotiating with the Chief Legal Officers from the nation's largest title companies.

**TRANSAMERICA REAL ESTATE TAX SERVICE, Dallas, TX**

**1998 – 2004**

**Manager- Property Strategy (July 2003 – July 2004)**

- 1 Set the company strategy for the purchase of tax assessor data nationwide (average yearly expenditure of \$1.9 million), reducing costs by \$120,000 in 2004.
- 2 Responsible for maintaining the quality of the company's largest database while reducing manpower by 60%.
- 3 Acting as Project Manager for a new product initiative with 9 separate staffs.
- 4 Coached, mentored and motivated a staff of business analysts and IT programmers in exceeding departmental goals in a time of significant change.
- 5 During corporate merger, managed three operational teams as well as one of eight 'Transition' projects.

**Team Lead (Mar. 2002 – July 2003)**

- 1 Participated as the only associate on all three company Six Sigma Black Belt implementation teams, contributing to each and acting as the central liaison.
- 2 Led department associates in increasing the company's database quality by 600%, realizing \$10 million in savings over a two-year period.
- 3 Managed a large, cross-functional project that affected over 80 associates and redesigned a core company process (credited with \$1 million annual savings).

**EDUCATION**

**University of Dallas, Irving, TX**

Bachelor of Arts in History – May 1995

**PROFESSIONAL TRAINING**

- 1 Proficient with Project Management Institute (PMI) methodology, 2006-2007

- 2 Systemation © Practical Facilitation & Thriving on Conflict 2005
- 3 All Washington Mutual Bronze Certification training classes, 2004-2005
- 4 Six Sigma Black Belt Training and Certification, 2002 – 2003
- 5 Breakthrough Leadership Training I & II, 2003
- 6 7 Habits of Highly Effective People, 2002
- 7 Toastmasters International, 2003-2005

### **HONORS & ACHIEVEMENTS**

- Promoted to Bank Officer within 1<sup>st</sup> year of company service, 2007
- Lightning Strikes Award (\$2,000) received in first six months of company service, 2006
- Washington Mutual Silver Award, 2004
- Nominated by Sr. Vice President to be the only 'Transaction' Project Manager not from management, 2003
- Chosen by executive team to be the only Six Sigma Green Belt promoted to Black Belt, 2002
- Best Presentation, Team Lead Conference, 2002
- Best Supporting Team, 1998
- Perfect Attendance, Year, 1997

### **COMPUTER SKILLS**

Net G Certifications: MS Word; Excel; PowerPoint; Access; FrontPage; HTML/Web Publishing  
Recognized as the first Transamerica associate to achieve Mastery Level Certification in any Net G subject  
Proficient with MS SharePoint; Mainframe; AS/400; QMF for Windows; RPG; SQL



## CERTIFICATE OF SERVICE

Case Name: **Knife Rights, Inc., et al. v.  
California Attorney General  
Rob Bonta, et al.**

No. **3:23-cv-00474-JES-DDL**

I hereby certify that on March 6, 2024, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

### **EXPERT REPORT AND DECLARATION OF ROBERT ESCOBAR**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on March 6, 2024, at Sacramento, California.

Eileen A. Ennis  
Declarant

  
Signature

1 ROB BONTA  
Attorney General of California  
2 R. MATTHEW WISE  
Supervising Deputy Attorney General  
3 JANE REILLEY  
Deputy Attorney General  
4 KATRINA UYEHARA  
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8 E-mail: Katrina.Uyehara@doj.ca.gov  
9 *Attorneys for Defendant Rob Bonta, in his  
official capacity as Attorney General of the  
State of California*

10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
12  
13  
14

15 **KNIFE RIGHTS, INC., ELIOT  
KAAGAN, JIM MILLER,  
16 GARRISON HAM, NORTH  
COUNTY SHOOTING CENTER,  
17 INC., and PWGG L.P.,**

18 Plaintiffs,

19 v.

20 **CALIFORNIA ATTORNEY  
21 GENERAL ROB BONTA,**

22 Defendant.  
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28

3:23-cv-00474-JES-DDL

**EXPERT REPORT AND  
DECLARATION OF ROBERT  
SPITZER**

Dept: 4B  
Judge: The Honorable James E.  
Simmons, Jr.

**EXPERT REPORT AND DECLARATION OF ROBERT SPITZER**

I, Robert Spitzer, declare under penalty of perjury that the following is true and correct:

The California Department of Justice has asked me to provide an expert opinion in the above-captioned matter. My declaration and report below provides that opinion in detail. This report and declaration is based on my own personal knowledge and experience, and if I am called to testify as a witness, I could and would testify competently to the truth of the matters discussed in this report and declaration.

**PROFESSIONAL BACKGROUND AND QUALIFICATIONS**

1. I am a Distinguished Service Professor of Political Science Emeritus at the State University of New York at Cortland. I was also a visiting professor at Cornell University for thirty years. I am currently an adjunct professor at the College of William and Mary School of Law. I earned my Ph.D. in Government from Cornell University. I reside in Williamsburg, Virginia.

2. I am the author of 16 books on subjects relating to American politics, and I have been studying and writing about gun policy for nearly forty years. My first publication on the subject appeared in 1985. Since then, I have published six books and over one hundred articles, papers, and essays on gun policy. My expertise includes the history of gun laws, gun policy in American politics, and related historical, legal, political, and criminological issues. My book, *The Politics of Gun Control*, has been in print since its initial publication in 1995. It examines firearms policy in the United States through the lenses of history, law, politics, and criminology. The ninth edition of the book was published in August 2023 by Routledge Publishers. My two most recent books on gun policy, *Guns Across America* (Oxford University Press in 2015, 2017) and *The Gun Dilemma* (Oxford University Press, 2023), both deal extensively with the study of historical gun laws. I am frequently interviewed and quoted in the national and international media on

1 gun-related matters. For over twenty years, I have been a member of the National  
 2 Rifle Association and of Brady (formerly, the Brady Campaign to Prevent Gun  
 3 Violence).

4       3. I have provided written testimony as an expert witness in the following  
 5 cases: *Worman v. Healey*, No. 1:17-10107-WGY (D. Mass.); *Hanson v. District of*  
 6 *Columbia*, No. 1:22-cv-02256 (D.D.C.); *Brumback v. Ferguson*, No. 22-cv-3093  
 7 (E.D. Wash.); *Sullivan v. Ferguson*, No. 3:22-cv-05403 (W.D. Wash.); *Miller v.*  
 8 *Bonta*, No. 3:19-cv-1537 (S.D. Cal.); *Duncan v. Bonta*, No. 17-cv-1017 (S.D. Cal.);  
 9 *Fouts v. Bonta*, 19-cv-1662 (S.D. Cal.); *Rupp v. Bonta*, 17-cv-00746 (C.D. Cal.);  
 10 *Gates et al. v. Polis*, No. 1:22-cv-01866 (D. Colo.); *Oakland Tactical Supply LLC*  
 11 *v. Howell Township*, Case No. 18-cv-13443 (E.D. Mich.); *State v. Misch*, No. 173-  
 12 2-19 Bncr (Vt. Super. Ct. Bennington County); *National Association for Gun*  
 13 *Rights, Inc. v. City of Highland Park*, 22-cv-4774 (N.D. Ill.); *National Association*  
 14 *for Gun Rights & Capen v. Campbell*, No. 22-cv-11431 (D. Mass.); *Abbott et al. v.*  
 15 *Connor*, No. 20-00360 (D. Haw.); *National Association for Gun Rights v. Shikada*,  
 16 No. 1:22-cv-00404 (D. Haw.); *Santucci v. Honolulu*, No. 1:22-cv-00142 (D. Haw.);  
 17 *Yukutake v. Shikada*, No. 1:22-cv-00323 (D. Haw.); *Nat'l Ass'n for Gun Rights v.*  
 18 *Lopez*, No. 1:22-CV-00404 (D. Haw.); *Abbot v. Lopez*, No. 20-00360 (D. Haw.);  
 19 *Santucci v. City & County of Honolulu*, No. 1:22-cv-00142 (D. Haw.); *Yukutake v.*  
 20 *Lopez*, No. 1:22-cv-00323 (D. Haw.); *Baird v. Bonta*, 19-cv-00617 (E.D. Cal.);  
 21 *Nichols v. Newsom*, No. 11-cv-9916 (C.D. Cal.); *Delaware State Sportsmen's*  
 22 *Association, Inc. v. Delaware Department Of Safety And Homeland Security*, No.  
 23 1:22-cv-00951 (D. Del.); *Mark Fitz, Grayguns, Inc. v. Rosenblum*, No. 22-cv-01859  
 24 (D. Ore.); *Harrel v. Raoul*, No. 23-141 (S.D. Ill.); *Mitchell, et al. v. Atkins, et al.*;  
 25 No. 19-cv-5106 (W.D. Wash.); *Keneally et al., v. Raoul, et al.*, No. 23-cv-50039  
 26 (N.D. Ill.); *McGregor v. County of Suffolk*, No. 2:23-cv-01130 (E.D.N.Y.); *Lane v.*  
 27 *James*, No. 22-cv-10989 (S.D.N.Y.); *Rocky Mountain Gun Owners, et. al. v. The*  
 28 *Town of Superior*, No. 22-cv-02680 (D. Colo.); *Wiese v. Bonta*, No. 17-cv-00903

(E.D. Cal.); *Harrel v. Raoul*, No. 23-cv-141-SPM (S.D. Ill.); *Langley v. Kelly*, No. 23-cv-192-NJR (S.D. Ill.); *Barnett v. Raoul*, No. 23-cv-209-RJD (S.D. Ill.); *Federal Firearms Licensees of Illinois v. Pritzker*, No. 23-cv-215-NJR (S.D. Ill.); *Herrera v. Raoul*, No. 23-cv-532 (N.D. Ill.); *Association Of New Jersey Rifle & Pistol Clubs, Inc. et al. v. Platkin et al.*, No. 3:18-cv-10507 (D. N.J.); *Cheeseman et al. v. Platkin et al.*, No. 1:22-cv-04360 (D. N.J.); *Ellman et al. v. Platkin et al.*, No. 3:22-cv-04397 (D. N.J.); *Banta v. Ferguson*, No. 23-cv-00112 (E.D. Wash.); *Hartford v. Ferguson*, No. 23-cv-05364 (W.D. Wash.); *Koppel v. Bonta*, No. 8:23-cv-00813 (C.D. Cal.); *Calce v. City of New York*, No. 1:21-cv-08208 (S.D.N.Y); and *Doe v. Bonta*, No. 8:23-cv-01324 (C.D. Cal.).

4. I have co-authored amicus briefs in numerous cases, including *Nordyke v. King*, U.S. Court of Appeals for the Ninth Circuit, 319 F.3d 1185 (2003), *Republic of Iraq et al. v. Beatty et al.*, U.S. Supreme Court, 556 U.S. 848 (2009); *McDonald v. Chicago*, U.S. Supreme Court, 561 U.S. 724 (2010); *Ezell v. Chicago*, U.S. Court of Appeals for the Seventh Circuit, 651 F.3d 684 (2011); and *People of the State of Illinois v. Aguilar*, Illinois Supreme Court, No. 08 CR 12069 (2012).

5. I have also presented written testimony to the U.S. Congress on “The Second Amendment: A Source of Individual Rights?,” submitted to the Judiciary Committee, Subcommittee on the Constitution, Federalism, and Property Rights, U.S. Senate, Washington, D.C., September 23, 1998; “Perspectives on the ‘Stand Your Ground’ Movement,” submitted to the Judiciary Committee, Subcommittee on the Constitution, Civil Rights and Human Rights, U.S. Senate, Washington, D.C., October 29, 2013; and “The Hearing Protection Act to Deregulate Gun Silencers,” submitted to Committee on Natural Resources, Subcommittee on Federal Lands, U.S. House of Representatives, Hearings on the Sportsmen’s Heritage and Recreational Enhancement Act (SHARE Act), Washington, D.C., September 12, 2017.

1           6.     A true and correct copy of my current curriculum vitae is attached as  
2 **Exhibit A** to this declaration.

### 3                                   **RETENTION AND COMPENSATION**

4           7.     I have been retained by the California Department of Justice to render  
5 expert opinions in this case. I am being compensated at a rate of \$500 per hour. My  
6 compensation is not contingent on the results of my expert analysis or the substance  
7 of my opinions or testimony in this matter.

### 8                                   **BASIS FOR OPINION AND MATERIALS CONSIDERED**

9           8.     Counsel for Defendant provided me with the operative Complaint in  
10 this matter, copies of the relevant statutes being challenged, and other case-related  
11 documents pertinent to this matter. Apart from these documents, my report is based  
12 on my independent research.

13           9.     In my report, I cite a variety of scholarly articles, laws, cases, popular  
14 and learned commentaries, and various other related materials on which I based my  
15 opinions.

## 16                                   **OPINIONS**

### 17           **I.    INTRODUCTION**

18           10.    In this report, I examine the history of switchblade regulation in the  
19 U.S., and then compare it with the regulatory history of other non-firearms  
20 weapons, including “fighting knives” (the most famous of which was the Bowie  
21 knife) and various types of clubs.

22           11.    Knives are an ancient technology, and have been widely present in  
23 America throughout its history, including in the history of the Indigenous people  
24 who occupied the lands long before the arrival of Europeans. As this document  
25 demonstrates, however, the regulation of knives in America was not only common,  
26 but ubiquitous, extending back through U.S. history. The regulation of various types  
27 of clubs (another type of non-firearm weapon) was similarly omnipresent in the  
28



1 U.S., extending to every state in the country, and spanning numerous types of  
2 named clubs and similar striking implements.

3 12. All of these weapons were subject to the same regulatory sequence:  
4 when various weapons or weapons technologies were developed, began circulating  
5 in civil society, and came to be associated with criminality or threats to public order  
6 and safety, a variety of governmental regulations and restrictions were subsequently  
7 enacted.<sup>1</sup> Restrictions on switchblades are but a more recent example of a  
8 longstanding weapons regulatory tradition in America extending from the Nation's  
9 earliest days up to the present. As this Declaration shows, the Complainant's  
10 assertion in this case that the California switchblade law<sup>2</sup> "has no historical  
11 pedigree nor justification in the Nation's history and tradition of arms regulation"<sup>3</sup>  
12 is entirely incorrect.

## 13 **II. THE STORY OF SWITCHBLADES**

14 13. The dictionary definition of a switchblade knife is "a pocketknife  
15 having the blade spring-operated so that pressure on a release catch causes it to fly  
16 open."<sup>4</sup> Federal law defines a switchblade as: "any knife having a blade which  
17 opens automatically: (1) by hand pressure applied to a button or other device in the  
18 handle of the knife, or (2) by operation of inertia, gravity, or both."<sup>5</sup> Similarly,  
19 California law defines a switchblade as "a knife having the appearance of a  
20 pocketknife and includes a spring-blade knife, snap-blade knife, gravity knife, or

21 <sup>1</sup> Robert J. Spitzer, "Understanding Gun Law History After *Bruen*: Moving  
22 Forward by Looking Back," *Fordham Urban Law Journal* 51(2023): 60, 70-71.

23 <sup>2</sup> Cal. Penal Code, §§17235, 21510, 21590.

24 <sup>3</sup> Complaint For Declaratory and Injunctive Relief, Case 3:23-cv-00474-JES-DDL,  
25 Filed 03/15/23, 7, ¶ 27.

26 <sup>4</sup> *Merriam-Webster Dictionary*, <https://www.merriam-webster.com/dictionary/switchblade>. Spring-loaded knives are also referred to as  
27 "automatic knives." [https://www.schrade.com/the\\_schrade\\_story/](https://www.schrade.com/the_schrade_story/)

28 <sup>5</sup> 15 U.S.C. §1241 (b), <https://www.govinfo.gov/content/pkg/USCODE-2011-title15/html/USCODE-2011-title15-chap29.htm>. A useful primer on different types  
of knives is Dave Gilson, "Is That a Switchblade in Your Pocket?" *Mother Jones*,  
December 10, 2012, <https://www.motherjones.com/politics/2012/12/knife-types-switchblade/>

1 any other similar type knife...which can be released automatically by a flick of a  
 2 button, pressure on the handle, flip of the wrist or other mechanical device, or is  
 3 released by the weight of the blade or by any mechanism whatsoever”; however,  
 4 California’s definition of “switchblade” differs from the dictionary definition and  
 5 the federal definition, in that it only includes knives with blades that “are two or  
 6 more inches in length.”<sup>6</sup>

#### 7 **A. The History of Switchblades**

8 14. Spring-loaded knives of the sort now known as switchblades, where  
 9 the blade of the knife is released from a knife handle through the force of a coiled  
 10 spring or similar mechanism, date to experimental prototypes in the eighteenth  
 11 century. At the end of the nineteenth century, inventor George Schrade “designed,  
 12 developed and patented the first ever push button automatic knife.”<sup>7</sup> Yet  
 13 switchblades did not circulate appreciably or come to be associated with illegal  
 14 behavior in the U.S. until well into the twentieth century. More specifically, greater  
 15 knife circulation (including among young people and returning members of the  
 16 military at the end of World War II, some of whom brought switchblade-type knives  
 17 home with them),<sup>8</sup> its association with criminality, and depictions in news and  
 18 popular culture, led to greater public attention and awareness in the 1950s,<sup>9</sup> which  
 19 helped prompt a wave of anti-switchblade legislation, culminating in the enactment  
 20 of a federal anti-switchblade law in 1958.<sup>10</sup> By one account, all but ten states

21 <sup>6</sup> Cal. Penal Code, §17235.

22 <sup>7</sup> Schrade’s initial patent was 1892. [https://www.schrade.com/the\\_schrade\\_story/](https://www.schrade.com/the_schrade_story/)

23 <sup>8</sup> “A Brief History of Switchblade Knives and the Federal Switchblade Act,”  
[https://kniferights.org/wp-content/uploads/A-Brief-History-of-Switchblade-Knives-](https://kniferights.org/wp-content/uploads/A-Brief-History-of-Switchblade-Knives-and-the-Federal-Switchblade-Act-05252023.pdf)  
[and-the-Federal-Switchblade-Act-05252023.pdf](https://kniferights.org/wp-content/uploads/A-Brief-History-of-Switchblade-Knives-and-the-Federal-Switchblade-Act-05252023.pdf) The military has only issued  
 24 switchblades to parachutists.

25 <sup>9</sup> Paul A. Clark, “Criminal Use of Switchblades: Will the Recent Trend Towards  
 Legalization Lead to Bloodshed?” *Connecticut Public Interest Law Journal*  
 13(2014): 219, 236; David B. Kopel, Clayton E. Cramer, and Joseph E. Olson,  
 26 “Knives and the Second Amendment,” *University of Michigan Journal of Law*  
*Reform* 47(2013): 176.

27 <sup>10</sup> Anti-Switchblade Act of 1958, 15 U.S.C. § 1243 (1958). The law restricts the  
 28 importation and interstate transport of switchblades, but exempts the military, law  
 enforcement, and people with one arm. In 2009 Congress amended the law to

1 enacted anti-switchblade laws in the 1950s, and even states without switchblade  
2 laws had pre-existing legislative restrictions against concealed weapons carrying,  
3 including knives.<sup>11</sup>

4 15. As a result of the sparse literature on the history of, and motivations  
5 for the enactment of, anti-switchblade laws, some people belittle or dismiss the  
6 motivations for enactment of such laws as the product of “Hollywood’s  
7 sensationalism,”<sup>12</sup> and little more than “a widespread perception that switchblade  
8 knives were the tool of thugs and juvenile delinquents.”<sup>13</sup> For example, Paul A.  
9 Clark, a critic of switchblade knife restrictions, argued that Congress’s enactment of  
10 the 1958 federal law was based on “little hard data” and little more than an  
11 “assortment of anecdotes.”<sup>14</sup> Yet these explanations are inadequate and, to some  
12 degree, inaccurate.

13 16. In order to better understand the provenance of switchblade policy, I  
14 conducted a search of newspapers.com<sup>15</sup> to chronicle references to switchblades,  
15 beginning in 1870 and continuing up to 1959. Several trends emerged. First, I  
16 uncovered virtually no references to switchblade-type pocket knives, aside from  
17 some pertaining to machine parts (not hand-held knives) used in manufacturing that  
18 utilized what were also termed switchblades, until the early twentieth century. The  
19 first multiple newspaper accounts of switchblades appeared in the mid-1920s,  
20 increasing in the 1930s and persisting through the years of World War II (1941-45).  
21 During this period, relatively few switchblade crimes were reported, but those

22 \_\_\_\_\_  
23 exempt from restriction pocket knives that could be opened with one hand. 123  
Stat. 2183 (2009).

24 <sup>11</sup> Clark, “Criminal Use of Switchblades,” 219; Robert J. Spitzer, “Gun Law  
History in the United States and Second Amendment Rights,” *Law and*  
25 *Contemporary Problems* 80(2017): 63-67.

26 <sup>12</sup> Kopel, Cramer, and Olson, “Knives and the Second Amendment,” 176.

27 <sup>13</sup> Clark, “Criminal Use of Switchblades,” 219.

28 <sup>14</sup> Clark, “Criminal Use of Switchblades,” 240.

<sup>15</sup> Newspapers.com says it is the largest online newspaper archive, incorporating  
over 24,000 newspapers and over 916 million pages. Searches of “automatic knife”  
yielded mostly references to industrial or manufacturing cutting devices, along with  
scattered advertisements for switchblade-type pocket knives.

1 crimes that did receive coverage were often reprinted in many newspapers. After  
2 World War II, however, from the late 1940s through the mid-1950s, news reports  
3 and stories of switchblade crimes exploded in numbers (as set forth in more detail  
4 below).

5 17. Second, instances of reported criminality involving switchblades  
6 during the pre-World War II period occurred almost entirely in Southern states.

7 18. Third, the reported crimes nearly always involved African Americans,  
8 who were nearly always the perpetrators and victims, as the news accounts were  
9 generally careful to identify the race of the assailants and victims when they were  
10 Blacks.<sup>16</sup>

11 19. Fourth, an appreciable number of the perpetrators were women—a  
12 notable fact since violent crime, especially in prior decades, was and is typically  
13 committed by men.

14 20. Reasons for the absence of remedial legislation to restrict switchblades  
15 through the 1930s appears to be two-fold. First, the number of incidents of  
16 switchblade crimes, based on the relatively few instances of such reports confined  
17 to one part of the country, was relatively low up through the 1930s, compared with  
18 overall violent crime. Second, switchblade criminality seemed confined to African  
19 American communities in Southern states. Given a racist society where dominant  
20 whites in white-controlled Southern segregationist states were relatively  
21 unconcerned about crime that occurred within the confines of the African American  
22 community (as long as the criminality did not affect whites in appreciable  
23 numbers), it is not surprising that white leaders would take little interest in moving  
24 to address crime problems that did not affect the white community.

25 21. Moreover, my survey of switchblade news stories in newspapers.com  
26 reflects a rising tide of switchblade crime stories during this time period

27 \_\_\_\_\_  
28 <sup>16</sup> When crimes were committed by whites, news accounts never mentioned their  
race.

(particularly switchblade crimes committed by juveniles, as detailed below). While this aggregate summary of news stories, summarized below, is a blunt measurement of switchblade criminality, it is nevertheless revealing.

22. From 1921 to 1939, a search of the term “switchblade” in newspapers.com yielded a total of 424 stories; from 1940 to 1945,<sup>17</sup> the search found 612 stories; from 1946 to 1950, it produced 824 stories; from 1951 to 1955, 9,713 stories; and from 1956 to 1959, 19,929 stories. These numbers likely underestimate the number of newspaper stories about “switchblades” because, as noted below in Paragraph 26, many news stories simply reported “knife stabbings,” without specifying that the knife involved was a switchblade.

23. In addition, I also searched the *New York Times* newspaper archives<sup>18</sup> using the same “switchblade” term. The earliest story reported an instance of a crime committed with a switchblade in New York City in 1944,<sup>19</sup> suggesting that switchblade crime continued to be confined mostly to Southern states until after World War II.

24. It is important to note that the aggregate numbers of stories spanning many thousands of newspapers in America are inflated by the fact that single criminal incidents were reprinted in dozens or more newspapers thanks to the sharing of wire service news. That is, the total number of stories vastly exceeds the

<sup>17</sup> The U.S. entered World War II at the end of 1941, but the country was transitioning to a war footing before the Pearl Harbor attack on December 7, 1941. The entrance of millions of young men into military service, and the country’s total mobilization for war, helped suppress domestic crime.

<sup>18</sup> The “Times Machine” is “a browser-based digital replica of all issues of The New York Times from 1851-2002.” <https://help.nytimes.com/hc/en-us/articles/115014772767-New-York-Times-Archived-Articles-and-TimesMachine->; see also <https://timesmachine.nytimes.com>.

<sup>19</sup> “Marine Charged in Girl’s Murder,” *New York Times*, October 8, 1944, <https://timesmachine.nytimes.com/timesmachine/1944/10/08/84003274.html?page=45>. The account involved a Marine accused of murdering a woman with a switchblade. The next switchblade story appeared in 1949, describing the arrest of a 16-year-old in possession of a switchblade. “Recommending Lawyer Puts Him in Need of One,” *New York Times*, February 19, 1949, <https://timesmachine.nytimes.com/timesmachine/1949/02/19/86767576.html?page=30>. The *Times* archive dates back to the mid-1800s.

1 number of discrete instances of switchblade crime because most of them are single  
 2 instances that were reported in many newspapers. But given that this was true  
 3 throughout (though not limited to) this entire time period, it allows for meaningful  
 4 comparison of aggregate news stories totals over time. Without question, the data  
 5 buttress the conclusions that switchblade crimes increased after World War II,  
 6 spread to areas of the country outside of the South, and that public debate over how  
 7 to address the problem also escalated.

8 25. The massive increase in news coverage in the 1950s cannot be  
 9 dismissed as simply hype or irrational fear, as these contemporaneous news  
 10 accounts of switchblade crime demonstrate. Similarly, the wave of anti-switchblade  
 11 laws during this time cannot be dismissed as the product of Hollywood-induced  
 12 hysteria or media frenzy, as these news stories were reporting on actual switchblade  
 13 crimes, and also on the spreading national debate concerning how best to address  
 14 the related switchblade crime and juvenile delinquency problems.

### 15 **B. Switchblades, Juveniles, and Crime**

16 26. In addition to the commission of switchblade crime, another related,  
 17 rising societal concern was easy switchblade accessibility and acquisition by  
 18 children and teenagers (and instances where juvenile switchblade acquisition and  
 19 criminality overlapped). For example, these concerns came together in a widely  
 20 circulated magazine article published in 1950 in the then-popular national  
 21 magazine, *Woman's Home Companion*, titled, "The Toy That Kills."<sup>20</sup> In it, the  
 22 author chronicled the spread, easy access, and availability of switchblades,  
 23 especially among young people. Unlike traditional pocket knives, switchblades'  
 24 ease of opening and thin, sharp, pointed blade lent them to be used impulsively and  
 25 lethally as stabbing and slashing instruments. Article author Jack Harrison Pollack  
 26 was forceful in expressing dismay over the knives' baneful consequences, but he

27 <sup>20</sup> Jack Harrison Pollack, "The Toy That Kills," *Woman's Home Companion*,  
 28 November 1950, <https://kniferights.org/wp-content/uploads/2017/07/TheToyThatKills.pdf>



1 was also careful not to exaggerate the problem, saying that up to that time,  
2 switchblades were responsible for “a few dozen children killed, somewhat more  
3 wounded. But the point is, all these unnecessary tragedies are increasing.” Pollack  
4 explained the weapon’s operation this way: “To open it, you merely press a button  
5 and instantly the blade darts out like a snake’s tongue and locks firmly in that  
6 position. Any child can operate it easily with one hand. An ordinary penknife takes  
7 two hands and doesn’t have a dagger-tip point.”

8         27. Pollack’s nationwide investigation included interviews with police and  
9 prosecutors, eyewitness accounts of switchblade sales to children as young as  
10 twelve, examination of police crime records, and detailed accounts of several  
11 switchblade stabbings, one of which he witnessed. He investigated among other  
12 things the ease with which children and teens could purchase the knives in six of  
13 the country’s largest cities. Pollack wrote, “I was stunned to find how many crimes  
14 of violence revolve around a switchblade. Most newspapers merely report a ‘knife  
15 stabbing,’ neglecting to tell you a switchblade was the culprit.” Among Pollack’s  
16 interviewees was a homicide police captain in Cleveland who reported: “Last year  
17 we had one hundred and sixty-nine stabbings, one hundred and forty of them with  
18 switchblade knives. During the same period switchblades were responsible for one  
19 fourth of our homicides. Half of the killers were under twenty-three.” Pollock’s  
20 conclusion: “Every expert with whom I talked—including the nation’s leading  
21 sportsmen—agreed that switchblade knives have no legitimate use in civilian life.”  
22 He concluded with five recommendations, mostly exhorting parents to keep  
23 switchblades away from their children, to cooperate with police, and to “[w]ork for  
24 passage of a state law which bans switchblades and controls other dangerous  
25 knives.”<sup>21</sup>

26         28. A sidebar attached to the story included approving quotes from John  
27 M. Gleason, then national President of the International Association of Chiefs of

28 <sup>21</sup> All preceding quotes from Pollack, “The Toy That Kills.”

Police, whose comments included: “teen-agers are being killed needlessly by a gadget [i.e., switchblades] which should be brought under greater control. The WOMAN’S HOME COMPANION deserves thanks for publicizing such a problem.” Pollack’s article was widely reprinted and reported in newspapers around the country.

29. The Pollack article certainly brought more attention to the switchblade problem, but increasing news stories of actual switchblade crimes from around the country also continued to chronicle the growing problem. For example, the police chief of Paterson, New Jersey commented in 1952, the year that the state adopted an anti-switchblade law, that “in the majority of knife assaults investigated by police, the weapon used was a switchblade knife.”<sup>22</sup> New York Governor Thomas E. Dewey (R) reportedly said that, of 4420 felonious assaults and 99 homicides in New York City committed in 1953, over a third of those crimes were committed with switchblades.<sup>23</sup> Beyond these data, police, prosecutors, judges, editorial writers, and good government groups all supported restrictions on switchblades. Many of the news stories in the 1950s also covered calls and efforts to press for anti-switchblade measures, in addition to continued reporting of switchblade crime.

### C. Calls for Anti-Switchblade Regulation

30. By the time Congress enacted the Anti-Switchblade Act of 1958, at least twenty states had enacted similar laws. One critic of switchblade knife restrictions dismissed Congress’s action as based on “surprisingly little hard data on the use of switchblades” and a simple collection of “anecdotes”<sup>24</sup> by congressional investigators. Another charged that this and other laws were simply the product of irrational “moral panic.”<sup>25</sup>

<sup>22</sup> “Switchblade Law Hailed by Walker; To Curb Slashings,” *The News* (Paterson, NJ), June 19, 1952, <https://www.newspapers.com/image/526740433>

<sup>23</sup> “Switchblade Knife Law Is Signed by Governor,” *Binghamton (N.Y.) Press and Sun-Bulletin*, March 28, 1954, <https://www.newspapers.com/image/254405992>

<sup>24</sup> Clark, “Criminal Use of Switchblades,” 240.

<sup>25</sup> Rick Fuller, “The Man Who Created Moral Panic,” *Medium*, July 13, 2021, <https://authorrickf.medium.com/the-man-who-created-moral-panic-7ccd2a439c47>

31. Yet Congress's information gathering preceding the enactment of the 1958 law revealed much more extensive and systematic efforts to gauge problems connected with switchblades than critics suggest. The U.S. Senate investigation was led by Sen. Estes Kefauver (D-TN), who was chief sponsor of the switchblade bill. Kefauver first won national attention in 1950 when he chaired a special Senate committee to investigate organized crime. Testifying before the Senate Commerce Committee in 1958, Kefauver reported results from the Senate Subcommittee on Juvenile Delinquency's investigation of the extent to which the knives contributed to criminality and were falling into the hands of juveniles. It found that about 1.2 million switchblades were sold in the country annually, including 200,000 imported knives, and that 5 million had been sold in the previous five years, "principally to juveniles."<sup>26</sup> Kefauver also reported that in 1956 hundreds of switchblades had been confiscated from soldiers stationed at three American military bases.<sup>27</sup> The committee surveyed local police departments, marshals, and sheriffs around the country. Testimony from the subcommittee counsel indicated that police chiefs throughout the country reported almost without exception that switchblades posed a significant criminal threat, that the knives were often used by juvenile criminals in particular, and that they supported new federal legislation.<sup>28</sup> Among the comments solicited by the subcommittee in the previous year's investigation, the San Francisco Chief of Police reported "that a substantial amount of our juvenile crimes of violence involve the use of this type of knife."<sup>29</sup> Correspondence from the Des

<sup>26</sup> "Switchblade Knives," Hearing Before the Committee on Interstate and Foreign Commerce, U.S. Senate, July 23, 1958, 1, 5, [https://www.google.com/books/edition/Switchblade\\_Knives/bSoTAAAAIAAJ?hl=en&gbpv=1&dq=%E2%80%9CSwitchblade+Knives,%E2%80%9D+Hearing+Before+the+Committee+on+Interstate+and+Foreign+Commerce,+U.S.+Senate,+July+23,+1958,&pg=PA20&printsec=frontcover](https://www.google.com/books/edition/Switchblade_Knives/bSoTAAAAIAAJ?hl=en&gbpv=1&dq=%E2%80%9CSwitchblade+Knives,%E2%80%9D+Hearing+Before+the+Committee+on+Interstate+and+Foreign+Commerce,+U.S.+Senate,+July+23,+1958,&pg=PA20&printsec=frontcover)

<sup>27</sup> "Switchblade Knives," 3. Switchblades were not military issue, except to parachutists.

<sup>28</sup> "Switchblade Knives," 5.

<sup>29</sup> *Congressional Record*, U.S. Senate, July 16, 1957, 11795, <https://www.govinfo.gov/content/pkg/GPO-CRECB-1957-pt9/pdf/GPO-CRECB-1957-pt9-5.pdf>

1 Moines, Iowa Police Department dated July 8, 1957, reported from a local store  
 2 owner who said that the typical purchasers of switchblades were “from 14 to 18  
 3 years” of age.<sup>30</sup> A police chief from Longview, Texas said that “teen-agers are the  
 4 ones who are buying most of these knives.”<sup>31</sup>

5 32. Bearing in mind that record-keeping in the 1950s pertaining to  
 6 criminal offenses, types of weapons used, and sales data was far more primitive,  
 7 limited, decentralized, and incomplete than what exists today, the subcommittee  
 8 made a strenuous effort to gather the best information available at the time. Beyond  
 9 that, opinions from criminal justice and child welfare interests uniformly supported  
 10 anti-switchblade legislation.

### 11 **III. HISTORICAL REGULATION ON THE BOWIE KNIFE AND SIMILAR LONG- 12 BLADED KNIVES**

13 33. In addition to the switchblade-specific regulations discussed above,  
 14 knives have been subject to regulation throughout U.S. history.

#### 15 **A. Historical Knife Regulations**

16 34. The Bowie knife is generally credited with having been invented by  
 17 the brother of adventurer Jim Bowie, Rezin Bowie. The knife was named after Jim  
 18 Bowie, who reputedly killed one man and wounded another using the “big knife”  
 19 given to him by his brother in the alternately notorious or celebrated “Sandbar  
 20 Duel” in 1827.<sup>32</sup>

21 <sup>30</sup> *Congressional Record*, 11795.

22 <sup>31</sup> *Congressional Record*, 11795.

23 <sup>32</sup> “Bowie Knife,” *Encyclopedia of Arkansas*, n.d.,  
 24 <https://encyclopediaofarkansas.net/entries/bowie-knife-2738/>; William C. Davis, *Three Roads to the Alamo* (NY:  
 25 HarperCollins, 1998), 207-8. Davis persuasively dismisses the claim of a  
 26 blacksmith, James Black, that he invented or styled the distinctive knife for Rezin  
 27 Bowie (676–77). David Kopel says, erroneously, that “Jim Bowie used a traditional  
 28 knife at a famous ‘sandbar fight’ on the lower Mississippi River in 1827.” Rezin  
 Bowie had just developed the distinctive knife his brother used in the fight, so it  
 could not have been “traditional.” David Kopel, “Bowie knife statutes 1837-1899,”  
*The Volokh Conspiracy*, November 20, 2022,  
<https://reason.com/volokh/2022/11/20/bowie-knife-statutes-1837-1899/>

1           35. The “Bowie knife” rapidly became known beginning in the 1830s for  
 2 the distinctive type of long-bladed and usually single-edged knife with a hand guard  
 3 identified with Bowie, the man after whom the knife was named. While Bowie  
 4 knives initially “came in a variety of forms—with or without guards, with  
 5 differently shaped blades”—they eventually became more standardized as “a large  
 6 knife with a cross guard and a blade with a clipped point.”<sup>33</sup> The distinctive  
 7 features of the Bowie knife are revealed in Robert Abels’ book, *Bowie Knives*,  
 8 which includes pictures of nearly one hundred such knives made between 1835 and  
 9 1890.<sup>34</sup> The Bowie legend, the explosive growth and spread of Bowie-related  
 10 mythology (only magnified by his death at the Alamo in 1836), and the knife’s  
 11 distinctive features, encouraged its proliferation,<sup>35</sup> referred to by one historian as  
 12 “the craze for the knives.”<sup>36</sup>

13           36. As was true of other knives with long, thin blades,<sup>37</sup> Bowie knives  
 14 were widely used in fights and duels, especially at a time when single-shot pistols  
 15 were often unreliable and inaccurate.<sup>38</sup> Indeed, such knives were known as  
 16 “fighting knives”<sup>39</sup> that were “intended for [interpersonal] combat.”<sup>40</sup> In the early  
 17 nineteenth century, “guns and knives accounted for a growing share of the known  
 18

19 <sup>33</sup> “Bowie Knife,” *Encyclopedia of Arkansas*, n.d.,  
 20 <https://encyclopediaofarkansas.net/entries/bowie-knife-2738/>.

21 <sup>34</sup> Robert Abels, *Bowie Knives* (NY: Abels, 1979).

22 <sup>35</sup> Virgil E. Baugh, *Rendezvous at the Alamo* (Lincoln, NE: University of Nebraska Press, 1985), 39–63.

23 <sup>36</sup> Davis, *Three Roads to the Alamo*, 583.

24 <sup>37</sup> Other such long-bladed, thin knives of varying configurations typically named in laws barring their carrying included the Arkansas toothpick, the Spanish stiletto, dirks, daggers, and the like.

25 <sup>38</sup> Davis, *Three Roads to the Alamo*, 164, 208; Baugh, *Rendezvous at the Alamo*, 42; Karen Harris, “Bowie Knives: The Old West’s Most Famous Blade,” *Oldwest*, n.d., <https://www.oldwest.org/bowie-knife-history/>; Norm Flayderman, *The Bowie Knife* (Lincoln, RI: Andrew Mowbray, 2004), 485; Paul Kirchner, *Bowie Knife Fights, Fighters, and Fighting Techniques* (Boulder, CO: Paladin Press, 2010), 35–44.

26 <sup>39</sup> Randall Roth, *American Homicide* (Cambridge, MA: Harvard University Press, 2009), 218.

27 <sup>40</sup> Flayderman, *The Bowie Knife*, 59.

1 weapons that whites used to kill other whites.”<sup>41</sup> In 1834, for example, a grand jury  
 2 in Jasper County, Georgia deplored “the practice which is common amongst us  
 3 with the young the middle aged and the aged to arm themselves with Pistols, dirks  
 4 knives sticks & spears under the specious pretence of protecting themselves against  
 5 insult, when in fact being so armed they frequently insult others with impunity, or if  
 6 resistance is made the pistol dirk or club is immediately resorted to, hence we so  
 7 often hear of the stabbing shooting & murdering so many of our citizens.”<sup>42</sup>

8 37. Homicide rates increased in the South in the early nineteenth century,  
 9 as did laws restricting the carry of concealed weapons (including, but not limited to,  
 10 knives). Dueling also persisted during this time, even as the practice was widely  
 11 deplored by religious and other groups, in newspapers, by anti-dueling societies and  
 12 political leaders.<sup>43</sup>

13 38. Bowie knife writer Norm Flayderman provides abundant and prolific  
 14 evidence of the spread and early criminal use of Bowie knives in the 1830s, quoting  
 15 from dozens of contemporaneous newspaper and other accounts, and providing  
 16 references to literally hundreds of additional articles and accounts attesting to the  
 17 widespread use of Bowie knives in fights, duels, brawls and other criminal  
 18 activities.<sup>44</sup> Flayderman concludes that, as early as 1836, “most of the American  
 19 public was well aware of the Bowie knife.”<sup>45</sup> All this contributed to widespread  
 20 enactment of laws prohibiting dueling in the states.<sup>46</sup> In 1839, Congress passed a

21 <sup>41</sup> Roth, *American Homicide*, 218.

22 <sup>42</sup> Quoted in Roth, *American Homicide*, 218–19.

23 <sup>43</sup> Baugh, *Rendezvous at the Alamo*, 51.

24 <sup>44</sup> Flayderman, *The Bowie Knife*, 25–64; 495–502.

25 <sup>45</sup> Flayderman, *The Bowie Knife*, 43. Very much like the allure of  
 26 contemporary assault weapons to some (*see* Ryan Busse, *Gunfight* (NY: Public  
 27 Affairs, 2021), 12–15, 65; David Altheide, “The cycle of fear that drives assault  
 28 weapon sales,” *The Guardian*, March 2, 2013,  
<https://www.theguardian.com/commentisfree/2013/mar/02/cycle-fear-assault-weapon-sales>;  
 Rukmani Bhatia, “Guns, Lies, and Fear,” *American Progress*, April  
 24, 2019, <https://www.americanprogress.org/article/guns-lies-fear/>), the Bowie  
 knife’s notorious reputation also, if perversely, fanned its sale and acquisition (*see*  
 Flayderman, *The Bowie Knife*, 46).

<sup>46</sup> A search for the word “duel” in the Duke Center for Firearms Law database of



1 measure barring dueling in the District of Columbia.<sup>47</sup> Both pistols and knives  
2 were prominently used in such affairs.<sup>48</sup>

3 39. At least three state court cases dealt in some manner with fighting  
4 knives like the Bowie knife. In the 1840 case of *Aymette v. State*,<sup>49</sup> the Supreme  
5 Court of Tennessee upheld the conviction of William Aymette for wearing a Bowie  
6 knife concealed under his clothes under a state law of 1837–1838, ch. 137, sec. 2,  
7 providing “that, if any person shall wear any bowie-knife, or Arkansas toothpick, or  
8 other knife or weapon that shall in form, shape, or size resemble a bowie-knife or  
9 Arkansas toothpick, under his clothes, or keep the same concealed about his person  
10 such person shall be guilty of a misdemeanor, and, upon conviction thereof, shall be  
11 fined in a sum not less than two hundred dollars, and shall be imprisoned in the  
12 county jail not less than three months and not more than six months.”<sup>50</sup> In its  
13 decision, the court concluded that the prohibition against wearing the named  
14 weapons was well justified in that they “are usually employed in private broils, and  
15 which are efficient only in the hands of the robber and the assassin.”<sup>51</sup> The court  
16 continued, “The Legislature, therefore, have a right to prohibit the wearing or  
17 keeping weapons dangerous to the peace and safety of the citizens. . . .”<sup>52</sup> Further,  
18 the court added that the state law existed “to preserve the public peace, and protect  
19 our citizens from the terror which a wanton and unusual exhibition of arms might  
20 produce, or their lives from being endangered by desperadoes with concealed  
21 arms. . . .”<sup>53</sup>

22  
23 old gun laws yields 42 results. See <https://firearmslaw.duke.edu/repository/search-the-repository/>.

24 <sup>47</sup> H.R. 8, Joint Resolution Prohibiting Dueling, introduced March 5, 1838,  
[https://history.house.gov/Records-and-Research/Listing/lfp\\_032/](https://history.house.gov/Records-and-Research/Listing/lfp_032/).

25 <sup>48</sup> Roth, *American Homicide*, 180–83, 210–17.

26 <sup>49</sup> Cited in *District of Columbia v. Heller*, 554 U.S. 570 (2008).

27 <sup>50</sup> *Aymette v. State*, 21 Tenn. 152, 153 (Tenn. 1840).

28 <sup>51</sup> *Aymette v. State*, 156.

<sup>52</sup> *Aymette v. State*, 157.

<sup>53</sup> *Aymette v. State*, 157.

40. Four years later, the Tennessee Supreme Court again dealt with a Bowie knife law violation and challenge. In the case of *Haynes v. Tennessee* (1844),<sup>54</sup> Stephen Haynes was indicted for carrying a concealed Bowie knife. He was convicted of wearing a knife that resembled a Bowie knife but appealed his conviction on the grounds that he was actually carrying a “Mexican pirate knife,” which reputedly had a shorter, narrower blade. (At the trial, witnesses disagreed as to the proper name for the knife in question.) He also argued that the state law, in listing various types of knives including those “similar” to Bowie knives, was “too indefinite” and could therefore lead to “absurd consequences” that “must follow its enforcement. . . .”<sup>55</sup> On appeal, the court upheld his conviction and commended the Tennessee state legislature’s enactment: “The design of the statute was to prohibit the wearing of bowie knives and others of a similar description, which the experience of the country had proven to be extremely dangerous and destructive to human life; the carrying of which by truculent and evil disposed persons but too often ended in assassination.”<sup>56</sup> The court continued: “The design, meaning, and intent was to guard against the destruction of human life, by prohibiting the wearing [of] heavy, dangerous, destructive knives, the only use of which is to kill. . . .”<sup>57</sup> The court noted that the state law “wisely provides against bowie knives, Arkansas tooth picks, or any other weapon in form, shape or size, resembling them.”<sup>58</sup> Noting the similarity among knives and the possibility of an unjust outcome where, say, a person might be convicted of carrying a mere pocket knife, the court posed this question: “what is to protect against conviction, when the words of the statute cover the charge, and its true spirit and meaning does not?” Their answer: “the judge and jury who try the case.”<sup>59</sup> As the author of a book on Bowie knives noted, “the fact

<sup>54</sup> *Haynes v. Tennessee*, 24 Tenn. 120 (1844).

<sup>55</sup> *Haynes v. Tennessee*, 122.

<sup>56</sup> *Haynes v. Tennessee*, 122.

<sup>57</sup> *Haynes v. Tennessee*, 123.

<sup>58</sup> *Haynes v. Tennessee*, 122.

<sup>59</sup> *Haynes v. Tennessee*, 123.

1 that the term ‘bowie knife’ had never been precisely defined did not help his  
2 [Haynes’s] case.”<sup>60</sup>

3 41. A third state court case relevant to the legal status of Bowie knives is  
4 *Cockrum v. State of Texas*, 1859.<sup>61</sup> The *Cockrum* case involved John Cockrum, who  
5 was charged with the murder of his brother-in-law, William Self, with a Bowie  
6 knife.<sup>62</sup> Under Texas law, “a homicide, which would otherwise be a case of  
7 manslaughter, if committed with a bowie-knife or dagger, shall be deemed murder  
8 and punished as such. . . .”<sup>63</sup> The court upheld the added penalty provision of the  
9 law relating to use of a Bowie knife, despite the court’s very expansive  
10 interpretation of the right to bear arms, but reversed and remanded the man’s  
11 conviction because of an error related to statutory changes and jury instructions. It  
12 described the Bowie knife as “an exceeding destructive weapon,” an “instrument of  
13 almost certain death,” and “the most deadly of all weapons in common use.”<sup>64</sup>

14 <sup>60</sup> Kirchner, *Bowie Knife Fights, Fighters, and Fighting Techniques*, 43.

15 <sup>61</sup> *Cockrum v. State*, 24 Tex. 394 (1859), [https://constitution.org/1-](https://constitution.org/1-Constitution/21l/2ndcourt/state/177st.htm)  
16 [Constitution/21l/2ndcourt/state/177st.htm](https://constitution.org/1-Constitution/21l/2ndcourt/state/177st.htm). David Kopel says that a fourth case,  
17 *Nunn v. State*, 1 Ga. 243 (1846), is a “major state supreme court case[s] involving  
18 Bowie knives.” “The legal history of bans on firearms and Bowie knives before  
19 1900,” *The Volokh Conspiracy*, November 20, 2022,  
20 [https://reason.com/volokh/2022/11/20/the-legal-history-of-bans-on-firearms-and-](https://reason.com/volokh/2022/11/20/the-legal-history-of-bans-on-firearms-and-bowie-knives-before-1900/)  
21 [bowie-knives-before-1900/](https://reason.com/volokh/2022/11/20/the-legal-history-of-bans-on-firearms-and-bowie-knives-before-1900/). But *Nunn* involved a man who was prosecuted for  
22 carrying a pistol (openly, not concealed), not a knife. A state law criminalized  
23 concealed carry of various named weapons, including pistols and Bowie knives,  
24 whereas a different provision allowed for open carrying of named weapons,  
25 including Bowie knives, but failed to include pistols on that list. Noting the “great  
26 vagueness” in the statute’s wording, the court reversed the man’s conviction and  
27 wrote that there was a constitutional right to open carry “for the important end to be  
28 attained: the rearing up and qualifying a well-regulated militia, so vitally necessary  
to the security of a free State.” By contrast, the court upheld the constitutionality of  
the concealed carry restrictions and noted that those restrictions were enacted “to  
guard and protect the citizens of the State against the unwarrantable and too  
prevalent use of *deadly weapons*.” 246; italics in original.

<sup>62</sup> [https://www.genealogy.com/ftm/p/i/l/Karen-Pilgrim-TX/WEBSITE-0001/UHP-](https://www.genealogy.com/ftm/p/i/l/Karen-Pilgrim-TX/WEBSITE-0001/UHP-0254.html)  
0254.html

<sup>63</sup> *Cockrum v. State*, 394.

<sup>64</sup> *Cockrum v. State*, 403–04. Kopel says, incorrectly, that “Bowie knives. . . were  
regulated the same as a butcher’s knife.” According to the Duke Center for  
Firearms Law Repository of Historical Gun Laws  
(<https://firearmslaw.duke.edu/repository/search-the-repository/>) six states had laws  
that restricted butcher knives by name, whereas 42 states restricted Bowie knives by  
name. See **Exhibits B and D**. Kopel, “Bowie knife statutes 1837-1899.”

1 Further, the court said: “He who carries such a weapon . . . makes himself more  
2 dangerous to the rights of others, considering the frailties of human nature, than if  
3 he carried a less dangerous weapon.”<sup>65</sup>

4 42. All of these cases underscore historical courts’ recognition of the  
5 dangerous nature and nefarious use of Bowie knives, not only by the courts’  
6 characterizations of them, but by the fact that they are treated in the same restrictive  
7 and prohibitory manner in law as other dangerous, deadly weapons, including  
8 pistols and various named clubs.<sup>66</sup>

9 43. The ubiquity of the concern about the criminological consequences of  
10 carrying Bowie knives and other, similar long-bladed knives is seen in the  
11 widespread adoption of laws barring or restricting these weapons.<sup>67</sup> In the 1830s, at  
12 least six states enacted laws barring the carrying of Bowie knives by name.<sup>68</sup> From  
13 then to the start of the twentieth century, every state plus the District of Columbia  
14 (with the sole exception of New Hampshire) restricted Bowie knives: a total of at  
15 least 42 states (including the District of Columbia) barred or restricted Bowie

16 <sup>65</sup> *Cockrum v. State*, 403.

17 <sup>66</sup> Among the notorious incidents attached to the Bowie knife was its use by two of  
18 the conspirators in the Lincoln assassination in 1865. The plan was to assassinate  
19 President Lincoln, Vice President Andrew Johnson, and Secretary of State William  
20 Seward. The man assigned to attack Seward, Lewis Powell, entered the Seward  
21 home armed with a pistol and a Bowie knife. When one of Seward’s sons tried to  
22 stop him, Powell tried to shoot him, but his gun misfired, so he used it as a club  
23 against the son. When he encountered another son, Powell slashed him with his  
24 Bowie knife, the weapon he then used to attack Seward who, thanks to a neck  
25 collar, survived. David Morgan, “Lincoln assassination: The other murder attempt,”  
26 *CBS News*, May 10, 2015, <https://www.cbsnews.com/news/lincoln-assassination-the-other-murder-attempt/>; <https://www.history.com/topics/american-civil-war/william-seward>. John Wilkes Booth also carried what was later identified as a  
27 Bowie knife, which he used to slash the man who accompanied Lincoln to the  
28 theater and who tried to stop Booth after he shot the president. Booth slashed the  
man in the arm with his knife to make his escape.  
<https://lincolnconspirators.com/2018/12/31/cloak-and-daggers-cutting-through-the-confusion-of-the-assassination-knives/>

<sup>67</sup> The near-immediate effort in the states to restrict Bowie knives was noted, for  
example, in Davis, *Three Roads to the Alamo*, 582, and in Flayderman, *The Bowie Knife*, 53–54.

<sup>68</sup> A seventh state, Massachusetts, criminalized the carrying of fighting knives  
using labels that would have included the Bowie knife in an 1836 law.

1 knives by name; and another 8 states enacted laws restricting the category or type  
 2 of knife embodied by the Bowie knife but without mentioning them by name (see  
 3 **Exhibits B and D**) totaling 49 states plus the District of Columbia.<sup>69</sup>

4 44. For example, 15 states banned all carrying of Bowie knives (by  
 5 banning both concealed carry and open carry), while others imposed taxes on  
 6 individuals' acquisition or possession of them. Georgia sought to stamp out Bowie  
 7 knife circulation (as well as that of other named weapons) in an 1837 law: "it shall  
 8 not be lawful for any merchant, or vender of wares or merchandize in this State, or  
 9 any other person or persons whatsoever, to sell, or offer to sell, or to keep, or to  
 10 have about their person or elsewhere, any of the hereinafter described weapons . . .  
 11 Bowie, or any other kinds of knives, manufactured and sold for the purpose of  
 12 wearing, or carrying the same as arms of offence or defense, pistols, dirks, sword  
 13 canes, spears, &c."<sup>70</sup> The desirability and utility of concealed-carry restrictions was  
 14 precisely that they pushed dangerous weapons out of public spaces and places,  
 15 improving public safety through the deterrent and punishment effects of such laws,  
 16 and also discouraging the settlement of private grievances and disputes in public  
 17 through weapons-fueled violence.

18 45. States were imaginative and persistent in their effort to suppress  
 19 fighting knives and other weapons. For example, an 1881 Arkansas law combined  
 20 no-carry provisions (whether concealed or openly) applying to "any dirk or bowie  
 21 knife, or a sword, or a spear in a cane, brass or metal knuck[le]s, razor, or any pistol  
 22 of any kind whatever" with another provision in the same law that made it a  
 23 misdemeanor to "sell, barter or exchange, or otherwise dispose of, or in any manner  
 24 furnish to any person" the aforementioned weapons, including "any kind of

25 <sup>69</sup> Bowie law enactment by decade: 1830s: 6 states; 1840s: 4 states; 1850s: 11  
 26 states; 1860s: 13 states; 1870s: 19 states; 1880s: 20 states; 1890s: 21 states; 1900s:  
 27 13 states. See **Exhibit B**.

28 <sup>70</sup> 1837 Ga. Acts 90, An Act to Guard and Protect the Citizens of this State, Against  
 the Unwarrantable and too Prevalent use of Deadly Weapons, § 1.



1 cartridge.”<sup>71</sup> Even though the law allowed persons to have the weapons on their  
 2 own premises, it begs the question of how, exactly, a person could legally obtain  
 3 such weapons in the first place if they weren’t already owned within a family  
 4 before the 1881 law was enacted.

5 46. States relied on a variety of regulatory techniques to suppress Bowie  
 6 knife carrying: 29 states enacted laws to bar their concealed carry; 15 states barred  
 7 their carry whether concealed or openly; 7 states enacted enhanced criminal  
 8 penalties for those who used the knives to commit a crime; 4 states enacted  
 9 regulatory taxes attached to their commercial sale; 3 states imposed a tax for those  
 10 who owned the knives; 10 states barred their sale to specified groups of people; and  
 11 4 states enacted penalties for brandishing the knives (see **Exhibits B and D**). In  
 12 addition, these laws would often expressly exempt from restriction common pocket  
 13 knives.<sup>72</sup>

#### 14 **B. The Difficulties of Prohibiting Knife Possession**

15 47. The extensive and ubiquitous nature of these Bowie knife prohibitions  
 16 raises a further question: given the universal agreement that these knives were  
 17 dangerous, why not simply ban their possession outright? The answer is two-fold.  
 18 First, America was a developing nation-state in the nineteenth century. The federal  
 19 and state governments did not yet possess the maturity, powers, tools, or resources  
 20 to implement any measure as sweeping as a knife ban, especially since knives are

21 <sup>71</sup> 1881 Ark. Acts 191, An Act to Preserve the Public Peace and Prevent Crime,  
 22 chap. XCVI (96), § §1-3. The law also made exceptions for military weapons, for  
 23 officers, and legal transport for people on a journey, a common exception in such  
 24 laws.

25 <sup>72</sup> E.g., 1896-99 Alaska Sess. Laws 1270, An Act To Define And Punish Crimes In  
 26 The District Of Alaska And To Provide A Code Of Criminal Procedure For Said  
 27 District, chap. 6, § 117; 1893 Ariz. Sess. Laws 3, An Act To Regulate And Prohibit  
 28 The Carrying Of Deadly Weapons Concealed, § 1; 1881 Del. Laws 987, An Act  
 Providing for the Punishment of Persons Carrying Concealed Deadly Weapons, ch.  
 548, § 1; John P. Duval, Compilation of the Public Acts of the Legislative Council  
 of the Territory of Florida, Passed Prior to 1840 Page 423, Image 425 (1839)  
 available at The Making of Modern Law: Primary Sources, 1835; 1821 Tenn. Pub.  
 Acts 15-16, An Act to Prevent the Wearing of Dangerous and Unlawful Weapons,  
 ch. 13.



1 technologically very simple to produce, and metal-working was a common and  
 2 ordinary part of everyday life. After all, the front-line administrative entity on  
 3 which we today rely for law enforcement, the police, barely existed in the way we  
 4 think of policing today in most places in most of nineteenth century (up to this time  
 5 policing fell to a haphazard mix of the watch system, constables, militias, and  
 6 vigilantes). Modern police forces only came in to being in a handful of large cities  
 7 before the Civil War, and did not reach maturity until the early twentieth century.<sup>73</sup>

8 48. Second, the chief (though not only) remedy enacted by the states to  
 9 address the problem of knife fighting was both more focused and feasible: to bar  
 10 the carrying of knives, along with the other two categories of weapons that also  
 11 threatened public safety, clubs and pistols. The fact that all three types of  
 12 weapons—knives, clubs, and pistols—were consistently treated together is  
 13 conclusive evidence that all were considered so dangerous and inimical to public  
 14 safety that they were subject to anti-carry and other restrictive laws and bundled  
 15 together in legislative enactments.

#### 16 **IV. HISTORICAL RESTRICTIONS ON CLUBS AND OTHER BLUNT WEAPONS**

17 49. Finally, the aforementioned history of regulating knives is consistent  
 18 with the U.S.'s history of regulating another category of dangerous, non-firearm  
 19 weapon: clubs.

20 50. Like knives, clubs date to ancient times, and are even simpler to  
 21 produce technologically. Yet their simplicity and commonality did not impede  
 22 efforts to regulate them when the need arose.

23 <sup>73</sup> Chris McNab, *Deadly Force* (Oxford, Great Britain: Osprey Publishing, 2009),  
 24 13-24; William R. Kelly and Daniel P. Mears, *The Reinvention of Policing*  
 25 (Lanham, MD: Rowman & Littlefield, 2023), 54-58. Boston created a police force  
 26 in 1838, New York City created a standing police force in 1845, followed by  
 27 Chicago in 1851, Philadelphia in 1854, and Baltimore in 1857 (23). Jill Lepore,  
 28 "The Invention of the Police," *The New Yorker*, July 13, 2020,  
<https://www.newyorker.com/magazine/2020/07/20/the-invention-of-the-police>.  
 Both McNab and Lepore emphasize the role of slavery and slave suppression as key  
 to the development of policing.

51. Among the most widely and ubiquitously regulated harmful implements in U.S. history were various types of clubs and other blunt weapons.<sup>74</sup> Most were anti-carry laws, which also generally encompassed pistols and specific types of knives, although some of the laws extended prohibitions to these weapons' manufacture, possession, sale, or use in crime.<sup>75</sup> As the table in **Exhibit C** shows, at least five distinct types of clubs and blunt objects were regulated in the United States. Notably, every state in the nation had laws restricting one or more types of clubs. According to a detailed reference book on the subject of these blunt instruments by Robert Escobar, they were considered "objectionable objects, once feared but now forgotten."<sup>76</sup> Escobar provides what he calls "a family history" of these blunt weapons, but adding that "[i]t's a disreputable family to say the least, black sheep even within the study of weaponry."<sup>77</sup> They have been described as "wicked, cowardly, 'Soaked in blood and cured in whiskey.'"<sup>78</sup> Those who carried them (excluding police) "were called vicious, devils and lurking highwaymen."<sup>79</sup> These club-type blunt objects compose a family of objects used for striking others, and while they vary in name and construction, the categories are "somewhat fluid."<sup>80</sup>

52. Among the types of clubs regulated in U.S. laws, 15 states barred bludgeon carrying. A bludgeon is a short stick with a thickened or weighted end used as a weapon.<sup>81</sup> The earliest state anti-bludgeon law was in 1799; 12 such state laws were enacted in the 1700s and 1800s, and 4 in the early 1900s (as with each of

<sup>74</sup> See **Exhibits C and D**.

<sup>75</sup> E.g. see 1917 Cal. Sess. Laws 221-225; 1923 Cal. Stat. 695.

<sup>76</sup> Robert Escobar, *Saps, Blackjacks and Slungshots: A History of Forgotten Weapons* (Columbus, OH: Gatekeeper Press, 2018), 1.

<sup>77</sup> Escobar, *Saps, Blackjacks and Slungshots*, 2.

<sup>78</sup> Escobar, *Saps, Blackjacks and Slungshots*, 2.

<sup>79</sup> Escobar, *Saps, Blackjacks and Slungshots*, 2.

<sup>80</sup> Escobar, *Saps, Blackjacks and Slungshots*, 1.

<sup>81</sup> <https://www.merriam-webster.com/dictionary/bludgeon>.

1 these chronological categories, the state law total exceeds the total number of states  
2 because some states enacted the same or similar laws in multiple centuries).

3 53. A billy<sup>82</sup> club is a heavy, hand-held rigid club,<sup>83</sup> usually made of wood,  
4 plastic, or metal,<sup>84</sup> that is traditionally carried by police, often called a nightstick or  
5 baton.<sup>85</sup> Escobar cites an early reference to the billy club in an 1854 New Orleans  
6 newspaper article in the *Daily True Delta* that referred to “police armed with  
7 batons,”<sup>86</sup> a synonym for a billy club. As this reference suggests, police have long  
8 adopted the billy club, or similar striking implements, as part of their on-duty  
9 weaponry. At least 16 states had anti-billy club laws, totaling 46 laws; the earliest  
10 law appears to have been enacted in Kansas in 1862,<sup>87</sup> followed by a New York law  
11 in 1866.<sup>88</sup> Fourteen states enacted such laws in the 1800s; 11 states did so in the  
12 early 1900s.

13 54. At least 14 states barred the carrying of “clubs” more generically,  
14 without specifying the type. The oldest anti-club law was 1664; 7 states enacted  
15 these laws in the 1600s-1700s, 7 states in the 1800s, and 2 in the early 1900s.

16 <sup>82</sup> Sometimes spelled billie club.

17 <sup>83</sup> Some versions were made to have some flexibility to increase their striking  
power. See Escobar, *Saps, Blackjacks and Slungshots*, 118-19.

18 <sup>84</sup> <https://www.merriam-webster.com/dictionary/billy%20club>. Escobar discusses a  
19 Civil War veteran and later police officer, Edward D. Bean, who experimented with  
20 various types of billy clubs to improve their striking power and durability by  
utilizing leather, often adhered to wood, to reduce the likelihood that the club would  
21 break on use. *Saps, Blackjacks and Slungshots*, 118. One of the earliest references  
to a “billy” was an 1857 newspaper article describing “an indiscriminate attack with  
slung-shot, billies, clubs, &c.” “Local Intelligence,” *Delaware Republican*, June  
15, 1857, <https://bit.ly/3V9nVO7>.

22 <sup>85</sup> Escobar, *Saps, Blackjacks and Slungshots*, 2, 69-70, 105, 113-30.

23 <sup>86</sup> Escobar, *Saps, Blackjacks and Slungshots*, 105.

24 <sup>87</sup> C. B. Pierce, Charter and Ordinances of the City of Leavenworth, with an  
Appendix Page 45, Image 45 (1863) available at The Making of Modern Law:  
Primary Sources, 1862.

25 <sup>88</sup> Montgomery Hunt Throop, The Revised Statutes of the State of New York; As  
Altered by Subsequent Legislation; Together with the Other Statutory Provisions of  
26 a General and Permanent Nature Now in Force, Passed from the Year 1778 to the  
Close of the Session of the Legislature of 1881, Arranged in Connection with the  
Same or kindred Subjects in the Revised Statutes; To Which are Added References  
27 to Judicial Decisions upon the Provisions Contained in the Text, Explanatory  
Notes, and a Full and Complete Index Page 2512, Image 677 (Vol. 3, 1882)  
28 available at The Making of Modern Law: Primary Sources, 1866.

55. Anti-slungshot laws were enacted by 43 states, with 71 laws enacted in the 1800s and 12 in the 1900s. A slungshot (or slung shot), also referred to as “a type of blackjack,”<sup>89</sup> is a hand-held weapon for striking that has a piece of metal or stone at one end attached to a flexible strap or handle that was developed roughly in the 1840s (the first “known use” of slungshot was 1842<sup>90</sup>). By one account, “[s]lungshots were widely used by criminals and street gang members in the 19th Century. They had the advantage of being easy to make, silent, and very effective, particularly against an unsuspecting opponent. This gave them a dubious reputation, similar to that carried by switchblade knives in the 1950s, and they were outlawed in many jurisdictions. Their use as a criminal weapon continued at least up until the early 1920s.”<sup>91</sup> Escobar concurs that slungshots and blackjacks “were a regular part of criminal weaponry. . . and gangsters could be merciless in their use.”<sup>92</sup>

56. In a criminal case considered the most famous of those involving lawyer Abraham Lincoln, the future president defended a man charged with murdering another using a slung shot. In the 1858 trial of William “Duff” Armstrong, Lincoln succeeded in winning Armstrong’s acquittal.<sup>93</sup>

57. These weapons were viewed as especially dangerous or harmful when they emerged in society, given the ubiquity of state laws against carrying them enacted after their invention and their spreading use by criminals and as fighting implements. These devices were invented and appeared in society during an identifiable period of time in the mid-nineteenth century, sparking subsequent wide-

<sup>89</sup> Escobar, *Saps, Blackjacks and Slungshots*, 228.

<sup>90</sup> See <https://www.merriam-webster.com/dictionary/slungshot>. Escobar agrees with this rough date. See *Saps, Blackjacks and Slungshots*, 67.

<sup>91</sup> “Slungshot,” <https://military-history.fandom.com/wiki/Slungshot>.

<sup>92</sup> Escobar, *Saps, Blackjacks and Slungshots*, 86.

<sup>93</sup> Lincoln was able to discredit the testimony of a witness who claimed to see Armstrong strike the victim with a slung shot at night because of the full moon. Lincoln used as evidence an Almanac to prove that on the night in question, there was no full moon. Judson Hale, “When Lincoln Famously Used the Almanac,” *Almanac*, May 4, 2022, <https://www.almanac.com/abraham-lincoln-almanac-and-murder-trial>.

1 ranging prohibitions. The earliest anti-slungshot law was enacted in 1850; 43 states  
 2 legislated against them in the 1800s (including the District of Columbia), and 11  
 3 states in the early 1900s (note this incorporates multiple laws enacted in more than  
 4 one century by a few states).

5 58. Sandbags, also known as sand clubs, were also a specific focus in anti-  
 6 carry laws as well. Consisting of nothing more than sand poured into a bag, sack,  
 7 sock, or similar tube-shaped fabric (although the weight could also be something  
 8 dense and heavy, like a lock in the end of a sock),<sup>94</sup> their particular appeal was that  
 9 they could be dispensed with by simply pouring the sand out, leaving nothing more  
 10 than an empty cloth bag. (Alternately, they could be made heavier by adding water  
 11 to the sand.) The first anti-sandbag law was 1866, with 10 states enacting such  
 12 laws—7 in the 1800s and 7 in the early 1900s.

13 59. Only 4 states did not have any prohibitions in any of these five  
 14 categories (bludgeons, billy clubs, clubs, slung shots, and sand bags), but 3 of those  
 15 4 (Montana, Ohio, and Washington State) had blanket legislative provisions against  
 16 the carrying of any concealed/dangerous/deadly weapons. One state, New  
 17 Hampshire, may not have enacted such a law during this time but did later.<sup>95</sup>

## 18 CONCLUSIONS

19 60. The regulation of switchblades in America follows almost precisely the  
 20 regulatory pattern identified with other weapons throughout American history (see  
 21 below). After a new weapon or weapons technology is invented or developed, is

22 <sup>94</sup> [https://www.ferrislawnv.com/criminal-defense/weapons-offenses/dangerous-](https://www.ferrislawnv.com/criminal-defense/weapons-offenses/dangerous-weapons/)  
 23 [weapons/](https://www.ferrislawnv.com/criminal-defense/weapons-offenses/dangerous-weapons/); Escobar, *Saps, Blackjacks and Slungshots*, 20-22. Escobar dates the  
 earliest reference to sandbags as weapons to the 1600s (22).

24 <sup>95</sup> Up to 2010, New Hampshire had this law on the books: “159:16 Carrying or  
 25 Selling Weapons. Whoever, except as provided by the laws of this state, sells, has  
 26 in his possession with intent to sell, or carries on his person any stiletto, switch  
 27 knife, blackjack, dagger, dirk-knife, slung shot, or metallic knuckles shall be guilty  
 28 of a misdemeanor; and such weapon or articles so carried by him shall be  
 confiscated to the use of the state.” In 2010, the law was amended when HB 1665  
 was enacted to exclude stilettos, switch knives, daggers, and dirk-knives. Compare  
 N.H. Rev. Stat. § 159:16 with 2010 New Hampshire Laws Ch. 67 (H.B. 1665). In  
 1923, New Hampshire enacted an extensive licensing system for handgun carrying:  
 1923 N.H. Laws 138.

1 replicated, begins to spread into civil society, and then becomes identified with  
2 criminality, violence, or a threat to public safety and good order, calls to regulate or  
3 restrict the weapon, through various policy tools or means, escalate, often leading to  
4 new laws. In the case of switchblades, racist white society took little interest when  
5 switchblades were a part of interpersonal violence among African American  
6 communities in the South before World War II. But after the war, as switchblades  
7 increased in circulation around the country and were identified as a threat to  
8 adolescents and other criminality, calls for regulation escalated, leading to anti-  
9 switchblade laws in at least 40 states and a federal law in 1958. As this report  
10 illustrates, and as summarized below, this was precisely the pattern for certain types  
11 of knives and clubs in the nineteenth century.

12 61. Not only is there an extensive historical pedigree of anti-switchblade  
13 laws, but there also exists a well-established historical tradition of regulating non-  
14 firearm weapons generally, including “fighting knives” and various types of clubs,  
15 under which every state in the Nation enacted such a restriction from the late 1700s  
16 through the early 1900s.

17 62. In fact, the extensive restrictions imposed against Bowie knives in  
18 particular are as close to a historical twin to modern switchblade laws as one might  
19 contemplate. As discussed above, legislation simply banning weapons like the  
20 Bowie knife or various types of clubs outright was less common than other methods  
21 of regulation. This approach is attributable to the fact that a ban could not have  
22 been feasibly implemented at a time when the U.S. was an emerging and  
23 developing nation-state lacking the capability to enforce it. As the nineteenth  
24 century wore on, however, many states became more imaginative in utilizing other  
25 policy tools to restrict such weapons, including regulatory taxes and restrictions  
26 imposed on weapons transfers or commercial sale.

27 63. In addition, switchblades, Bowie knives, and fighting clubs like the  
28 slungshot share not only a close connection with criminality, but also the same



1 nefarious, “bad boy” reputation that had the perverse consequence of fanning their  
 2 sale and acquisition. As noted earlier, commentary on the slungshot identified this  
 3 very parallel, in that “[s]lungshots were widely used by criminals and street gang  
 4 members in the 19th Century. . . . This gave them a dubious reputation, similar to  
 5 that carried by switchblade knives in the 1950s . . . .”<sup>96</sup>

6 64. More generally, sweeping claims like those of David Kopel and his  
 7 colleagues that “Prohibitions on carrying knives in general, or of particular knives,  
 8 are unconstitutional”<sup>97</sup> is not only ahistorical, but wrong. As this declaration  
 9 demonstrates, nothing in American history and law supports the sweeping  
 10 proposition that anti-knife carry laws are unconstitutional, illegal, or improper. The  
 11 truth is literally the opposite: that multitudinous and varied restrictions on fighting  
 12 knives and clubs were not only the norm, but the policy default in America when  
 13 such weapons became available, entered society, and came to be identified as a  
 14 threat to public safety and good order. The enactment of anti-switchblade laws in at  
 15 least 40 states in the 1950s follows nearly identically past restrictions on similar  
 16 weapons examined here.

17 65. The first purpose of any government is to protect the lives, health, and  
 18 safety of its people.<sup>98</sup> The many laws examined in this report arise from this central  
 19 fact of governance. Public safety was no less a prime concern of American  
 20 government early in its history than it was and is today.

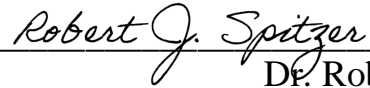
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 26 <sup>96</sup> “Slungshot,” <https://military-history.fandom.com/wiki/Slungshot>.

27 <sup>97</sup> Kopel, Cramer, and Olson, “Knives and the Second Amendment,” 167.

28 <sup>98</sup> “The primary purpose of government is to maintain order and stability so that people can live safely, productively, and happily.” “Government,” Annenberg Classroom, [https://www.annenbergclassroom.org/glossary\\_term/government/](https://www.annenbergclassroom.org/glossary_term/government/)

1 I declare under penalty of perjury under the laws of the United States of America  
2 that the foregoing is true and correct.

3 Executed on December 18, 2023, at Williamsburg, VA.  
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Dr. Robert Spitzer  
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## **EXHIBIT A**

## EXHIBIT A

November 2023

### Curriculum Vitae

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Education: A.B. (Political Science), summa cum laude, SUNY College at Fredonia, 1975.  
M.A. Cornell University, 1978.  
Ph.D. Cornell University, 1980.

#### Positions Held:

Adjunct Professor, College of William and Mary School of Law, Spring 2023-present.  
Affiliated Scholar, Government Department, College of William and Mary, 2023-present.  
Department Chair, SUNY Cortland, 2008-2020.  
Interim Department Chair, SUNY Cortland, 2004-2005.  
Distinguished Service Professor, SUNY Cortland, 1997-2021.  
Visiting Professor, Cornell University, Spring, 2009, Spring 1993; Summers 1980, 1988-1990, 1992-2017.  
Professor, SUNY Cortland, 1989 to 1997.  
Continuing Appointment, SUNY Cortland, 1986.  
Associate Professor, SUNY Cortland, 1984 to 1989.  
Department Chair, SUNY Cortland, 1983 to 1989.  
Visiting Professor, SUNY College of Technology, Utica-Rome, Graduate Division, 1985, 1986, 1988.  
Copy Editor, Administrative Science Quarterly, 1982 to 1983.  
Adjunct Professor, Tompkins-Cortland Community College, 1982-83.  
Assistant Professor, SUNY Cortland, 1979 to 1984.  
Instructor, Cornell University, 1979.

Instructor, Eisenhower College, 1978-1979.  
Research Assistant, Theodore J. Lowi and Benjamin Ginsberg, 1976-1978.  
Reporter (Stringer), Buffalo Courier-Express; Dunkirk Evening Observer, 1974-75.

Honors:

Fellow, the Royal Society for Arts, Manufactures and Commerce (RSA), London, England, 2020.  
Founding member, Regional Gun Violence Research Consortium, coordinated with the Rockefeller Institute of Government. Consortium of gun policy experts from eight states to advance research on gun policy, 2018-present.  
Member, SUNY Research Council, an advisory council to the SUNY Board of Trustees, SUNY System Administration, campus leadership teams, and the leadership team of the Research Foundation (RF) for SUNY, 2018-2021.  
Member, Scholars Strategy Network, 2015-present. Created to improve public policy and strengthen democracy by connecting scholars and their research to policymakers, citizens associations, and the media.  
Winner, Pi Sigma Alpha (the national political science honors society) Chapter Advisor of the Year Award for 2013.  
Winner, Outstanding Achievement in Research Award, SUNY Cortland, 2010.  
Winner, Outstanding Achievement in Research Award, SUNY Cortland, 2005.  
Winner, State University of New York's Chancellor's Excellence in Scholarship and Creative Activities Award, 2003.  
SUNY Cortland Nominee, National Scholar Competition of the Honor Society of Phi Kappa Phi, 1994-95.  
Winner, New York State/United University Professions Excellence Award, 1991, for "outstanding professional performance and superior service."  
Member, New York State Commission on the Bicentennial of the U.S. Constitution, 1986-1990.  
Member, New York State Ratification Celebration Committee for U.S. Constitution Bicentennial, 1987-88.  
Member, National Bicentennial Competition on the Constitution and the Bill of Rights, 1987-1991.  
Who's Who in the World, 1996.  
Dictionary of International Biography, 1995.  
Who's Who in the East, 1995-96; 1997-98  
Ex officio member, Cortland County Bicentennial Committee, 1987-89.  
Chair, SUNY Cortland Bicentennial Committee, 1987-89.  
Phi Eta Sigma, SUNY Cortland, 1994.  
Phi Kappa Phi, SUNY Cortland, 1990.  
Men of Achievement (1986)  
Contemporary Authors, vol. 112 (1985) and subsequent updates.

International Authors and Writers Who's Who, 1985-present.  
International Who's Who in Education, Winter 1985-86.  
Herbert H. Lehman Graduate Fellowship, 1975-79.  
Who's Who Among Students in American Universities and Colleges, 1974-75.  
Phi Beta Kappa Club, SUNY College at Fredonia, 1975.  
Phi Alpha Theta (History), SUNY College at Fredonia, 1974.  
Phi Mu Alpha Sinfonia, (Music), SUNY College at Fredonia, 1973.

Research Fellowships and Projects:

Individual Development Awards, SUNY Cortland, 2001, 2003, 2005, 2006, 2007, 2008, 2009, 2014, 2017, 2020.  
Title "F" Leave with pay, Spring 1994.  
Professional Development and Quality of Working Life Award, 1989, 1993, 1998, 1999.  
National Endowment for the Humanities (NEH) Research Grant for Study of the Constitution, 1986. Project Proposal: "The Presidential Veto: Constitutional Antecedents and Modern Applications."  
SUNY Cortland Faculty Research Program Grant, "The Presidential Veto, 1986.  
Consultant for Reporting Research Corporation, "Quality of Earnings Report," Thornton L. O'Glove, author; research on presidential veto use, 1984-1987.  
SUNY University Awards Program Research Fellowship, "The Right to Life Party and New York State Politics, 1983.  
SUNY Cortland Faculty Research Program Fellowship, "New York State Parties and Politics," 1980.

Publications and Papers:

BOOKS:

The Presidency and Public Policy: The Four Arenas of Presidential Power (University, AL: The University of Alabama Press, 1983). A study of the President's relations with Congress in the making of domestic policy. Revised version of doctoral dissertation.

The Right to Life Movement and Third Party Politics (Westport, CT: Greenwood Press, 1987). A study of the New York multi-party system, single-issue third parties, and the state-based Right to Life Party.

The Presidential Veto: Touchstone of the American Presidency (Albany, NY: SUNY Press, 1988), with a foreword by Louis Fisher. A study of the constitutional antecedents and modern applications of the veto power. Published as part of SUNY Press Series on Leadership, edited by Barbara Kellerman.



Editor, The Bicentennial of the U.S. Constitution: Commemoration and Renewal (Cortland, NY: SUNY Cortland, 1990). A compendium of articles based on presentations given at SUNY Cortland pertaining to the Constitution's Bicentennial. Contributors include Senator Daniel Patrick Moynihan, Theodore J. Lowi, Judith A. Best, and Robert Spitzer.

President and Congress: Executive Hegemony at the Crossroads of American Government (New York: McGraw-Hill; and Temple University Press, 1993). Published simultaneously by co-publishing agreement in paper by McGraw-Hill, and hardcover by Temple. An analytic survey and critique of presidential-congressional relations. Received Honorable Mention for the Richard Neustadt Award for Best Book on the Presidency for 1993.

Editor, Media and Public Policy (New York: Praeger, 1993). Published in Praeger's Political Communications Series, edited by Robert E. Denton, Jr. A collection of original essays dealing with various aspects of media's impact on public policy. Contributors include Doris Graber, Julio Borquez, Wenmouth Williams, Marion Just, Ann Crigler, Michael Hawthorne, Dean Alger, Jerry Medler, Michael Medler, Montague Kern, Robert Sahr, Holli Semetko, Edie Goldenberg, Patrick O'Heffernan, and Robert Spitzer.

The Politics of Gun Control (New York: Chatham House, 1995; 2<sup>nd</sup> edition, 1998; 3<sup>rd</sup> edition, CQ Press, 2004; 4<sup>th</sup> ed. 2008; 5<sup>th</sup> ed., Paradigm/Routledge Publishers 2012; 6<sup>th</sup> ed., Routledge, 2015, 7<sup>th</sup> ed., 2018; 8<sup>th</sup> ed. 2021; 9<sup>th</sup> ed. 2024). A comprehensive political and policy analysis of the gun issue that applies policy theory to the key elements of the gun debate, including analysis of the Second Amendment, cultural-historical factors, interest group behavior, criminological consequences, legislative and executive politics.

Editor, Politics and Constitutionalism: The Louis Fisher Connection, (Albany, NY: SUNY Press, 2000). A collection of original essays inspired by the works of Louis Fisher. Contributors include Neal Devins, Nancy Kassop, Dean Alfange, David Adler, Loch Johnson, Michael Glennon, Louis Fisher, and Robert Spitzer. Published as part of the SUNY Press Book Series on American Constitutionalism. Nominated by SUNY Press for the 2001 Silver Gavel Award of the American Bar Association.

The Right to Bear Arms: Rights and Liberties Under the Law (Santa Barbara, CA: ABC-CLIO, 2001). An extensive analysis of the Second Amendment "right to bear arms" from legal, historical, and political perspectives. Published as part of the "America's Freedoms" Series edited by Donald Grier Stephenson.

Essentials of American Politics, co-authored with Benjamin Ginsberg, Johns Hopkins; Theodore Lowi, Cornell; Margaret Weir, Berkeley. (W.W. Norton, 2002; 2<sup>nd</sup> edition, 2006). A synthetic, analytic look at American government and politics.

The Presidency and the Constitution: Cases and Controversies, co-authored with Michael A. Genovese (NY: Palgrave/Macmillan, 2005). A combination of analysis and cases examining the courts' view of presidential power.

Saving the Constitution from Lawyers: How Legal Training and Law Reviews Distort Constitutional Meaning (New York: Cambridge University Press, 2008). A sweeping indictment of the legal community when it enters into the realm of constitutional interpretation.

We the People: Essentials Edition, co-authored with Benjamin Ginsberg, Theodore Lowi, Margaret Weir, Caroline Tolbert, Andrea Campbell (W.W. Norton, 7<sup>th</sup> ed. 2009; 8<sup>th</sup> ed. 2011; 9<sup>th</sup> ed., 2013; 10<sup>th</sup> ed. 2015; 11<sup>th</sup> ed. 2017; 12<sup>th</sup> ed. 2019; 13<sup>th</sup> ed. 2021; 14<sup>th</sup> ed. 2023).

Gun Control: A Documentary and Reference Guide (Westport, CT: Greenwood Publishing Group, 2009). A combination of analysis, commentary, and original historical and contemporary documents pertaining to the gun issue published in Greenwood's Documentary and Reference Series.

The Gun Debate: An Encyclopedia of Gun Rights and Gun Control, co-authored with Glenn Utter (Grey House Publishers, 2011; third edition 2016). An A-Z compendium of gun issues.

Guns across America: Reconciling Gun Rules and Rights (New York: Oxford University Press, 2015; revised paperback ed. 2017); revised paperback edition published 2017. Argues that our understanding of the gun issue as it has evolved in the U.S. is upside down, looking at gun law history, the Second Amendment, stand your ground laws, and New York State gun laws.

The Gun Dilemma: How History Is Against Expanded Gun Rights (New York: Oxford University Press, 2023). Argues that the courts are ushering in a new era of expanded gun rights, despite the fact that such a movement is contrary to our gun history by examining assault weapons, ammunition magazines, silencers, gun brandishing, and the Second Amendment sanctuary movement.

Book Series Editor, Series on American Constitutionalism, SUNY Press, 1996-present. Books include:

Daniel Hoffman, Our Elusive Constitution, (1997)

Martin Sheffer, God and Caesar: Belief, Worship, and Proselytizing Under the First Amendment, (1999)

Daniel Levin, Representing Popular Sovereignty: The Constitution in American Political Culture, (1999)

- Robert Spitzer, ed., Politics and Constitutionalism, (2000)
- Laura Langer, Judicial Review in State Supreme Courts (2002)
- Ian Brodie, Friends of the Court (2002)
- Samuel Leiter and William Leiter, Affirmative Action in Antidiscrimination Law and Policy (2002)
- Artemus Ward, Deciding to Leave: The Politics of Retirement from the United States Supreme Court (2003)
- James T. McHugh, Ex Uno Plura: State Constitutions and Their Political Cultures (2003)
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- Kirk A. Randazzo and Richard W. Waterman, Checking the Courts (2014).
- Anthony Maniscalco, Public Spaces, Marketplaces, and the Constitution (2015).
- Goirgi Areshidze et al., eds., Constitutionalism, Executive Power, and the Spirit

of Moderation (2016).

Peter J. Galie, et al., eds., New York's Broken Constitution (2016).

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Graham G. Dodds, The Unitary Presidency (2020)

Member, Board of Editors for the Encyclopedia of Guns in American Society, 2 vols. (Santa Barbara, CA: ABC-CLIO, 2003; second ed. 2011). Winner of the Booklist Editors' Choice Award for 2003, American Library Association.

Member, Board of Editors, Issues: Understanding Controversy and Society, ABC-CLIO, 2011-2016.

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Author of "Thought Boxes" for Theodore J. Lowi and Benjamin Ginsberg, American Government: Freedom and Power (NY: W.W. Norton, 1990, 1992, 1994, 1996, 1998); 50 for 1st ed.; 30 additional for 2nd ed., 45 additional for 3rd ed.; 29 for 4th ed., 26 for 5<sup>th</sup>.

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Seven entries in the Encyclopedia of the American Presidency, ed. by Leonard W. Levy and Louis Fisher (NY: Simon and Schuster, 1994), including "Council on Environmental Quality," "Office of Intergovernmental Relations," "Presentation Clause," "Signing Statements," "Item Veto," "Pocket Veto," "Regular Veto".

Two entries in the Encyclopedia of the United States Congress, ed. by Donald C. Bacon, Roger H. Davidson, and Morton Keller (NY: Simon and Schuster, 1994), including "Separation of Powers" and "Presidential Veto".

"The President, Congress, and the Fulcrum of Foreign Policy," in The Constitution and the Conduct of American Foreign Policy, ed. by David Gray Adler, with an introduction by Arthur Schlesinger, Jr. (Lawrence, KS: University Press of Kansas, 1996), 85-113.

"Resources Development in the EOP," in The Executive Office of the President, ed. by Harold Relyea (Westport, CT: Greenwood Press, 1997).

"Council on Environmental Quality," in the Oxford Historical Guide to American Government (NY: Oxford University Press, 1997).

"From Presidential Shield to 'Go Ahead, Make My Day': The Presidential Veto and the Constitutional Balance of Power," in Liberty Under Law, ed. by Kenneth Grasso and Cecilia R. Castillo (Lanham, MD: University Press of America, 1997; 2nd ed. 1998).

"Multi-Party Politics in New York," in Multi-Party Politics and American Democracy, ed. by Paul Herrnson and John Green (Rowman & Littlefield, 1997; revised for second edition, 2002).

Author of "Cultures" and "Debates" boxes for Benjamin Ginsberg, Theodore Lowi, and Margaret Weir, We the People (NY: W.W. Norton, 1997, 1999). 19 for 1st ed.; 17 for 2nd ed.

"Gun Control: Constitutional Mandate or Myth?" in Moral Controversies in American Politics, ed. by Raymond Tatalovich and Byron Daynes (NY: M.E. Sharpe, 1998; 2005; 2010), 164-195. Revised for new editions.

"The Right to Life Party" and related entries in The Encyclopedia of American Third Parties, ed. by Immanuel Ness and James Ciment (NY: M.E. Sharpe, 2000).

"New York, New York: Start Spreadin' the News," in Prayers in the Precincts, ed. by John Green, Mark Rozell, and Clyde Wilcox (Washington, DC: Georgetown University Press, 2000).

"The Clinton Crisis and Its Consequences for the Presidency," in The Clinton Scandal and the Future of American Politics, ed. by Mark Rozell and Clyde Wilcox (Washington, DC: Georgetown University Press, 2000), 1-17.

"Saving the Constitution from Lawyers," in Politics and Constitutionalism, ed. by Spitzer (Albany, NY: SUNY Press, 2000).

"Gun Control and Policy" and "Veto Power" for the Encyclopedia of American Political History, ed. by Paul Finkelman (Washington, D.C.: Congressional Quarterly, 2000).

"Article I, Section 7," in The Constitution and Its Amendments, ed. by Roger Newman (NY: Macmillan, 2001).

"Lost and Found: Researching the Second Amendment," in The Second Amendment in Law and History, ed. by Carl Bogus (NY: The New Press, 2001), 16-47.



“Veto Power” in The Oxford Companion To United States History ed. by Paul Boyer (NY: Oxford University Press, 2001).

“The Independent Counsel and the Post-Clinton Presidency” in The Presidency and the Law: The Clinton Legacy, ed. by David Adler and Michael Genovese (Lawrence, KS: University Press of Kansas, 2002), 89-107.

“The Veto King: The ‘Dr. No’ Presidency of George Bush,” in Honor and Loyalty: Inside the Politics of the Bush White House, ed. by Leslie Feldman and Rosanna Perotti (Westport, CT: Greenwood Press, 2002), 233-53.

Fifty-two entries in the Encyclopedia of Guns in American Society, ed. by Gregg Lee Carter (Santa Barbara, CA: ABC-CLIO, 2003; 2<sup>nd</sup> ed. 2011; 3<sup>rd</sup> ed. 2023): including AWARE, assault weapons, Assault Weapons ban of 1994, automatic weapons laws, background checks, Brady Law, Harlon Carter, Eddie Eagle, Federation for NRA, Firearms Owners Protection Act of 1986, NRA-ILA, LSAS, Licensing, MMM, MAVIA, National Board for the Promotion of Rifle Practice, National Guard, NRA, NRA PVF, Presser v. Illinois, Quilici v. Morton Grove, Safety Courses, SAS, semiautomatic weapons, speedloaders, Turner Diaries, Waiting Periods.

Nine entries for the Encyclopedia of the American Presidency, ed. by Michael Genovese (NY: Facts on File, 2004): Edward Corwin, Council on Environmental Quality, Gramm-Rudman-Hollings, Persian Gulf War, legislative veto, presentation clause, item veto, pocket veto, veto.

“Third Parties,” “Presidents,” and “The Right to Life Party” for The Encyclopedia of New York State, ed. by Peter Eisenstadt (Syracuse: Syracuse University Press, 2004).

“Gun Rights for Terrorists? Gun Control and the Bush Presidency,” Transformed By Crisis: The Presidency of George W. Bush and American Politics, ed. by Jon Kraus, Kevin McMahon, and David Rankin (NY: Palgrave Macmillan, 2004), 141-165.

“The Presidential Veto Is An Effective Tool for Governing,” in Debating the Presidency, Robert P. Watson and David Freeman, eds. (Dubuque, IA: Kendall/Hunt, 2005).

“Veto: The Power to Say ‘No,’” in Thinking About the Presidency, ed. by Gary L. Gregg (Lanham, MD: Rowman & Littlefield, 2005).

“The ‘Protective Return’ Pocket Veto: Presidential Aggrandizement of Constitutional Power,” Executing the Constitution, ed. By Chris Kelley (Albany: SUNY Press, 2006), 109-126.

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ed. By James Ciment (NY: M.E. Sharpe, 2006).

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"New York's Multi-Party System," a presentation given before members of the Mexican and Canadian Parliaments at the Rockefeller Institute for Governmental Studies, Albany, N.Y., October 29, 1982.



"Comments and Recommendations on `The New York State Assembly: The Need for Improved Legislative Management,'" co-authored with Henry Steck, prepared for the New York State Assembly Republican Study Group, September, 1985.

"Registration, Voting, and the New York Election Law," Testimony presented before the Governor's Task Force to Encourage Electoral Participation, World Trade Center, New York City, December 21, 1987.

"The Pocket Veto and Sine Die Adjournments," Testimony presented to the Rules Committee, Subcommittee on the Legislative Process, House of Representatives, Washington D.C., July 26, 1989.

"Issues Pertaining to the Pocket Veto," Testimony presented to the Judiciary Committee, Subcommittee on Economic and Commercial Law, House of Representatives, Washington, D.C., May 9, 1990.

"The Stealth Veto: Does the President Already Possess Item Veto Powers?" Testimony presented to the Judiciary Committee, Subcommittee on the Constitution, U.S. Senate, Washington, D.C., June 15, 1994.

"The Hidden History of the Second Amendment," The National Press Club, Washington, D.C., May 12, 1998.

"The Second Amendment: A Source of Individual Rights?" Testimony presented to the Judiciary Committee, Subcommittee on the Constitution, Federalism, and Property Rights, U.S. Senate, Washington, D.C., September 23, 1998.

"The Gun Industry: The NRA's Silent Partner," National Press Briefing, Atlanta, GA, February 2, 1999.

"Program Review: SUNY Oswego Political Science Department," prepared as part of the department's review and assessment process, March 2001.

Meeting on Executive Order 13233, pertaining to presidential records access, hosted by Alberto Gonzales, Office of Legal Counsel, the White House, Washington, D.C., December 7, 2001.

Article ("Lost and Found: Researching the Second Amendment," Chicago-Kent Law Review, 2000) cited as controlling authority by the U.S. Court of Appeals, Ninth Circuit, in the case of *Silveira v. Lockyer* (312 F.3d 1052; 9<sup>th</sup> Cir. 2002); 2002 U.S. App. LEXIS 24612.

Coauthor, *amicus curiae* brief in the case of *Nordyke v. King*, U.S. Court of Appeals,

Ninth Circuit, 319 F.3d 1185 (2003).

White House meeting on changing standards regarding FOIA requests, access to Executive Branch documents, and presidential library design, hosted by White House Counsel Alberto Gonzales and White House Staff Secretary Brett Kavanaugh, Washington, D.C., July 17, 2003.

Invited participant and panelist, “National Research Collaborative Meeting on Firearms Violence,” hosted by the Firearm and Injury Center at the University of Pennsylvania, and the Joyce Foundation, Philadelphia, PA, June 15-17, 2005.

Program Review Report, SUNY Geneseo Political Science Department, March, 2009.

Coauthor with Louis Fisher, *amicus curiae* brief in the case of *Republic of Iraq et al. v. Beatty et. al.*, U.S. Supreme Court, filed March 25, 2009; case decided June 8, 2009 (556 U.S. 848; 2009).

Testimony on bills to enact early voting and other state voting reform measures before the New York State Senate Standing Committee on Elections, Syracuse, NY, May 14, 2009.

Co-author, *amicus* brief in the cases of *NRA v. City of Chicago* and *McDonald v. Chicago*, U.S. Supreme Court, argued March 2, 2010, decided June 28, 2010, 561 U.S. 742 (2010).

Consultant for plaintiffs in *Conservative Party of New York and Working Families Party v. NYS Board of Elections* (10 Civ. 6923 (JSR)), 2010, U.S. District Court for the Southern District of New York.

Co-author, *amicus* brief in the case of *Ezell v. Chicago*, U.S. Court of Appeals for the Seventh Circuit, 651 F.3d 684 (2011).

Co-author, *amicus* brief in the case of *People of the State of Illinois v. Aguilar*, Illinois Supreme Court, No. 08 CR 12069, 2012.

Invited panelist and contributor to conference and report, Institute of Medicine and the National Research Council of the National Academies, “Committee on Priorities for a Public Health Research Agenda to Reduce the threat of Firearm-Related Violence,” National Academies Keck Center, 500 Fifth St., NW, Washington, DC, April 23, 2013.

“Perspectives on the ‘Stand Your Ground’ Movement,” Testimony submitted to the U.S. Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Human Rights, Hearing on “‘Stand Your Ground’ Laws: Civil Rights and Public Safety

Implications of the Expanded Use of Deadly Force,” Washington, D.C., October 29, 2013.

Testimony on the Hearing Protection Act to deregulate gun silencers submitted to the U.S. House of Representatives Committee on Natural Resources, Subcommittee on Federal Lands, for Hearings on the Sportsmen’s Heritage and Recreational Enhancement Act (SHARE Act), Washington, D.C., September 12, 2017.

Expert testimony submitted for the State of Massachusetts, Office of Attorney General, in the case of *Worman v. Baker*, No. 1:17-cv-10107-WGY, United States District Court for the District of Massachusetts, submitted September 15, 2017, challenging Massachusetts state assault weapons restrictions. In 2019 the U.S. Court of Appeals for the First Circuit upheld the Massachusetts law (922 F.3d 26).

Member, Regional Gun Violence Research Consortium Organizing Committee, a Task Force organized by NY Governor Andrew Cuomo and the State Department of Education to research and investigate the causes of gun violence in a multi-state effort. February 2018.

Program Review Report, SUNY New Paltz Political Science and International Relations Departments, April 2019.

Consultant on Facebook policies and actions regarding gun issues, Quonundrums Market Research for Facebook, August 17, 2021.

Several of my publications cited in the case ruling of *Duncan v. Bonta*, U.S. Court of Appeals for the Ninth Circuit, November 30, 2021.

PAPERS AND PRESENTATIONS (NOT INCLUDING THOSE GIVEN ON THE  
CORTLAND CAMPUS):

"The President as Policy-Maker: The Arenas of Presidential Power from 1954 to 1974," American Political Science Association, Washington, D.C., August 28-31, 1980.

"The Right-to-Life Movement as a Third Party: The Policy Environment and Movement Politics," American Political Science Association, New York City, September 3-6, 1981. Reprinted by Rockefeller Institute for Governmental Studies Working Papers, Vol. I, No. 4, September, 1982.

"Viable Democracy or the French Fourth Republic: Multi-Party Politics in New York," New York State Political Science Association, Albany, April 6, 1984.

"The Right-to-Life Movement as Partisan Activity," American Political Science Association, Washington, D.C., August 30 - September 2, 1984.

"Biting the Bullet: Gun Control and Social Regulation," American Political Science Association, New Orleans, La., August 29 - September 1, 1985.

"The Presidential Veto," Northeastern Political Science Association, Boston, MA, November 13-15, 1986.

"Perspectives on the Presidential Veto Power: Antecedents and Evolution," Bicentennial Conference on the Presidency, co-sponsored by the Center for the Study of the Presidency, the Chautauqua Institution and Gannon University, Erie, PA, April 24-26, 1987.

"The Transformation of a Kingly Power: The Presidential Veto, Past and Present," American Political Science Association, Chicago, IL, September 3-6, 1987.

"The Pocket Veto: Expanding Presidential Prerogatives Through the Back Door," American Political Science Association, Washington, D.C., September 1-4, 1988.

"Liberalism and Juridical Democracy; or What's Interesting About Interest Group Liberalism," Western Political Science Association, Newport Beach, CA., March 22-24, 1990.

"Separation of Powers and the War Power," presentation sponsored by the Federalist Society, Cornell University School of Law, April 20, 1990.

"Is the Separation of Powers Obsolete? An Inquiry into Critiques of the Congressional-Presidential Balance of Power," American Political Science Association, Washington, D.C., August 29-September 1, 1991.

"Hate Speech and the College Campus," conference on Two Hundred Years of Free Expression, SUNY Oneonta, October 2-3, 1992.

"From Presidential Shield to 'Go Ahead, Make My Day': The Presidential Veto and the Constitutional Balance of Power," featured paper presenter for Fall 1992 Symposium on American Constitutionalism, Southwest Texas State University, San Marcos, TX, October 30, 1992.

"The Reagan Presidency and the Veto Power: Symbols and Actions of the 'Make-My-Day' President," Southern Political Science Association, Savannah, GA, November 3-6, 1993.

"Tenure, Speech, and the Jeffries Case: A Functional Analysis," conference on academic Freedom and Tenure, sponsored by New York City Bar Association and Pace University Law School, New York City, March 8, 1994.

"'It's My Constitution, and I'll Cry If I Want To': Constitutional Dialogue, Interpretation, and Whim in the Inherent Item Veto Dispute," American Political Science Association, Chicago, August 31-September 3, 1995. Winner, 1996 Presidency Research Group Founders' Award for Best Paper on the Presidency presented at the 1995 APSA. Paper received mention in the Washington Post, September 24, 1995.

"Guns and Violence," presentation before Bryn Mawr Presbyterian Church Task Force on Violence, Bryn Mawr, PA, October 8, 1995.

"Guns, Militias, and the Constitution," Distinguished Lecture Series, Utica College, Utica NY, March 26, 1996.

"The Right to Bear Arms: A Constitutional and Criminological Analysis of Gun Control," the Cornell University School of Law, October 8, 1996.

"The Veto King: The 'Dr. No' Presidency of George Bush," Conference on the Presidency of George Bush, Hofstra University, Hempstead, NY, April 17-19, 1997.

"Saving the Constitution from Lawyers," American Political Science Association, Washington, D.C., August 28-31, 1997.

"Revolution, the Second Amendment, and Charlton Heston," Gettysburg College, Gettysburg, PA, October 30, 1997.

"Recent Developments in The Politics of Gun Control," Gettysburg College, Gettysburg, PA, November 10, 1998.

"The Second Amendment, Disarmament, and Arms Control," Communitarian Summit, the Washington National Airport Hilton, Arlington, VA, February 27-28, 1999.

"The Argument Against Clinton's Impeachment," Hyde Park Session, American Political Science Association, Atlanta, September 2-5, 1999.

"Gun Politics After Littleton," Gettysburg College, Gettysburg, PA, November 9, 1999.

"Lost and Found: Researching the Second Amendment," Symposium on "The Second Amendment: Fresh Looks," Chicago-Kent Law School and the Joyce Foundation, Chicago, April 28, 2000.

“The Independent Counsel and the Presidency After Clinton,” American Political Science Association, Washington, D.C., August 31-September 3, 2000.

“From Columbine to Santee: Gun Control in the 21<sup>st</sup> Century,” Idaho State University, Pocatello, Idaho, April 19, 2001.

“Gun Control in the New Millennium,” Gettysburg College, Gettysburg, PA, November 13, 2001.

“Gun Rights for Terrorists? Gun Control and the Bush Presidency,” A Presidency Transformed By Crises: The George W. Bush Presidency, SUNY Fredonia, NY, October 17-18, 2002.

“Gun Control and the Bush Presidency,” Gettysburg College, Gettysburg, PA, November 21, 2002.

“The Ashcroft Justice Department and the Second Amendment,” American Bar Association Annual Meeting, San Francisco, August 8-11, 2003.

“The Bush Presidency and 9/11,” Keynote Address, Conference on 9/11, Cazenovia College, NY, September 11, 2003.

“Report of the National Task Force on Presidential Communication to Congress,” co-author, Tenth Annual Texas A&M Conference on Presidential Rhetoric, George Bush Presidential Library and Conference Center, College Station, TX, March 4-7, 2004.

“Don’t Know Much About History, Politics, or Law: Comment,” Conference on The Second Amendment and the Future of Gun Regulation, co-sponsored by the Fordham School of Law, the Second Amendment Research Center, and the John Glenn Institute for Public Service and Public Policy of the Ohio State University, April 13, 2004, New York City.

“Bush vs. Kerry: Election of the Century?” Colgate University, Hamilton, NY, October 20, 2004.

“The Commander-in-Chief Power and Constitutional Invention in the Bush Administration,” a paper presented at a Conference on “Is the Presidency Dangerous to Democracy?”, Loyola Marymount University, Los Angeles, CA, February 7, 2005.

Participant, “The Wheler Family Address on International Relations,” Academic Conference on World Affairs, Cazenovia College, Cazenovia, NY, September 9, 2005.

“What Ever Happened to Gun Control?”, Gettysburg College, Gettysburg, PA, November



1, 2005.

“Clinton and Gun Control: Boon or Bane?” a paper presented at the 11<sup>th</sup> Presidential Conference on William Jefferson Clinton, Hofstra University, Hempstead, NY, November 10-12, 2005.

“George W. Bush and the Unitary Executive,” Keynote Address for “Quest,” SUNY Oswego Scholars Day, April 19, 2006.

“Resolving Conflict with Intractable Foes: The Lessons of International Relations Theory Applied to the Modern Gun Control Debate,” Bryant University, Smithfield, RI, April 24, 2006.

“The Unitary Executive and the Commander-in-Chief Power,” Conference on Presidential Power in America: The Constitution, the Defense of a Nation and the National Ethos, Massachusetts School of Law Conference Series, Andover, MA, October 14-15, 2006.

“The 2006 Elections,” LeMoyne College, Syracuse, NY, November 29, 2006.

“In Wartime, Who Has the Power?” Symposium on Presidential Power and the Challenge to Democracy, Idaho State University, Pocatello, ID, April 26, 2007.

“Saul Cornell’s Second Amendment: Why History Matters,” Conference on Firearms, the Militia and Safe Cities: Merging History, Constitutional Law, and Public Policy, Albany Law School, Albany, NY, October 18-19, 2007.

“Gun Control and the 2008 Elections,” Third Annual Harry F. Guggenheim Symposium on Crime in America, John Jay College, New York City, December 3-4, 2007.

“The Post-Cold War Vice Presidency,” Cornell Adult University, Cornell University, Ithaca, NY, July 31, 2008.

“Is the Presidency Constitutional?” Roundtable panel on Restoring the Constitutional Presidency, APSA, Boston, August 28-31, 2008.

“The Future of the American Presidency,” Board of the Bristol Statehouse, Bristol, RI, November 30, 2008.

“Is the Constitutional Presidency Obsolete? The Future of the American Presidency,” Symposium on The Future of the American Presidency, Regent University, Virginia Beach, VA, February 6, 2009.

“The Failure of the Pro-Gun Control Movement,” SUNY Oneonta, March 19, 2009.

“The Post-Bush Presidency and the Constitutional Order,” American Political Science Association, Toronto, Canada, September 3-6, 2009.

“Inventing Gun Rights: The Supreme Court, the Second Amendment, and Incorporation,” SUNY Geneseo, March 24, 2010.

“Intelligence Don’t Matter,” Keynote Address to Phi Kappa Phi Induction Ceremony, SUNY Cortland, April 17, 2010.

“The Law and Politics of Gun Control after Tucson,” 6<sup>th</sup> Annual Harry Frank Guggenheim Symposium on Crime in America, conference on “Law and Disorder: Facing the Legal and Economic Challenges to American Criminal Justice,” John Jay College of Criminal Justice, CUNY, New York City, January 31-February 1, 2011.

“Looking Ahead to the 2012 Elections,” Tompkins County Democratic Committee, Ithaca, NY, August 7, 2011.

“Growing Executive Power: The Strange Case of the ‘Protective Return’ Pocket Veto,” American Political Science Association, Seattle, WA, September 1-4, 2011.

“Gun Control and the Second Amendment,” OASIS Conference, Syracuse, NY, October 3, 2011

“Comparing the Constitutional Presidencies of George W. Bush and Barack Obama: War Powers, Signing Statements, Vetoes,” conference on “Change in the White House? Comparing the Presidencies of George W. Bush and Barack Obama,” Hofstra University, Hempstead, NY, April 19, 2012.

“Watergate After 40 Years: Dick Cheney’s Revenge,” American Political Science Association, New Orleans, LA, August 30-September 2, 2012.

“The Media, American Elections, and Democracy,” OASIS, Syracuse, NY, October 22, 2012.

“Hot Button Issues in the 2012 Presidential Campaign,” Hiram College Conference on the 2012 Elections, Hiram, Ohio, November 15-17, 2012.

“Gun Legislation and Obstacles to Effective Gun Control,” Metropolitan Black Bar Association, New York City Bar Association, November 29, 2012.

“Guns and America,” Syracuse University, Syracuse, NY, February 19, 2013.

“The Constitution Between Opponents,” conference on “The State of the Presidency,” Andrus Center for Public Policy, Boise State University, Boise, ID, February 28, 2013.

“Gun Policy at a Crossroads,” Thursday Morning Roundtable, Syracuse, NY, March 7, 2013.

“Gun Policy Cycles and History,” Pediatric Grand Rounds at the Upstate Golisano Children’s Hospital, Syracuse, NY, March 13, 2013.

“Gun Law and the Constitution,” Monroe County Bar Association, Rochester, NY, March 21, 2013.

“The Architecture of the Gun Control Debate,” Goldfarb Center for Public Affairs, Colby College, Waterville, ME, April 2, 2013.

“The Campbell Debates: This Assembly Supports the NY SAFE Act,” Syracuse University, April 5, 2013.

“What has Sandy Hook Changed? The Evolving Gun Debate,” Reisman Lecture Series, Cazenovia College, Cazenovia, NY, April 17, 2013.

“Gun Policy Change: Infringing Rights, or Following History?” Jefferson Community College, Watertown, NY, April 18, 2013.

“Under the Gun,” Conference on “Gun Violence, Gun Laws, and the Media,” Center on Media, Crime and Justice, John Jay College of Criminal Justice, New York, May 14-15, 2013.

“Five Myths of the Gun Debate,” Lawman of the Year, Cortland County Lawman Committee, Cortland, NY, May 20, 2013.

“Gun Law History,” Sterling Historical Society, Sterling, NY, June 27, 2013.

“Analyzing the New York SAFE Act,” League of Women Voters Forum, Cortland, NY, September 12, 2013.

“Constitution Day, the Second Amendment, and Guns,” OASIS, Syracuse, NY, September 16, 2013.

“The Second Amendment and Guns in America,” Values, Arts, and Ideas Series Constitution Day Speaker, Manchester University, North Manchester, Indiana, September 17, 2013.

“Live By History, Die By History: The Second Amendment, Heller, and Gun Policy,” Georgetown University, Washington, DC, October 18, 2013.

“American Gun Policy,” “Gun Violence: A Comparative Perspective,” and “American History and Foreign Policy, 1960-1990,” King’s College, London, England; Southbank Centre, “Superpower Weekend,” November 8-11, 2013.

“Gun Politics and the Electoral Process,” Oneida County Women’s Democratic Club and County Committee, Utica, NY, November 17, 2013.

“The Second Amendment and the Hidden History of Gun Laws,” Institute for Legislative Studies, University of North Carolina, Greensboro, NC, November 20-21, 2013.

“The Future of Gun Regulation After Newtown,” Fordham University, New York, NY, January 21, 2014.

“The 2014 Elections: The End of the Obama Era?” 22<sup>nd</sup> Annual Chautauqua, Homer, NY, August 3, 2014.

“New York State and the NY SAFE Act: A Case Study in Strict Gun Laws,” conference on “A Loaded Debate: The Right to Keep and Bear Arms in the 21<sup>st</sup> Century,” Albany Law School, Albany, NY, October 9, 2014.

“Is Gun Control Un-American or at Least Unconstitutional?” Temple Concord, Syracuse, NY, October 14, 2014.

“The American Gun Debate is Under Water,” TEDxCortland Talk, Hathaway House, Solon, NY, October 25, 2014.

“The Unitary Executive and the Bush Presidency,” Conference on the Presidency of George W. Bush,” Hofstra University, Hempstead, NY, March 24-26, 2015.

“Assessing the Obama Presidency,” Western Political Science Association, Las Vegas, NV, April 1-3, 2015.

“Gun Laws, Gun Policies, and the Second Amendment,” Central New York Council of the Social Studies Professional Development Day Conference, Carnegie Conference Center, Syracuse, NY, October 20, 2015.

“The 2016 Elections,” The Cornell Club of Cortland County, November 17, 2015, Cortland, NY.

“Gun Law History in the U.S. and Second Amendment Rights,” Conference on The Second Amendment: Legal and Policy Issues, New York University Law School and the Brennan Center for Justice, New York City, April 8, 2016.

“The Presidential Elections,” The Century Club, June 7, 2016, Syracuse, NY.

“The 2016 Elections,” Chautauqua, August 3, 2016, Homer, NY.

“The 2016 Elections” Cortland Rotary, Cortland, N.Y. September 20, 2016.

“The 2016 Elections,” Cortland Community Roundtable, October 6, 2016.

“TrumPocalypse 2016,” Finger Lakes Forum, Geneva, N.Y., October 16, 2016.

“The 2016 Elections,” Homer Congregational Church, Homer, N.Y., October 30, 2016.

“Had Enough? Only Five More Days,” OASIS, November 3, 2016, Syracuse, N.Y.

“Guns for Everyone?” OASIS, November 14, 2016, Syracuse, N.Y.

“College and Life: Really the Same,” SUNY Cortland Commencement Address, May 14, 2017.

“Sizing Up the Trump Presidency,” Cortland County Democratic Party, June 1, 2017.

“Understanding Impeachment,” Ladies Literary Society, Lafayette, NY, June 7, 2017.

“Guns Across America,” Ithaca College, Ithaca, NY, September 21, 2017.

Guest panelist, “Gun Studies Symposium,” University of Arizona, Tucson, AZ, October 20, 2017.

“Gun Policy and Schools After Parkland,” SUNY Student Assembly Annual Conference, Syracuse, NY, April 7, 2018.

“Gun Laws, History, and the Second Amendment: What Does the Constitution Allow?” Clemson University, SC, April 17, 2018.

“Gun Violence and the History of Gun Laws,” League of Women Voters of Tompkins County, Ithaca, NY, May 23, 2018.

“The Unknown History of Gun Laws in America,” Madison-Chenango Call to Action, Hamilton, NY, June 20, 2018.

“It’s All Academic: The Meaning of the Second Amendment Versus Heller,” Conference on “The Second Amendment: Its Meaning and Implications in Modern America,” Lincoln Memorial University School of Law, Knoxville, TN, January 18, 2019.

“Mulling Over the Mueller Report,” Indivisible Cortland County, Homer, NY, June 15, 2019.

“Gun Accessories and the Second Amendment: Assault Weapons, Magazines, and Silencers,” Symposium on Gun Rights and Regulation Outside the Home, Duke University, Durham, NC, September 27, 2019.

“Gun Policy 101: What Policymakers and the Public Need to Know,” Rockefeller Institute of Government, Albany, NY, October 1, 2019.

Guest expert, Federalist Society Teleforum on *New York State Rifle and Pistol Association v. NYC*, November 22, 2019.

“To Brandish or Not to Brandish: The Consequences of Gun Display,” Duke University Law School Conference on Historical Gun Laws, June 19, 2020 (virtual).

“The 2020 Elections,” Cortland Country Club, October 14, 2020.

Panelist, “Gun Law, Politics, and Policy,” Midwest Political Science Association, Chicago, April 14-17, 2021 (virtual).

“Gun Violence,” Beaches Watch, Florida, August 4, 2021 (virtual).

“Challenging Conversations: Gun Control,” Lockdown University (virtual), April 5, 2022.

“Scholars’ Circle: Gun Control,” June 30, 2022 (virtual).

“Gun Rules and Regulations,” Clubhouse AverPoint, July 2, 2022 (virtual).

“A Nation in Crisis: Are Guns the Problem?” Center for Ethics and Human Values’ Civil Discourse Forum, The Ohio State University, Columbus, OH, September 23, 2022.

“Explaining the 2022 Midterm Elections,” OSHER Lifelong Learning Institute at the College of William and Mary, Williamsburg, Va., October 13, 2022.

“The Gun Rights 2.0 Movement: Public Policy Consequences,” 2022 National Research Conference on Firearm Injury Prevention, Omni Shoreham Hotel, Washington, D.C.,



November 29-December 1, 2022.

“Gun Law History in America,” OSHER Lifelong Learning Institute at the College of William and Mary, Williamsburg, Va., February 16, 2023.

“The Obama Presidency and Gun Policy,” Paper Presented for Hofstra University’s 13<sup>th</sup> Presidential Conference on The Barack Obama Presidency, Hempstead, NY, April 19-21, 2023.

“Gun Law History and Virginia,” League of Women Voters, Williamsburg, Va., June 22, 2023.

“Gun Policy in the U.S.: Past, Present, Future,” College of William and Mary, Williamsburg, Va., September 21, 2023.

“Historical Gun Laws Pertaining to Minors,” 2023 Cooper-Walsh Colloquium, Conference on *Public Health, History, and the Future of Gun Regulation After Bruen*, Fordham University School of Law, New York City, NY, October 12-13, 2023.

“Presidential Impeachment: What It Is, How It Works, Why It Matters,” OSHER Lifelong Learning Institute at the College of William and Mary, Williamsburg, Va., October 19, 2023.

#### PANEL PARTICIPATION:

Discussant, "Historical Transformations of Political Institutions in the U.S.," Social Science History Association, Rochester, N.Y., November 7-9, 1980.

Chair, "The Political Economy of Single Issue Movements," 1981 American Political Science Association, New York City, September 3-6.

Discussant, "New York Republicans: An Emerging Majority Party?", New York State Political Science Association, Albany, N.Y., April 2-3, 1982.

Round table panel member, "Perspectives on the Reagan Administration," New York State Political Science Association, New York, N.Y., April 8-9, 1983.

Discussant, "Toward a Theory of the Chief Executive," 1983 American Political Science Association, Chicago, Ill., September 1-4, 1983.

Chair and Discussant, "Political Parties and Party Organization," 1984 American Political

Science Association, Washington, D.C., August 30 - September 2, 1984.

Discussant, "Reforming the Presidential Selection Process," New York State Political Science Association, New York, N.Y., April 25-26, 1985.

Chair, "Theoretical Approaches to Policy Concerns," American Political Science Association, New Orleans, La., August 29 - September 1, 1985.

Discussant, "Perspectives on Presidential Influence," American Political Science Association, New Orleans, La., August 29 - September 1, 1985.

Discussant, "The Item Veto," American Political Science Association, New Orleans, La., August 29 - September 1, 1985.

Chair, "Mobilizing Interests on National Policies," American Political Science Association, Washington, D.C., August 28-31, 1986.

Discussant, "The News Media and American Politics," American Political Science Association, Washington, D.C., August 28-31, 1986.

Chair, "Perspectives on the Bicentennial of the U.S. Constitution," New York State Political Science Association, New York City, April 3-4, 1987.

Discussant, "The Presidency in Comparative Perspective," and "Media and Models of Public Policy-Making," American Political Science Association, Atlanta, Aug. 31 - Sept. 3, 1989.

Discussant, "Presidents and Economic Interests," American Political Science Association, Washington, D.C., August 29 - September 1, 1991.

Panel Chair, "The Presidential Role in Policy Making," American Political Science Association, Chicago, September 3-6, 1992.

Discussant, "Presidential Influence on Congress," American Political Science Association, Washington, D.C., September 2-5, 1993.

Discussant, "Bureaucratic Politics," Southern Political Science Association, November 3-6, 1993.

Discussant, "The President's Extra-Constitutional Power," American Political Science Association, New York City, September 1-4, 1994.

Discussant, "Roundtable on the President and Congress in a Republican Age," Western

Political Science Association, San Francisco, March 14-16, 1996.

Chair, "Militias, the Second Amendment, and the State: Constitutional, Social, and Historical Implications," American Political Science Association, San Francisco, August 29-September 1, 1996.

Chair, "Roundtable on Teaching the Presidency," American Political Science Association, August 29-September 1, 1996.

Chair, "The Constitutionalism and Presidentialism of Louis Fisher," American Political Science Association, Washington, D.C., August 28-31, 1997.

Chair, "The President as Legislative Leader," American Political Science Association, Boston, September 3-6, 1998.

Chair, Roundtable on "Memo to the President," American Political Science Association, Atlanta, September 2-5, 1999.

Discussant, "Firearms in the U.S.," Midwest Political Science Association, Chicago, April 27-30, 2000.

Chair and discussant, Roundtable on "Is the Presidency Changed?" APSA, San Francisco, August 30-September 2, 2001.

Chair and discussant, "Presidential Use of Strategic Tools," APSA, Boston, August 29 - Sept. 1, 2002.

Discussant, "Executing the Constitution," APSA, Boston, August 29 - Sept. 1, 2002.

Chair, "Marketing the President," APSA, Philadelphia, August 28-31, 2003.

Discussant, "Media Coverage of the Presidency," APSA, Philadelphia, August 28-31, 2003.

Chair and discussant, "Does Presidential Leadership in Foreign Policy Matter?" APSA, Chicago, September 2-5, 2004.

Roundtable member, "The Ins and Outs of Obtaining a Book Contract," APSA, Chicago, September 2-5, 2004.

Discussant, "Presidential Power: Lessons From the Past," APSA, Washington, D.C., September 1-4, 2005.

Chair and Discussant, “The Unitary Executive in a Separated System,” APSA, Philadelphia, August 31-September 3, 2006.

Panel chair, “The Culpability of Congress,” Conference on Presidential Power in America: The Constitution, the Defense of a Nation and the National Ethos, Massachusetts School of Law Conference Series, Andover, MA, October 14-15, 2006.

Panel chair, “Keeping the Modern Presidency in Check and Balance,” APSA, Chicago, August 30-September 2, 2007.

Discussant, “Presidential Endings: George W. Bush and the Final Two Years,” APSA, Chicago, August 30-September 2, 2007.

Discussant, “Staffing and Decisionmaking in the White House,” APSA, Boston, August 28-31, 2008.

Panel Chair, “Early Assessments of the Obama Presidency,” APSA, Washington, D.C., September 2-5, 2010.

Discussant, “Historical Perspectives on the Presidency,” APSA, Chicago, August 29-Sept. 1, 2013.

Discussant, “Politics and Presidential Travel,” APSA, Washington, D.C., August 27-31, 2014.

Discussant, “The Obama Presidency and Constitutional Law,” APSA, San Francisco, Sept. 3-6, 2015.

Discussant, “Presidents, the Courts and the Law,” APSA, Philadelphia, Sept. 1-4, 2016.

Discussant, “Executive Power and Democratic Functioning in the Trump Era,” APSA, Boston, MA, August 30-September 2, 2018.

Panel chair, “Assessing the Presidency of Donald Trump,” APSA, Washington, DC, August 29-September 1, 2019.

Roundtable, “Gun Law, Politics, and Policy,” Midwest Political Science Association, April 17, 2021 (virtual).

Roundtable, “Guns and the Political Moment: Political Violence, Self-Defense, and Reckoning with Race,” Midwest Political Science Association, Chicago, April 7, 2022.

BOOK REVIEWS:

The American Presidency, by Richard M. Pious, reviewed in The Journal of Politics, November, 1979.

The Politics of Mistrust, by Aaron Wildavsky and Ellen Tenenbaum, reviewed in Administrative Science Quarterly, December, 1981.

Review essay, The President as Policymaker, by Laurence E. Lynn and David DeF. Whitman, review essay in Administrative Science Quarterly, March, 1982.

PL94-142: An Act of Congress, by Erwin L. Levine and Elizabeth M. Wexler, reviewed in the American Political Science Review, June, 1982.

Pure Politics and Impure Science, by Arthur M. Silverstein, reviewed in Administrative Science Quarterly, June, 1984.

Review essay, The President's Agenda, by Paul Light, reviewed in Administrative Science Quarterly, September, 1984.

The Evolution of American Electoral Systems, by Paul Kleppner, et al., reviewed in the American Political Science Review, December, 1983.

A Case of Third Party Activism, by James Canfield, reviewed in Perspective, July-August, 1984.

Winners and Losers: Campaigns, Candidates and Congressional Elections, by Stuart Rothenberg, reviewed in the American Political Science Review, December, 1984.

The Political Presidency, by Barbara Kellerman, reviewed in Perspective, January-February, 1985.

Presidents and Promises, by Jeff Fishel, reviewed in the American Political Science Review, December, 1985.

The Elections of 1984, ed. by Michael Nelson, reviewed in Perspective, May/June, 1985.

Economic Conditions and Electoral Outcomes, by Heinz Eulau and Michael S. Lewis-Beck, reviewed in Perspective, May/June, 1986.

Presidential Transitions: Eisenhower Through Reagan, by Carl M. Brauer, in Perspective, January/February, 1987.

Religion and Politics in the United States, by Kenneth D. Wald, in Journal for the Scientific Study of Religion, September, 1988.

Abortion and Divorce in Western Law, by Mary Ann Glendon, in The Annals of the American Academy of Political and Social Science, September, 1988.

The American Political Economy, by Douglas Hibbs, in Perspective, Spring, 1988.

God in the White House, by Richard G. Hutcheson, Jr., in Perspective, Fall, 1988.

The Reagan Legacy, Charles O. Jones, ed., in Social Science Quarterly, June, 1989.

Dilemmas of Presidential Leadership From Washington Through Lincoln by Richard Ellis and Aaron Wildavsky, in Perspective, September, 1989.

Taming the Prince by Harvey Mansfield, Jr., in Governance, April, 1990.

Public Policy and Transit System Management, ed. by George M. Guess, in Perspective, Spring, 1991.

The Myth of Scientific Public Policy, by Robert Formaini, in Perspective, Winter, 1992.

The Bush Presidency: First Appraisals, ed. by Colin Campbell and Bert Rockman in Public Administration Review, May/June, 1992.

The Illusion of a Conservative Reagan Revolution, by Larry Schwab, in Policy Currents, May, 1992.

The Vital South: How Presidents Are Elected, by Earl Black and Merle Black, in Perspective, Fall, 1993.

The Presidential Pulse of Congressional Elections, by James E. Campbell, in The Journal of American History, March, 1995.

Out of Order, by Thomas Patterson, in Presidential Studies Quarterly, Summer, 1994.

Congress, the President, and Policymaking, by Jean Schroedel, in the American Political Science Review, December, 1994.

The President and the Parties, by Sidney Milkis, in Governance, January 1995.

The Myth of the Modern Presidency, by David K. Nichols, PRG Report, Spring, 1995.



The End of the Republican Era, by Theodore Lowi, The Journal of American History, December, 1995.

Strategic Disagreement: Stalemate in American Politics by John B. Gilmour, in Governance (9), 1996.

Rivals For Power: Presidential-Congressional Relations, by James Thurber, in American Political Science Review, March, 1997.

American Presidential Elections, ed. by Harvey Schantz, in Perspectives, Spring 1997.

The Power of Separation by Jessica Korn, in Congress & the Presidency, Spring 1997.

Strong Presidents by Philip Abbott, in Perspective, Fall 1997.

Other People's Money: Policy Change, Congress, and Bank Regulation, by Jeffrey Worsham, in Perspectives, Spring 1998.

A Third Choice, in Journal of American History, December 1998.

Politics, Power and Policy Making: The Case of Health Care Reform in the 1990s, by Mark Rushefsky and Kant Patel in Perspectives, Winter 1999.

The Paradoxes of the American Presidency, by Thomas Cronin and Michael Genovese, for the American Political Science Review, March 1999.

Republic of Denial, by Michael Janeway, for Perspectives, Spring 2000.

The Art of Political Warfare, by John Pitney, Rhetoric and Public Affairs, Summer 2001.

Arming America, by Michael Bellesiles, Congress Monthly, January/February 2002.

Gun Violence in America by Alexander DeConde, Law and Politics Book Review, August 2001; also in Historynewsnetwork.org, 8/01.

Presidents as Candidates, by Kathryn D. Tenpas, in Rhetoric and Public Affairs, Spring 2002.

The Trouble With Government, by Derek Bok, Perspectives, Spring 2002.

King of the Mountain, by Arnold M. Ludwig, Rhetoric and Public Affairs, Winter 2002.

Power, the Presidency, and the Preamble, by Robert M. Saunders, Presidential Studies

Quarterly, December 2002.

Presidents, Parliaments, and Policy, ed. by Stephen Haggard and Mathew McCubbins, Perspectives, Winter 2003.

The Modern American Presidency, by Lewis L. Gould, Rhetoric and Public Affairs.

Watergate: The Presidential Scandal that Shook America, by Keith W. Olson, Perspectives, Summer 2003.

The Militia and the Right to Arms, or, How the Second Amendment Fell Silent, by H. Richard Uviller and William G. Merkel, Journal of American History, March 2004.

Power Without Persuasion: The Politics of Direct Presidential Action, by William G. Howell, Perspectives on Politics, June 2004.

The George W. Bush Presidency: An Early Assessment, ed. By Fred Greenstein, Perspectives, Spring 2004.

The Invention of the United States Senate, by Daniel Wirls and Stephen Wirls, Perspectives, Summer 2004.

The Mythic Meanings of the Second Amendment, by David C. Williams, Law and Politics Book Review, April 2004.

Empowering the White House, by Karen M. Hult and Charles E. Walcott, Rhetoric and Public Affairs, Fall 2005.

Defining Americans: The Presidency and National Identity, by Mary E. Stuckey, Perspectives, Spring 2005.

Presidential Leadership: Rating the Best and Worst in the White House, ed. By James Taranto and Leonard Leo, Rhetoric and Public Affairs, Summer 2006.

A Well-Regulated Militia: The Founding Fathers and the Origins of Gun Control in America, by Saul Cornell, American Journal of Legal History, October 2006.

The Founders' Second Amendment: Origins of the Right to Bear Arms, by Stephen Halbrook, Law and Politics Book Review 18(October 2008).

Out of the Shadow: George H.W. Bush and the End of the Cold War, by Christopher Maynard, Journal of American History (September 2009).

Guns, Democracy, and the Insurrectionist Idea, by Joshua Horwitz, Law and Politics Book Review 19(June 2009).

Talking Together, by Lawrence Jacobs, Fay Lomax Cook, and Michael Delli Carpini, [dailykos.com](http://dailykos.com), posted June 20, 2009, with Glenn Altschuler.

Accidental Presidents, by Philip Abbott, Presidential Studies Quarterly, June 2010.

The Co-Presidency of Bush and Cheney, by Shirley Anne Warshaw, Congress and the Presidency, 2010.

Crisis and Command: The History of Executive Power from George Washington to George W. Bush, by John Yoo, Presidential Studies Quarterly (December 2010).

Declaring War: Congress, the President, and What the Constitution Does Not Say, by Brien Hallett, Law and Politics Book Review 22(November 2012).

Congress vs. the Bureaucracy: Muzzling Agency Public Relations, by Mordecai Lee, The Journal of American History (December 2012).

Arming and Disarming, by R. Blake Brown, Law and History Review (November 2013).

Reclaiming Accountability: Transparency, Executive Power, and the U.S. Constitution, by Heidi Kitrosser, Congress and the Presidency 42(2015).

The Six-Shooter State: Public and Private Violence in American Politics by Jonathan Obert and The Lives of Guns ed. by Jonathan Obert, Andrew Poe and Austin Sarat, Perspectives on Politics 17(September 2019).

The Toughest Gun Law in the Nation by James B. Jacobs and Zoe Fuhr, Criminal Law and Criminal Justice Books, March 2020.

Warped Narratives: Distortion in the Framing of Gun Policy by Melissa K. Merry, Perspectives on Politics 18(September 2020).

The Uses and Misuses of Politics: Karl Rove and the Bush Presidency by William G. Mayer, Presidential Studies Quarterly (December 2022).

#### SELECTED MEDIA APPEARANCES/QUOTATIONS:

NBC's "Today Show"; ABC's "Good Morning America" and "Network Nightly News"; PBS's "News Hour"; CNN's "Lou Dobbs," "NewsStand," "CNN & Co." CNN's HLN,

and “Insight”; CNBC’s “Upfront Tonight”; MSNBC’s “Countdown with Keith Olbermann,” “All In With Chris Hayes,” “Ali Velshi”; “Fresh Air With Terry Gross,” “The Diane Rehm Show,” 1A with Joshua Johnson, NPR; NHK Television (Japan); CGTN (China), documentary films “Guns and Mothers” (PBS, 2003), “Under the Gun” (Katie Couric Film Company, Epix, 2016), “The Price of Freedom” (Flatbush Pictures/Tribeca Films, 2021). Quoted in or by the New York Times, the Washington Post, Time Magazine, Newsweek, Der Spiegel (Germany), USA Today, the Los Angeles Times, the Wall Street Journal, the Christian Science Monitor, the Boston Globe, the Chicago Tribune, the Philadelphia Inquirer, the Miami Herald, Houston Chronicle, the St. Louis Post-Dispatch, San Francisco Chronicle, the Dallas Morning News, the Baltimore Sun, the Detroit Free Press, the Seattle Post-Intelligencer, Newsday, the Denver Post, Kansas City Star, Dallas News, Pittsburgh Post-Gazette, New Orleans Times Picayune, Orlando Sentinel, Columbus Dispatch, Buffalo News, San Jose Mercury News, Albany Times-Union, St. Petersburg Times, Arkansas Democrat-Gazette, Newark Star-Ledger, Bergen Record, Congress Daily, The Hill, CQ Report, Rolling Stone, The Nation, Ladies Home Journal, the National Journal, The Spectator, Legal Times, Financial Times, Toronto Globe, al Jazeera, Reuters, Bloomberg News, Knight Ridder, AP, Gannett, Newhouse, Scripps Howard, McClatchy, Hearst, the BBC (Britain), CBC (Canada), the Voice of America, Radio Free Europe, ABC News Online, Fox News Online, National Public Radio, CBS Radio, media outlets in South Korea, India, Brazil, Denmark, Spain, France, Norway, Germany.

Regular panelist on “The Ivory Tower,” a weekly public affairs program broadcast on WCNY-TV, Syracuse, NY, from 2002-2021. A half hour discussion of the week’s events conducted by five academics from area colleges.

#### PROFESSIONAL ASSOCIATIONS:

Scholars Strategy Network.  
 American Political Science Association.  
 Center for the Study of the Presidency.  
 Presidents and Executive Politics Section (formerly the Presidency Research Group),  
     APSA; served on Governing Board of PRG, 1991 to 2003.  
 New York Political Science Association.  
 Pi Sigma Alpha.  
 Phi Kappa Phi.

#### TEACHING AREAS:

American Government: courses taught include Law and Politics, Introduction to American Government, The Legislative Process, Political Parties and Social

Movements, The American Presidency, Media and Politics, Gun Control Politics and Policy, State and Local Government, Abortion Politics, Elections and American Politics, Media and War, internships in Washington, D.C., Albany, and Cortland County, Seminars on the Decline of Parties and Third Parties, American Institutions, Current Developments in American Politics, and Introduction to College Life.

Public Policy: courses taught include Politics and Policy, Introduction to Public Policy, Gun Policy. Areas of interest include policy theory, policy formation and decisionmaking, and policy implementation.

#### TEACHING-RELATED AWARDS:

Three-time recipient of the SUNY Cortland Student Government Association Outstanding Faculty Award (the "DiGiusto Award"), 1987, 1991, and 2003, for "Outstanding Service to Students." (The only faculty member ever to win this award more than once.)

#### OTHER PROFESSIONAL ACTIVITIES

External Reviewer, University of Michigan-Dearborn, Project to Expand Promotion and Tenure Guidelines (PTIE) to Inclusively Recognize Innovation and Entrepreneurial Impact, 2021.

Member, Howard Penniman Graduate Scholarship Selection Committee, Pi Sigma Alpha, 2018.

Member, Advisory Board of Pi Sigma Alpha Undergraduate Journal of Politics, 2014-2016.

Executive Council, Pi Sigma Alpha National Board, 2014-18.

Fund and organizing leader for American Political Science Association's new Distinguished Teaching Award, 2011-12.

Chair, Presidency Research Group Task Force on Membership and Recruitment, 2007-08.

Chair, Richard E. Neustadt Award Committee for Best Book on the Presidency published in 2005, Presidency Research Group, 2006.

President, Presidency Research Group, American Political Science Association, 2001-2003; Vice-President 1999-2001.

Chair, Best Paper Award Committee, Presidency Research Group, American Political Science

Association, for 1991 and 1992 conferences.

Member, Governing Board of the Presidency Research Group of the American Political Science Association, 1991-2003.

Editor, PRG Report, 1993-1997.

Board of Editors, State University of New York Press, 1993-1996; 1997-2000. Board Chair, 1998-2000.

Member, Leonard D. White Award Committee for Best Dissertation in Public Administration, American Political Science Association, 1995.

Conference Organizing Committee, "Presidential Power: Forging the Presidency for the 21st Century," Columbia University, November 15-16, 1996.

Chair, E.E. Schattschneider Award Committee, best doctoral dissertation in American Politics, American Political Science Association, 1997.

Secretary/Treasurer, Presidency Research Group, 1997-99.

Book and article reviews for Houghton Mifflin, Cengage Learning, Random House, McGraw-Hill, St. Martins, W.W. Norton, Oxford University Press, Cambridge University Press, University of Chicago Press, University of California Press, Princeton University Press, Cornell University Press, UNC Press, Pearson Longman, Allyn & Bacon, Palgrave/Macmillan, University of New Mexico Press, Texas A&M University Press, Chatham House, CQ Press, HarperCollins, SUNY Press, Thompson Wadsworth, University of Michigan Press, University of Missouri Press, Westview Press, Brookings Institution, Rowman and Littlefield, Routledge, University of Alabama Press, American Political Science Review, PS, Comparative Politics, American Journal of Political Science, Policy Studies Journal, Policy Studies Review, Political Science Quarterly, the Journal of Politics, Western Political Quarterly, Polity, Social Science Quarterly, Political Behavior, American Politics Quarterly, Political Communication, Legislative Studies Quarterly, Government and Policy, Congress and the Presidency, Social Science Journal, Journal of Policy History, Political Research Quarterly, Presidential Studies Quarterly, Politics and Policy, and the National Science Foundation.

#### SELECTED COMMUNITY SERVICE

Administrative Law Judge/Hearing Officer for Cortland County Board of Health, 1994-present; for Tompkins County, 1997-present; for Chenango County, 1997-present; for Madison County, 2006-2021.



Member, City of Cortland Planning Commission, 2009-2012.

Chair, SUNY Press Board of Editors, 1998-2000 (board member 1993-96, 1997-2000).  
Board President, Cortland County Arts Council, 1989-1990 (board member, 1987-1990).

Chair, Homer Zoning Board of Appeals, 1995-1997; board member 1988-1997.

Board member, Cortland County Landmark Society, 1989-1995.

Chair, Planning Committee on Codes and Safety for the village of Homer's (N.Y.) Odyssey 2010 Project, 1996.

## **EXHIBIT B**

## EXHIBIT B: BOWIE KNIFE LAWS BY TYPE#

| STATE                | No Concealed Carry     | No Carry  | Greater Criminal Penalty | Tax/Punish for Sale | Tax Owner-ship | No Sale to Barred Groups* | No brandish |
|----------------------|------------------------|-----------|--------------------------|---------------------|----------------|---------------------------|-------------|
| Alabama              | 1839,1841<br>1876,1879 |           | 1837                     | 1837,1897           | 1837,1867      | 1876                      |             |
| Alaska               |                        |           |                          |                     |                |                           |             |
| Arizona              | 1893,1901              | 1889      |                          |                     |                |                           |             |
| Arkansas             | 1875                   | 1881      | 1871                     | 1881                |                |                           |             |
| California           | 1896                   |           |                          |                     |                | 1896                      | 1855,1858   |
| Colorado             | 1862,1877              | 1881      |                          |                     |                |                           |             |
| Connecticut          |                        |           |                          |                     |                |                           |             |
| Delaware             |                        |           |                          |                     |                |                           |             |
| District of Columbia | 1871                   |           |                          |                     |                |                           |             |
| Florida              |                        |           |                          | 1838a               |                |                           |             |
| Georgia              | 1837***,1873           |           |                          | 1837***             |                | 1860                      |             |
| Hawaii               |                        | 1852,1913 |                          |                     |                |                           |             |
| Idaho                | 1909                   | 1879      |                          |                     |                |                           |             |
| Illinois             | 1876,1881<br>1883      |           |                          |                     |                | 1881                      |             |
| Indiana              |                        | 1859      |                          |                     |                |                           |             |
| Iowa                 | 1882,1887<br>1900      |           |                          |                     |                |                           |             |
| Kansas               | 1862,1863<br>1887      |           |                          |                     |                | 1883                      |             |
| Kentucky             |                        |           |                          |                     |                | 1859                      |             |
| Louisiana            | 1855                   | 1870      |                          |                     |                |                           |             |
| Maine                |                        |           |                          |                     |                |                           |             |
| Maryland             | 1872,1884<br>1886,1890 |           |                          |                     |                |                           |             |
| Massachusetts        |                        |           |                          |                     |                |                           |             |

|                |                        |                   |           |           |           |           |                   |
|----------------|------------------------|-------------------|-----------|-----------|-----------|-----------|-------------------|
| Michigan       | 1891                   |                   |           |           |           |           |                   |
| Minnesota      | 1884                   |                   |           |           |           |           |                   |
| Mississippi    | 1878,1896^             |                   | 1837,1838 |           | 1841**    |           | 1840              |
| Missouri       | 1871,1883<br>1890,1897 | 1917,1923         |           |           |           |           |                   |
| Montana        | 1864                   |                   | 1879      |           |           |           |                   |
| Nebraska       | 1890,1899              | 1872              |           |           |           |           |                   |
| Nevada         |                        |                   | 1873      |           |           |           |                   |
| New Hampshire  |                        |                   |           |           |           |           |                   |
| New Jersey     |                        |                   |           |           |           |           |                   |
| New Mexico     | 1859,1887              |                   |           |           |           |           |                   |
| New York       |                        | 1885              |           |           |           |           |                   |
| North Carolina | 1879                   |                   |           |           | 1856,1858 | 1846b     |                   |
| North Dakota   |                        |                   |           |           |           |           |                   |
| Ohio           | 1859,1880              |                   |           |           |           |           |                   |
| Oklahoma       | 1890,1903              | 1890,1891         |           |           |           |           |                   |
| Oregon         |                        |                   |           |           |           |           |                   |
| Pennsylvania   | 1897                   |                   |           |           |           |           |                   |
| Rhode Island   | 1893,1896<br>1908      |                   |           |           |           |           |                   |
| South Carolina |                        |                   |           |           |           | 1923      |                   |
| South Dakota   |                        |                   |           |           |           |           |                   |
| Tennessee      | 1838,1863<br>1867      | 1869,1881<br>1893 | 1838,1856 | 1838,1867 |           | 1856,1867 |                   |
| Texas          |                        | 1871              | 1856      |           |           | 1897      |                   |
| Utah           |                        | 1877              |           |           |           |           |                   |
| Vermont        |                        |                   |           |           |           |           |                   |
| Virginia       | 1838,1867,<br>1887     |                   | 1838      |           |           |           |                   |
| Washington     |                        |                   |           |           |           |           | 1854,1859<br>1869 |
| West Virginia  | 1870                   | 1882,1891         |           |           |           |           |                   |

|           |      |      |  |  |  |  |      |
|-----------|------|------|--|--|--|--|------|
|           |      | 1925 |  |  |  |  |      |
| Wisconsin | 1883 |      |  |  |  |  |      |
| Wyoming   |      |      |  |  |  |  | 1884 |

Source: <https://firearmslaw.duke.edu/repository/search-the-repository/> unless otherwise noted.

\*Barred groups included Native Americans/Indians, African Americans/Enslaved, minors.

#Table excludes laws that punish carry/use of “knives” or “sharp or dangerous weapons” but do not mention Bowie knives by name.

\*\* 1841 Miss. Chap. 1, p. 52. See <https://reason.com/volokh/2022/11/20/bowie-knife-statutes-1837-1899/>

^ 1896 Miss. L. chap. 104, pp. 109-10. See <https://reason.com/volokh/2022/11/20/bowie-knife-statutes-1837-1899/>

\*\*\*<https://dlg.galileo.usg.edu/georgiabooks/pdfs/gb0439.pdf>, pp. 210-211.

a 1838 Fla. Laws ch. 24, p. 36 (Feb. 10, 1838). See <https://reason.com/volokh/2022/11/20/bowie-knife-statutes-1837-1899/>

b 1846 N.C. L. chap. 42. See <https://reason.com/volokh/2022/11/20/bowie-knife-statutes-1837-1899/>

## **EXHIBIT C**



## EXHIBIT C

DANGEROUS WEAPONS RESTRICTIONS  
(YEARS OF ENACTMENT)

| STATE <sup>1</sup>      | BOWIE<br>KNIVES                                             | Bludgeon            | Billy/Billie<br>Clubs | Clubs | Slung Shot               | Sand Bag<br>Sand Club | Pistols    | Any<br>Concealed<br>/Deadly/Dan<br>gerous<br>Weapon |
|-------------------------|-------------------------------------------------------------|---------------------|-----------------------|-------|--------------------------|-----------------------|------------|-----------------------------------------------------|
| Alabama                 | 1837,1839,<br>1841,1867,<br>1876,1877,<br>1879,1892         |                     |                       | 1805  | 1873                     |                       | 1839, 1841 |                                                     |
| Alaska                  | 1896 <sup>†</sup>                                           |                     |                       |       | 1896-99                  |                       | 1896       | 1896                                                |
| Arizona                 | 1867,1889,<br>1901                                          |                     |                       |       | 1873, 1889<br>1893, 1901 |                       | 1889       | 1867                                                |
| Arkansas                | 1871,1875,<br>1881                                          |                     |                       | 1835  | 1871                     |                       | 1820, 1837 |                                                     |
| California              | 1855, 1896                                                  | 1849,<br>1853, 1876 | 1917, 1923            |       | 1864, 1923               | 1917, 1923            | 1850, 1864 | 1849                                                |
| Colorado                | 1862,1867,<br>1877, 1881                                    | 1876                |                       |       | 1886                     |                       | 1862       | 1862                                                |
| Connecticut             | 1890 <sup>†</sup>                                           |                     |                       |       | 1890                     |                       | 1890, 1923 |                                                     |
| Delaware                | 1881 <sup>†</sup>                                           |                     |                       | 1797  |                          |                       | 1852       |                                                     |
| District of<br>Columbia | 1858,1871,<br>1892                                          |                     |                       |       | 1871                     |                       | 1857, 1871 |                                                     |
| Florida                 | 1835, <sup>†</sup> 1838<br>,1847,1868<br>,1893 <sup>†</sup> |                     | 1888                  |       | 1868, 1888               |                       | 1887       |                                                     |

<sup>1</sup> In addition to state laws, this chart provides the year of enactment of local ordinances adopted within the states.

|               |                                       |                        |                                        |                           |                           |                           |                           |                     |
|---------------|---------------------------------------|------------------------|----------------------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------|
| Georgia       | 1837,1860,<br>1873                    | 1816                   |                                        |                           | 1860                      |                           | 1837                      |                     |
| Hawaii        | 1852, 1913                            |                        |                                        |                           | 1852, 1913                |                           | 1913                      |                     |
| Idaho         | 1864 <sup>†</sup> 1875,<br>1879, 1909 | 1875                   |                                        |                           | 1879                      |                           | 1909                      | 1864                |
| Illinois      | 1876, 1881                            | 1845                   |                                        |                           | 1881, 1893                |                           | 1881                      |                     |
| Indiana       | 1859                                  |                        |                                        | 1804, 1855,<br>1881, 1905 | 1875, 1905                |                           | 1820                      | 1831                |
| Iowa          | 1882,1887,<br>1900                    |                        | 1882                                   |                           | 1882                      | 1887, 1900                | 1882, 1887,<br>1897, 1929 |                     |
| Kansas        | 1862,1863<br>1868,1883,<br>1887       |                        | 1862, 1887                             |                           | 1883, 1887,<br>1899       |                           | 1901                      |                     |
| Kentucky      | 1859                                  |                        |                                        | 1798                      | 1859                      |                           | 1812, 1813                |                     |
| Louisiana     | 1870                                  |                        |                                        |                           |                           |                           | 1813                      | 1813, 1842,<br>1870 |
| Maine         | 1840,1841,<br>1884 <sup>†</sup>       |                        |                                        | 1786                      |                           |                           | 1840                      | 1841                |
| Maryland      | 1872,1886,<br>1888, 1890              | 1809,<br>1874,<br>1886 | 1872, 1874<br>1884, 1886<br>1890, 1927 |                           | 1886                      | 1890                      | 1872                      |                     |
| Massachusetts | 1836 <sup>†</sup>                     |                        |                                        | 1750                      | 1850, 1927                |                           | 1751                      |                     |
| Michigan      | 1891                                  | 1927, 1929             | 1887, 1891,<br>1927, 1929              | 1913                      | 1887, 1891,<br>1929       | 1887, 1891,<br>1927, 1929 | 1887                      |                     |
| Minnesota     | 1882                                  |                        |                                        |                           | 1882, 1888                | 1888                      | 1881                      | 1882                |
| Mississippi   | 1837,1838,<br>1878                    |                        |                                        | 1799, 1804                | 1878                      |                           | 1838,1878                 |                     |
| Missouri      | 1871,1897,<br>1917, 1923              |                        | 1871, 1897,<br>1923                    | 1818,1923                 | 1883, 1888,<br>1897, 1917 |                           | 1873                      |                     |
| Montana       | 1864,1879,<br>1885                    | 1887                   |                                        |                           |                           |                           | 1864, 1865                | 1888                |
| Nebraska      | 1877,1890,<br>1899                    | 1858                   | 1872, 1890,<br>1899                    |                           | 1890                      |                           | 1881                      |                     |

|                |                                                |                     |                                                         |      |                                    |                                          |            |                     |
|----------------|------------------------------------------------|---------------------|---------------------------------------------------------|------|------------------------------------|------------------------------------------|------------|---------------------|
| Nevada         | 1873                                           | 1872                |                                                         |      | 1881                               |                                          | 1881, 1925 |                     |
| New Hampshire  |                                                |                     |                                                         |      |                                    |                                          |            |                     |
| New Jersey     | 1871,1905 <sup>†</sup>                         | 1799,<br>1877, 1927 | 1871, 1927                                              |      | 1871, 1873,<br>1927                | 1871, 1927                               | 1686       |                     |
| New Mexico     | 1852 <sup>†</sup> 1853,<br>1859,1864<br>1887   | 1887                |                                                         |      | 1853, 1859,<br>1869, 1887          |                                          | 1852, 1853 |                     |
| New York       | 1866,1885,<br>1911 <sup>†</sup>                | 1911,<br>1913, 1931 | 1866, 1881,<br>1884, 1885,<br>1900, 1911,<br>1913, 1931 | 1664 | 1866                               | 1866, 1881,<br>1900, 1911,<br>1913, 1931 | 1891       |                     |
| North Carolina | 1840,1856,<br>1858,1860,<br>1879               |                     |                                                         |      | 1879                               |                                          | 1792, 1840 |                     |
| North Dakota   | 1895,1915 <sup>†</sup>                         | 1915                | 1915                                                    |      | 1895                               | 1915                                     | 1895       |                     |
| Ohio           | 1859,1880,<br>1890                             |                     |                                                         |      |                                    |                                          | 1859       | 1788, 1859,<br>1880 |
| Oklahoma       | 1890,1891,<br>1903                             |                     | 1890, 1891                                              |      | 1890, 1891,<br>1903                | 1890                                     | 1890       |                     |
| Oregon         | 1885 <sup>†</sup>                              |                     | 1898, 1917                                              |      | 1885, 1917                         | 1917                                     | 1853       |                     |
| Pennsylvania   | 1897                                           |                     | 1897                                                    |      | 1851                               |                                          | 1851       |                     |
| Rhode Island   | 1893,1896,<br>1908                             |                     | 1893, 1908                                              |      | 1893, 1896                         |                                          | 1893       |                     |
| South Carolina | 1880, 1923                                     |                     |                                                         |      | 1880                               |                                          | 1880       |                     |
| South Dakota   | 1903 <sup>†</sup>                              |                     |                                                         |      | 1877, 1903                         |                                          | 1877       |                     |
| Tennessee      | 1838,1856,<br>1863,1867,<br>1871,1881,<br>1893 |                     |                                                         |      | 1879, 1882,<br>1893                |                                          | 1821       |                     |
| Texas          | 1856,1871,<br>1879,1897                        |                     |                                                         | 1899 | 1871, 1879,<br>1889, 1897,<br>1899 |                                          | 1870       |                     |

|               |                           |            |                           |      |                     |    |            |                                                         |
|---------------|---------------------------|------------|---------------------------|------|---------------------|----|------------|---------------------------------------------------------|
| Utah          | 1877                      |            |                           |      |                     |    | 1877, 1888 |                                                         |
| Vermont       | 1892, 1895 <sup>†</sup>   |            |                           |      | 1895                |    | 1895, 1897 |                                                         |
| Virginia      | 1838, 1887                |            |                           | 1792 | 1887                |    | 1794       |                                                         |
| Washington    | 1854, 1859<br>1869        |            |                           |      |                     |    | 1881       | 1854, 1859,<br>1869, 1881,<br>1883, 1892,<br>1896, 1897 |
| West Virginia | 1870, 1882,<br>1891, 1925 |            | 1870, 1882,<br>1891, 1925 |      | 1891                |    | 1870       |                                                         |
| Wisconsin     | 1883, 1896                |            |                           |      | 1883, 1888          |    | 1858       | 1883                                                    |
| Wyoming       | 1884, 1890<br>1899, 1925  | 1876, 1893 |                           |      | 1884, 1890,<br>1899 |    | 1876       |                                                         |
| Total Laws    | 136                       | 25         | 44                        | 17   | 79                  | 21 | 66         | 24                                                      |

SOURCE: <https://firearmslaw.duke.edu/repository/search-the-repository/>

<sup>†</sup> States that prosecuted/regulated/barred knives more generally without specifically mentioning Bowie knives.

## **EXHIBIT D**

## **EXHIBIT D**

### **DANGEROUS WEAPONS LAWS**

#### **ALABAMA**

Harry Toulmin, A Digest of the Laws of the State of Alabama : Containing the Statutes and Resolutions in Force at the End of the General Assembly in January, 1823. To which is Added an Appendix; Containing the Declaration of Independence; the Constitution of the United States; the Act authorizing the People of Alabama to form a Constitution and State Government; and the Constitution of the State of Alabama Page 627, Image 655 (1823) available at The Making of Modern Law: Primary Sources. 1805

Negroes and Mulattoes, Bond and Free – 1805, Chapter I, An Act respecting Slaves. – Passed March 6, 1805: Sec. 4. And be it further enacted, that no slave shall keep or carry any gun, powder, shot, club, or other weapon whatsoever, offensive or defensive, except the tools given him to work with, or that he is ordered by his master, mistress, or overseer, to carry the said articles from one place to another, but all and every gun , weapon, or ammunition, found in the possession or custody of any slave, may be seized by any person, and upon due proof made thereof, before any justice of the peace of the county or corporation where such seizure shall be made, shall, by his order, be forfeited to the seizer, for his own use; and moreover, every such offender shall have and receive, by order of such justice, any number of lashes, not exceeding thirty-nine, on his bare back for every such offense : Provided nevertheless, That any justice of the peace may grant, in his proper county, permission in writing to any slave, on application of his master or overseer, to carry and use a gun and ammunition within the limits of his said master's or owner's plantation, for a term not exceeding one year, and revocable at any time within such term, at the discretion of the said justice, and to prevent the inconveniences arising from the meeting of slaves.

1837 Ala. Acts 7, An Act to Suppress the Use of Bowie Knives, §§ 1, 2.

Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That if any person carrying any knife or weapon, known as Bowie Knives or Arkansas [sic] Tooth-picks, or either or any knife or weapon that shall in form, shape or size, resemble a Bowie-Knife or Arkansas [sic] Tooth-pick, on a sudden rencounter, shall cut or stab another with such knife,



by reason of which he dies, it shall be adjudged murder, and the offender shall suffer the same as if the killing had been by malice aforethought.

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

1839 Ala. Acts 67, An Act to Suppress the Evil Practice of Carrying Weapons Secretly, § 1

That if any person shall carry concealed about his person any species of fire arms, or any bowie knife, Arkansas tooth-pick, or any other knife of the like kind, dirk, or any other deadly weapon, the person so offending shall, on conviction thereof, before any court having competent jurisdiction, pay a fine not less than fifty, nor more than five hundred dollars, to be assessed by the jury trying the case; and be imprisoned for a term not exceeding three months, at the discretion of the Judge of said court.

1841 Ala. Acts 148–49, Of Miscellaneous Offences, ch. 7, § 4.

Everyone who shall hereafter carry concealed about his person, a bowie knife, or knife or instrument of the like kind or description, by whatever name called, dirk or any other deadly weapon, pistol or any species of firearms, or air gun, unless such person shall be threatened with, or have good cause to apprehend an attack, or be travelling, or setting out on a journey, shall on conviction, be fined not less than fifty nor more than three hundred dollars: It shall devolve on the person setting up the excuse here allowed for carrying concealed weapons, to make it out by proof, to the satisfaction of the jury; but no excuse shall be sufficient to authorize the carrying of an air gun, bowie knife, or knife of the like kind or description.

The Revised Code of Alabama Page 169, Image 185 (1867) available at The Making of Modern Law: Primary Sources.

Taxation, § 10. On All pistols or revolvers in the possession of private persons not regular dealers holding them for sale, a tax of two dollars each; and on all bowie knives, or knives of the like description, held by persons not regular dealers, as aforesaid, a tax of three dollars each; and such tax must be collected by the assessor when assessing the same, on which a special receipt shall be given to the tax payer therefor, showing that such tax has been paid for the year, and in default of such payment when demanded by the assessor, such pistols, revolvers, bowie knives, or knives of like description, must be seized by him, and unless redeemed

by payment in ten days thereafter, with such tax, with an additional penalty of fifty per cent., the same must be sold at public outcry before the court house door, after five days notice; and the overplus remaining, if any, after deducting the tax and penalty aforesaid, must be paid over to the person from whom the said pistol, revolver, bowie knife, or knife of like description, was taken, and the net amount collected by him must be paid over to the collector every month, from which, for each such assessment and collection, the assessor shall be entitled to fifty cents, and when the additional penalty is collected, he shall receive fifty per cent. additional thereto.

Wade Keyes, The Code of Alabama, 1876 : with References to the Decisions of the Supreme Court of the State upon the Construction of the Statutes; and in Which the General and Permanent Acts of the Session of 1876-7 have been Incorporated Page 882, Image 898 (1877) available at The Making of Modern Law: Primary Sources.

Offenses Against Public Peace, § 4109. Carrying Concealed Weapons – Any person who, not being threatened with, or having good reason to apprehend, an attack, or traveling, or setting out on a journey, carries concealed about his person a bowie knife, or any other knife or instrument of like kind or description, or a pistol, or fire arms of any other kind or description, or an air gun, must be fined, on conviction, not less than fifty, nor more than three hundred dollars; and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months. (Footnote – Not unconstitutional. – 1 Ala. 612 Co-extensive only with necessity – 49 Ala. 355. . .)

Wade Keyes, The Code of Alabama, 1876 : with References to the Decisions of the Supreme Court of the State upon the Construction of the Statutes; and in Which the General and Permanent Acts of the Session of 1876-7 have been Incorporated Page 989, Image 1005 (1877) available at The Making of Modern Law: Primary Sources.

Proceedings In Circuit and City Courts, § 4809. Carrying Concealed Weapons. – In an indictment for carrying concealed weapons, it is sufficient to charge that the defendant “carried concealed about his person a pistol, or other description of fire-arms,” or “a bowie-knife, or other knife or instrument of the like kind or description,” without averring the want of a legal excuse on his part; and the excuse, if any, must be proved by the defendant, on the trial, to the satisfaction of the jury.

Wade Keyes, The Code of Alabama, 1876 : with References to the Decisions of the Supreme Court of the State upon the Construction of the Statutes; and in Which

the General and Permanent Acts of the Session of 1876-7 have been Incorporated Page 901, Image 917 (1877) available at The Making of Modern Law: Primary Sources.

Offenses Against Public Health, etc. § 4230 (3751). Selling, giving, or lending, pistol or bowie knife, or like knife, to boy under eighteen. – Any person who sells, gives, or lends, to any boy under eighteen years of age, any pistol, or bowie knife, or other knife of like kind or description, must on conviction, be fined not less than fifty, nor more than five hundred dollars.

Wade Keyes, The Code of Alabama, 1876 : with References to the Decisions of the Supreme Court of the State upon the Construction of the Statutes; and in Which the General and Permenent Acts of the Session of 1876-7 have been Incorporated Page 883, Image 899 (1877) available at The Making of Modern Law: Primary Sources.

Carrying Weapons, Dangerous or Unusual Weapons | Alabama | 1873

Offenses Against Public Justice, &c. § 4110. Carrying, concealed, brass knuckles and slung-shots. – Any person who carries, concealed about his person, brass knuckles, slung-shot, or other weapon of like kind or description, shall, on conviction thereof, be fined not less than twenty, nor more than two hundred dollars, and may also, at the discretion of the court trying the case, be imprisoned in the county jail, or sentenced to hard labor for the county, for a term not exceeding six months. § 4111. Carrying rifle or shot-gun walking canes. – Any person who shall carry a rifle or shot-gun walking cane, shall, upon conviction, be fined not less than five hundred dollars, nor more than one thousand dollars, and be imprisoned in the penitentiary not less than two years.

J. M. Falkner, The Code of Ordinances of the City Council of Montgomery [Alabama], with the Charter Page 148-49, Image 148-49 (1879) available at The Making of Modern Law: Primary Sources.

§ 428. Any person who, not being threatened with or having good reason to apprehend an attack, or travelling or setting out on a journey, carries concealed about his person a bowie-knife or any other knife of like kind or description, or a pistol or fire-arms of any other kind or description, air gun, slung-shot, brass-knuckles, or other deadly or dangerous weapon, must, on conviction, be fined not less than one nor more than one hundred dollars.

William Logan Martin, Commissioner, The Code of Alabama, Adopted by Act of the General Assembly of the State of Alabama, Approved February 16, 1897, Entitled “An Act to Adopt a Code of Laws for the State Alabama ” with Such

Statutes Passed at the Session of 1896-97, as are Required to be Incorporated Therein by Act Approved February 17, 1897; and with Citations to the Decisions of the Supreme Court of the State Construing or Mentioning the Statutes Page 1137, Image 1154 (Vol. 1, 1897) available at The Making of Modern Law: Primary Sources.

[License Taxes; From Whom and For What Business Required; Prices; County Levy,] Taxation, § 27. For dealers in pistols, or pistol cartridges, or bowie-knives, or dirk-knives, whether principal stock in trade or not, three hundred dollars. Any cartridges, whether called rifle or pistol cartridges, or by any other name, that can be used in a pistol, shall be deemed pistol cartridges within the meaning of this subdivision. Any person or firm who orders for another, or delivers any cartridges within this state, shall be deemed a dealer under this provision.

## **ALASKA**

Fred F. Barker, Compilation of the Acts of Congress and Treaties Relating to Alaska: From March 30, 1867, to March 3, 1905 139 1906.

That it shall be unlawful for any person to carry concealed about his person, in any manner whatever, any revolver, pistol, or other firearm, or knife (other than an ordinary pocket knife), or any dirk or dagger, slung shot, metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person.

1896-99 Alaska Sess. Laws 1270, An Act To Define And Punish Crimes In The District Of Alaska And To Provide A Code Of Criminal Procedure For Said District, chap. 6, § 117.

That it shall be unlawful for any person to carry concealed about his person in any manner whatever, any revolver, pistol, or other firearm, or knife (other than an ordinary pocket knife), or any dirk or dagger, slung shot, metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person.

## **ARIZONA**

Coles Bashford, The Compiled Laws of the Territory of Arizona, Including the Howell Code and the Session Laws From 1864 to 1871, Inclusive: To Which is Prefixed the Constitution of the United States, the Mining Law of the United States, and the Organic Acts of the Territory of Arizona and New Mexico Page 96, Image 102 (1871) available at The Making of Modern Law: Primary Sources, 1867.

An Act to prevent the improper use of deadly weapons, and the indiscriminate use of fire arms in the towns and villages of the territory. § 1. That any person in this Territory, having, carrying or procuring from another person, any dirk, dirk knife, bowie knife, pistol, gun or other deadly weapon, who shall, in the presence of two or more persons, draw or exhibit any of said deadly weapons in a rude, angry or threatening manner, not in necessary self defense, or who shall, in any manner, unlawfully use the same in any fight or quarrel, the person or persons so offending, upon conviction thereof in any criminal court in any county of this Territory, shall be fined in any sum not less than one hundred nor more than five hundred dollars, or imprisonment in the county jail not less than one nor more than six months, in the discretion of the court, or both such fine and imprisonment, together with the cost of prosecution.

1889 Ariz. Sess. Laws 16, An Act Defining And Punishing Certain Offenses Against The Public Peace, § 1.

If any person within any settlement, town, village or city within this territory shall carry on or about his person, saddle, or in his saddlebags, any pistol, dirk, dagger, slung shot, sword cane, spear, brass knuckles, bowie knife, or any other kind of knife manufactured or sold for purposes of offense or defense, he shall be punished by a fine of not less than twenty-five nor more than one hundred dollars; and in addition thereto, shall forfeit to the County in which his is convicted, the weapon or weapons so carried.

1893 Ariz. Sess. Laws 3, An Act To Regulate And Prohibit The Carrying Of Deadly Weapons Concealed, § 1.

It shall be unlawful for any person to have or carry concealed on or about his person any pistol or other firearm, dirk, dagger, slung-shot, sword cane, spear, brass knuckles, or other knuckles of metal, bowie knife or any kind of knife of weapon except a pocket-knife not manufactured and used for the purpose of offense and defense.

1901 Arizona 1251-53, Crimes Against the Public Peace, §§ 381, 385, 390.

§ 381. It shall be unlawful for any person (except a peace officer in actual service and discharge of his duty) , to have or carry concealed on or about his person, any pistol or other firearm, dirk, dagger, slung shot, sword cane, spear, brass knuckles or other knuckles of metal, bowie-knife or any kind of knife or weapon, except a pocket knife, not manufactured and used for the purpose of offense and defense.

§ 385. If any person within any settlement, town, village or city within this territory shall carry on or about his person, saddle, or in saddlebags, any pistol, dagger, slung-shot, sword-cane, spear, brass knuckles, bowie- knife or any other

kind of knife manufactured or sold for purposes of offense or defense, he shall be punished by a fine of not less than twenty-five nor more than one hundred dollars; and in addition shall forfeit to the county in which he is convicted the weapon or weapons so carried.

§ 390. Persons travelling may be permitted to carry arms within settlements or towns of the territory, for one half hour after arriving in such settlements or towns, and while going out of such towns or settlements; and sheriffs and constables of the various counties of this territory and their lawfully appointed deputies may carry weapons in the legal discharge of the duties . . .

1901 Ariz. Acts 1252, Crimes and Punishments, §§ 387, 391.

§ 387. If any person shall go into church or religious assembly, any school room, or other place where persons are assembled for amusement or for educational or scientific purposes, or into any circus, show or public exhibition of any kind or into a ball room, social party or social gathering, to any election precinct, on the day or days of any election, where any portion of the people of this territory are collected to vote at any election, or to any other place where people may be assembled to minister, or to perform any other public duty, or to any other public assembly, and shall have or carry about his person a pistol or other firearm, dirk, dagger, slung-shot, sword-cane, spear, brass knuckles, bowie knife or any other kind of knife manufactured and sold for the purposes of offense or defense, he shall be punished by a fine not less than fifty or more than five hundred dollars, and shall forfeit to the county the weapon or weapons so found on his person.

§ 391. It shall be the duty of the keeper of each and every hotel, boarding house and drinking saloon, to keep posted in a conspicuous place in his bar room, or reception room . . . a plain notice to travelers to divest themselves of their weapons in accordance with section 382 . . .

## **ARKANSAS**

Slaves, in Laws of the Arkansas Territory 521 (J. Steele & J. M'Campbell, Eds., 1835).

Race and Slavery Based | Arkansas | 1835

§ 3. No slave or mulatto whatsoever, shall keep or carry a gun, powder, shot, club or other weapon whatsoever, offensive or defensive; but all and every gun weapon and ammunition found in the possession or custody of any negro or mulatto, may be seized by any person and upon due proof made before any justice of the peace of the district [county] where such seizure shall be, shall by his order be forfeited to the seizer, for his own use, and moreover, every such offender shall have and



receive by order of such justice any number of lashes not exceeding thirty nine on his or her bare back well laid on for every such offense.

Josiah Gould A Digest of the Statutes of Arkansas All Laws of a General and Permanent Character in Force the Close of the Session of the General Assembly of 380 381–82. 1837.

Every person who shall wear any pistol, dirk, butcher or large knife, or a sword in a cane, concealed as a weapon, unless upon a journey, shall be adjudged guilty of a misdemeanor.

George Eugene Dodge, A Digest of the Laws and Ordinances of the City of Little Rock, with the Constitution of State of Arkansas, General Incorporation Laws, and All Acts of the General Assembly Relating to the City Page 230-231, Image 230-231 (1871) available at The Making of Modern Law: Primary Sources.

Sentence Enhancement for Use of Weapon | Arkansas | 1871

City Ordinances, § 287. Whenever there shall be found upon the person of any one, who has been found guilty of a breach of the peace, or for conduct calculated to provoke a breach of the peace, any pistol, revolver, bowie-knife, dirk, rifle, shot gun, slung-shot, colt, or knuckles of lead, brass or other metal; or when, upon trial, evidence shall be adduced proving that such weapons were in the possession or on the person of any one while in the act or commission of the act aforesaid, such person shall be fined not less than twenty-five nor more than five hundred dollars, in addition to the penalty for the breach of the peace aforesaid.

Act of Feb. 16, 1875, 1874-75 Ark. Acts 156.

§ 1. That any person who shall wear or carry any pistol of any kind whatever, or any dirk, butcher or bowie knife, or a sword or a spear in a cane, brass or metal knucks, or razor, as a weapon, shall be adjudged guilty of a misdemeanor, and upon conviction thereof, in the county in which said offense shall have been committed, shall be fined in any sum not less than twenty-five nor more than one hundred dollars, to be recovered by presentment or indictment in the Circuit Court, or before any Justice of the Peace of the county wherein such offense shall have been committed; Provided, That nothing herein contained shall be so construed as to prohibit any person wearing or carrying any weapon aforesaid on his own premises, or to prohibit persons traveling through the country, carrying such weapons while on a journey with their baggage, or to prohibit any officer of the law wearing or carrying such weapons when engaged in the discharge of his official duties, or any person summoned by any such officer to assist in the execution of any legal process, or any private person legally authorized to execute any legal process to him directed.

1881 Ark. Acts 191, An Act to Preserve the Public Peace and Prevent Crime, chap. XCVI (96), § §1-3.

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

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

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

<https://cite.case.law/ark/83/26/>

1923 Ark. Acts 379, An Act to Regulate the Ownership of Pistols and Revolvers, No. 430.

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

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

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

## **CALIFORNIA**

1849 Cal. Stat. 245, An Act to Incorporate the City of San Francisco, § 127.

[I]f any person shall have upon him any pistol, gun, knife, dirk, bludgeon, or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined not more than one hundred dollars or imprisoned in the county jail not more than three months.

S. Garfielde, Compiled Laws of the State of California: Containing All the Acts of the Legislature of a Public and General Nature, Now in Force, Passed at the Sessions of 1850-51-52-53. To Which are Prefixed the Declaration of Independence, the Constitutions of the United States and of California, the Treaty of Queretaro, and the Naturalization Laws of the United States Page 663-664, Image 682-683 (1853) available at The Making of Modern Law: Primary Sources. Sentence Enhancement for Use of Weapon | California | 1853  
Compiled Laws of California, § 127.

If any person shall be found having upon him or her any picklock, crow, key, bitt, or other instrument or tool, with intent feloniously to break and enter into any dwelling house, store, shop, warehouse, or other building containing valuable property, or shall be found in any of the aforesaid buildings with intent to steal any money, goods, and chattels, every person so offending shall, on conviction thereof, be imprisoned in the county jail not more than two years; and if any person shall have upon him any pistol, gun, knife, dirk, bludgeon, or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined not more than one hundred dollars or imprisoned in the county jail not more than three months.

William H. R. Wood, Digest of the Laws of California: Containing All Laws of a General Character Which were in Force on the First Day of January, 1858; Also, the Declaration of Independence, Constitution of the United States, Articles of Confederation, Kentucky and Virginia Resolutions of 1798-99, Acts of Congress Relative to Public Lands and Pre-Emptions. Together with Judicial Decisions, Both of the Supreme Court of the United States and of California, to Which are Also Appended Numerous Forms for Obtaining Pre-Emption and Bounty Lands, Etc., Etc. Page 334, Image 340 (1861) available at The Making of Modern Law: Primary Sources.

Crimes and Punishments, Art. 1904. That any person in this state having, carrying or procuring from another person any dirk, dirk-knife, bowie-knife, sword, sword-cane, pistol, gun or other deadly weapon, who shall, in the presence of two or more persons, draw or exhibit any of said deadly weapons in a rude, angry and threatening manner, not in necessary self-defense, or who shall, in any manner, unlawfully use the same, in any fight or quarrel, the person or persons so offending, upon conviction thereof in any criminal court in any county of this state, shall be fined in any sum not less than one hundred, nor more than five hundred dollars, or imprisonment in the county jail not less than one nor more than six months, at the discretion of the court, or both such fine and imprisonment, together with the costs of prosecution; which said costs shall, in all cases be computed and collected in the same manner as costs in civil cases. . . provided, nevertheless, that no sheriff, deputy sheriff, marshal, constable or other peace officer, shall be held to answer under the provisions of this act, for drawing or exhibiting any of the weapons herein-before mentioned, while in the lawful discharge of his or their duties. . .

Theodore Henry Hittell, The General Laws of the State of California, from 1850 to 1864, Inclusive: Being a Compilation of All Acts of a General Nature Now in Force, with Full References to Repealed Acts, Special and Local Legislation, and Statutory Constructions of the Supreme Court. To Which are Prefixed the Declaration of Independence, Constitution of the United States, Treaty of Guadalupe Hidalgo, Proclamations to the People of California, Constitution of the State of California, Act of Admission, and United States Naturalization Laws, with Notes of California Decisions Thereon Page 261, Image 272 (1868) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | California | 1864

An Act to Prohibit the Carrying of Concealed Weapons, § 1.

Every person not being peace-officer, provost-marshal, enrolling-officer, or officer acting under the laws of the United States in the department of the provost-marshal of this State, State and Federal assessors, collectors of taxes and licenses while in

the performance of official duties, or traveler, who shall carry or wear any dirk, pistol, sword in cane, slungshot, or other dangerous or deadly weapon concealed, shall, upon conviction thereof before any court of competent jurisdiction, be deemed guilty of a misdemeanor, and shall be imprisoned in the county jail for not less than thirty nor more than ninety days, or fined in any sum not less than twenty nor more than two hundred dollars. § 2. Such persons, and no others, shall be deemed travelers within the meaning of this act, as may be actually engaged in making a journey at the time.

William. M. Caswell, Revised Charter and Compiled Ordinances and Resolutions of the City of Los Angeles Page 85, Image 83 (1878) available at The Making of Modern Law: Primary Sources. 1878

Ordinances of the City of Los Angeles, § 36. In future, no persons, except peace officers, and persons actually traveling, and immediately passing through Los Angeles city, shall wear or carry any dirk, pistol, sword in a cane, slung-shot, or other dangerous or deadly weapon, concealed or otherwise, within the corporate limits of said city, under a penalty of not more than one hundred dollars fine, and imprisonment at the discretion of the Mayor, not to exceed ten days. It is hereby made the duty of each police officer of this city, when any stranger shall come within said corporate limits wearing or carrying weapons, to, as soon as possible, give them information and warning of this ordinance; and in case they refuse or decline to obey such warning by depositing their weapons in a place of safety, to complain of them immediately.

L. W. Moultrie, City Attorney, Charter and Ordinances of the City of Fresno, 1896 Page 37, Image 35 (1896) available at The Making of Modern Law: Primary Sources. Misdemeanors. § 53.

No junk-shop keeper or pawnbroker shall hire, loan or deliver to any minor under the age of 18 years any gun, pistol or other firearm, dirk, bowie-knife, powder, shot, bullets or any weapon, or any combustible or dangerous material, without the written consent of the parent or guardian of such minor.

L. W. Moultrie, Charter and Ordinances of the City of Fresno Page 30, Image 28 (1896) available at The Making of Modern Law: Primary Sources.

Ordinances of the City of Fresno, § 8.

Any person excepting peace officers and travelers, who shall carry concealed upon his person any pistol or firearm, slungshot, dirk or bowie-knife, or other deadly weapon, without a written permission (revocable at any time) from the president of the board of trustees, is guilty of a misdemeanor.

1917 Cal. Sess. Laws 221-225, 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, § 5.

#### Carrying Weapons | California | 1917

§ 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.

1923 Cal. Stat. 695 An Act to Control and Regulate the Possession, Sale and Use of Pistols, Revolvers, and Other Firearms Capable of Being Concealed Upon the Person

#### Dangerous or Unusual Weapons, Felons, Foreigners and Others Deemed Dangerous By the State | California | 1923

§ 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, slungshot, 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.

§ 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.

## **COLORADO**

1862 Colo. Sess. Laws 56, An Act To Prevent The Carrying Of Concealed Deadly Weapons In The Cities And Towns Of This Territory, § 1.

If any person or persons shall, within any city, town, or village in this Territory, whether the same is incorporated or not, carry concealed upon his or her person any pistol, bowie knife, dagger, or other deadly weapon, shall, on conviction thereof before any justice of the peace of the proper county, be fined in a sum not less than five, nor more than thirty-five dollars.

1867 Colo. Sess. Laws 229, Criminal Code, § 149.

Carrying Weapons | Colorado | 1867

If any person or persons shall, within any city, town or village in this territory, whether the same is incorporated or not, carry concealed upon his or her person, any pistol, bowie-knife, dagger or other deadly weapon, such person shall, on conviction thereof before any justice of the peace of the proper county, be fined in any sum not less than five nor more than thirty-five dollars. The provision of this section shall not be construed to apply to sheriffs, constables and police officers, when in the execution of their official duties.

1876 Colo. Const. 30, art. II, § 13.

Post-Civil War State Constitutions | Colorado | 1876

That the right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when hereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.

1876 Colo. Sess. Laws 304, General Laws, § 154:

[I]f any person shall have upon him any pistol, gun, knife, dirk, bludgeon, or other offensive weapon, with intent to assault any person, such person, on conviction shall be fined in any sum not exceeding five hundred dollars, or imprisoned in the county jail no exceeding six months.

Edward O. Wolcott, The Ordinances of Georgetown [Colorado] Passed June 7th, A.D. 1877, Together with the Charter of Georgetown, and the Amendments Thereto: A Copy of the Patent Heretofore Issued to Georgetown by the

Government of the United States, and the Rules and Order of Business Page 100, Image 101 (1877) available at The Making of Modern Law: Primary Sources. Offenses Affecting Streets and Public Property, § 9.

If any person or persons, within the corporate limits of Georgetown, shall be found carrying concealed, upon his or her person, any pistol, bowie knife, dagger, or other deadly weapon, such person shall, on conviction thereof, be fined in a sum not less than five dollars, nor more than fifty dollars.

Colo. Rev. Stat 1774, Carrying Concealed Weapons—Penalty—Search Without Warrant—Jurisdiction of Justice, § 248. (1881)

No person, unless authorized so to do by the chief of police of a city, mayor of a town or the sheriff of a county, shall use or carry concealed upon his person any firearms, as defined by law, nor any pistol, revolver, bowie knife, dagger, sling shot, brass knuckles or other deadly weapon . . . .

Isham White, The Laws and Ordinances of the City of Denver, Colorado Page 369, Image 370 (1886) available at The Making of Modern Law: Primary Sources.

Sentence Enhancement for Use of Weapon | Colorado | 1886

City of Denver, Slung Shot – Brass Knuckles, § 10.

Whenever there shall be found upon the person of anyone who is guilty of a breach of the peace, or of conduct calculated to provoke a breach of the peace, any slung shot, colt, or knuckles of lead, brass or other metal, or, when upon trial, evidence shall be adduced proving that such weapons were in the possession or on the person of anyone while in the act of commission of the acts aforesaid, such person shall upon conviction be fined not less than twenty-five dollars nor more than three hundred dollars.

## CONNECTICUT

Charles Stoers Hamilton, Charter and Ordinances of the City of New Haven, Together with Legislative Acts Affecting Said City Page 164, Image 167 (1890) available at The Making of Modern Law: Primary Sources.

Good Order and Decency § 192.

Every person who shall carry in said City, any steel or brass knuckles, pistol, or any slung shot, stiletto or weapon of similar character, or shall carry any weapon concealed on his person without permission of the Mayor or Superintendent of Police in writing, shall, on conviction, pay a penalty of not less than five, nor more than fifty dollars for every such offense.

## **DELAWARE**

1797 Del. Laws 104, An Act For the Trial Of Negroes, ch. 43, § 6.

Race and Slavery Based | Delaware | 1797

And be it further enacted by the authority aforesaid, That if any Negro or Mulatto slave shall presume to carry any guns, swords, pistols, fowling pieces, clubs, or other arms and weapons whatsoever, without his master's special license for the same, and be convicted thereof before a magistrate, he shall be whipped with twenty-one lashes, upon his bare back.

1881 Del. Laws 987, An Act Providing for the Punishment of Persons Carrying Concealed Deadly Weapons, ch. 548, § 1.

That if any person shall carry concealed a deadly weapon upon or about his person other than an ordinary pocket knife, or shall knowingly sell a deadly weapon to a minor other than an ordinary pocket knife, such person shall, upon conviction thereof, be fined not less than twenty-five nor more than two hundred dollars or imprisoned in the county jail for not less than ten nor more than thirty days, or both at the discretion of the court: Provided, that the provisions of this section shall not apply to the carrying of the usual weapons by policemen and peace officers.

Revised Statutes of the State of Delaware, of Eight Hundred and Fifty-Two. As They Have Since Been Amended, Together with the Additional Laws of a Public and General Nature, Which Have Been Enacted Since the Publication of the Revised Code of Eighteen Fifty-Two. To the Year of Our Lord One Thousand Eight Hundred and Ninety-Three; to Which are Added the Constitutions of the United States and of this State, the Declaration of Independence, and Appendix Page 987, Image 1048 (1893) available at The Making of Modern Law: Primary Sources.

An Act Providing for the Punishment of Persons Carrying Concealed Deadly Weapons, § 1.

§ 1. That if any person shall carry concealed a deadly weapon upon or about his person other than an ordinary pocket knife, or shall knowingly sell a deadly weapon to a minor other than an ordinary pocket knife, such person shall, upon conviction thereof, be fined not less than twenty-five nor more than one hundred dollars or imprisoned in the county jail for not less than ten nor more than thirty days, or both at the discretion of the court: Provided, that the provisions of this section shall not apply to the carrying of the usual weapons by policemen and other peace officers.

§ 2. That if any person shall, except in lawful self-defense discharge any firearm in any public road in this State, shall be deemed guilty of a misdemeanor and upon

conviction thereof shall be punished by fine not exceeding fifty dollars or by imprisonment not exceeding one month, or both at the discretion of the court.

## **DISTRICT OF COLUMBIA**

1 William B. Webb The Laws of the Corporation of the of Washington Digested and Arranged under Appropriate in Accordance with a Joint Resolution of the City 418 (1868), Act of Nov. 18, 1858.

It shall not be lawful for any person or persons to carry or have concealed about their persons any deadly or dangerous weapons, such as dagger, pistol, bowie knife, dirk knife, or dirk, colt, slungshot, or brass or other metal knuckles within the City of Washington; and any person or persons who shall be duly convicted of so carrying or having concealed about their persons any such weapon shall forfeit and pay upon such conviction not less than twenty dollars nor more than fifty dollars; which fines shall be prosecuted and recovered in the same manner as other penalties and forfeitures accruing to the city are sued for and recovered: Provided, That the Police officers when on duty shall be exempt from such penalties and forfeitures.

An Act to Prevent the Carrying of Concealed Weapons, Aug. 10, 1871, reprinted in Laws of the District of Columbia: 1871-1872, Part II, 33 (1872).

Carrying Weapons || 1871

Ch. XXV. Be it enacted by the Legislative Assembly of the District of Columbia, That it shall not be lawful for any person or persons to carry or have concealed about their persons any deadly or dangerous weapons, such as daggers, air-guns, pistols, bowie-knives, dirk-knives, or dirks, razors, razor-blades, sword-canes, slung-shots, or brass or other metal knuckles, within the District of Columbia; and any person or persons who shall be duly convicted of so carrying or having concealed about their persons any such weapons shall forfeit and pay, upon such a conviction, not less than twenty dollars nor more than fifty dollars, which fine shall be prosecuted and recovered in the same manner as other penalties and forfeitures are sued for and recovered: Provided, That the officers, non-commissioned officers, and privates of the United States army, navy, and marine corps, police officers, and members of any regularly organized militia company or regiment, when on duty, shall be exempt from such penalties and forfeitures.

Washington D.C. 27 Stat. 116 (1892)

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

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

SEC. 2. That it shall not be lawful for any person or persons within the District of Columbia to carry openly any such weapons as hereinbefore described with intent to unlawfully use the same, and any person or persons violating either of these sections shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for the first offense, forfeit and pay a fine or penalty of not less than fifty dollars nor more than five hundred dollars, of which one half shall be paid to any one giving information leading to such conviction, or be imprisoned in the jail of the District of Columbia not exceeding six months, or both such fine and imprisonment, in the discretion of the court: Provided, That the officers, non-commissioned officers, and privates of the United States Army, Navy, or Marine Corps, or of any regularly organized Militia Company, police officers, officers guarding prisoners, officials of the United States or the District of Columbia engaged in the execution of the laws for the protection of persons or property, when any of such persons are on duty, shall not be liable for carrying necessary arms for use in performance of their duty: Provided, further, that nothing contained in the first or second sections of this act shall be so construed as to prevent any person from keeping or carrying about his place of business, dwelling house, or premises any such dangerous or deadly weapons, or from carrying the same from place of purchase to his dwelling house or place of business or from his dwelling house or place of business to any place where repairing is done, to have the same repaired, and back again: Provided further, That nothing contained in the first or second sections of this act shall be so construed as to apply. to any person who shall have been granted a written permit to carry such weapon or weapons by any judge of the police court of the District of Columbia, and authority is hereby given to any such judge to grant such permit for a period of not more than one month at any one time, upon satisfactory proof to him of the necessity for the granting thereof; and further, upon the filing with such judge of a bond, with sureties to be approved by said judge, by the applicant for such permit, conditioned to the United States in such penal sum as said judge shall require for the keeping of the peace, save in the case of necessary self defense by such applicant during the continuance of said permit, which bond shall be put in suit by the United States for its benefit upon any breach of such condition.

SEC. 3. That for the second violation of the provisions of either of the preceding sections the person or persons offending shall be proceeded against by indictment

in the supreme court of the District of Columbia, and upon conviction thereof shall be imprisoned in the penitentiary for not more than three years.

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

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



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

## **FLORIDA**

John P. Duval, Compilation of the Public Acts of the Legislative Council of the Territory of Florida, Passed Prior to 1840 Page 423, Image 425 (1839) available at The Making of Modern Law: Primary Sources, 1835.

An Act to Prevent any Person in this Territory from Carrying Arms Secretly. Be it Enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, it shall not be lawful for any person in this Territory to carry arms of any kind whatsoever secretly, on or about their persons; and if any dirk, pistol, or other arm, or weapon, except a common pocket-knife, shall be seen, or known to be secreted upon the person of any one in this Territory, such person so offending shall, on conviction, be fined not exceeding five hundred dollars, and not less than fifty dollars, or imprisoned not more than six months, and not less than one month, at the discretion of the jury: Provided, however, that this law shall not be so construed as to prevent any person from carrying arms openly, outside of all their clothes; and it shall be the duty of judges of the superior courts in this Territory, to give the matter contained in this act in special charge to the grand juries in the several counties in this Territory, at every session of the courts.

1838 Fla. Laws ch. 24, p. 36 (Feb. 10, 1838).

No. 24. An Act in addition to An Act, (approved January 30<sup>th</sup>, 1835) entitled An Act to prevent any person in this Territory from carrying arms secretly.

Section 1. Be it enacted by the Governor and Legislative Council of the Territory of Florida, That from and after the passage of this act, it shall not be lawful for any person or persons in this Territory to vend dirks, pocket pistols, sword canes, or bowie knives, until he or they shall have first paid to the treasurer of the county in which he or they intend to vend weapons, a tax of two hundred dollars per annum, and all persons carrying said weapons openly shall pay to the officer aforesaid a tax of ten dollars per annum; and it shall be the duty of said officer to give the parties so paying a written certificate, stating that they have complied with the provisions of this act. Four fifths of all monies so collected to be applied by the county courts to county purposes, the other fifth to be paid to the prosecuting attorney.

Sec. 2. Be it further enacted, That if any person shall be known to violate this act, he or they so offending, shall be subject to an indictment, and on conviction, to a fine of not less than two hundred nor exceeding five hundred dollars, at the discretion of the court.

Sec. 3. Be it further enacted, That it shall be the duty of the several Judges of the Superior Courts of this Territory, to give this act in charge to the grand jurors [sic] of their respective districts at each term of the court.

Passed 5<sup>th</sup> February 1838.—Approved 10<sup>th</sup> Feb. 1838.

[https://www.google.com/books/edition/Acts\\_of\\_the\\_Legislative\\_Council\\_of\\_the\\_T/-LIwAQAAAJ?hl=en&gbpv=1&dq=%22vend+dirks,+pocket+pistols,+sword+canes,+or+bowie+knives%22&pg=PA36&printsec=frontcover](https://www.google.com/books/edition/Acts_of_the_Legislative_Council_of_the_T/-LIwAQAAAJ?hl=en&gbpv=1&dq=%22vend+dirks,+pocket+pistols,+sword+canes,+or+bowie+knives%22&pg=PA36&printsec=frontcover)

Fla. Act of Aug. 8, 1868, as codified in Fla. Rev. Stat., tit. 2, pt. 5 (1892) 2425. Manufacturing or selling slung shot: Whoever manufactures, or causes to be manufactured, or sells or exposes for sale any instrument or weapon of the kind usually known as slung-shot, or metallic knuckles, shall be punished by imprisonment not exceeding six months, or by fine not exceeding one hundred dollars.

1868 Fla. Laws 2538, Persons Engaged in Criminal Offence, Having Weapons, chap. 7, § 10.

Sentence Enhancement for Use of Weapon | Florida | 1868

Whoever, when lawfully arrested while committing a criminal offense or a breach or disturbance of the public peace, is armed with or has on his person slung shot, metallic knuckles, billies, firearms or other dangerous weapon, shall be punished by imprisonment not exceeding three months, or by fine not exceeding one hundred dollars.

James F McClellan, A Digest of the Laws of the State of Florida: From the Year One Thousand Eight Hundred and Twenty-Two, to the Eleventh Day of March, One Thousand Eight Hundred and Eighty-One, Inclusive, Page 403, Image 419 (1881) available at The Making of Modern Law: Primary Sources. [1868] Offences Against Public Peace, § 13.

Whoever shall carry arms of any kind whatever, secretly, on or about their person, or whoever shall have about or on their person any dirk, pistol or other arm or weapon, except a common pocket knife, upon conviction thereof shall be fined in a sum not exceeding one hundred dollars, or imprisoned in the county jail not exceeding six months.

Florida Act of Aug. 6, 1888, chap. 1637, subchap. 7, § 10, as codified in Fla. Rev. State., tit. 2, pt. 5 (1892) 2423.

Persons Engaged in criminal offense having weapons. – Whoever, when lawfully arrested while committing a criminal offense or a breach or disturbance of the

public peace is armed or has on his person slung-shot, metallic knuckles, billies, firearms or other dangerous weapon, shall be punished by imprisonment not exceeding one year and by fine not exceeding fifty dollars.

## **GEORGIA**

Lucius Q.C. Lamar, A Compilation of the Laws of the State of Georgia, Passed by the Legislature since the Year 1810 to the Year 1819, Inclusive. Comprising all the Laws Passed within those Periods, Arranged under Appropriate Heads, with Notes of Reference to those Laws, or Parts of Laws, which are Amended or Repealed to which are Added such Concurred and Approved Resolutions, as are Either of General, Local, or Private Moment. Concluding with a Copious Index to the Laws, a Separate one to the Resolutions Page 599, Image 605 (1821) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Georgia | 1816

Offences Against the Public Peace, (1816) § 19.

If any person shall be apprehended, having upon him or her any picklock, key, crow, jack, bit or other implement, with intent feloniously to break and enter into any dwelling-house, ware-house, store, shop, coach-house, stable, or out-house, or shall have upon him any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent feloniously to assault any person, or shall be found in or upon any dwelling-house, ware-house, store, shop, coach-house, stable, or out-house, with intent to steal any goods or chattels; every such person shall be deemed a rogue and vagabond, and on conviction, shall be sentenced to undergo an imprisonment in the common jail of the county, or in the penitentiary, at hard labour, for such period of time as the jury shall recommend to the court.

1837 Ga. Acts 90, An Act to Guard and Protect the Citizens of this State, Against the Unwarrantable and too Prevalent use of Deadly Weapons, §§ 1–4.

§ 1 . . . it shall not be lawful for any merchant, or vender of wares or merchandize in this State, or any other person or persons whatsoever, to sell, or offer to sell, or to keep, or to have about their person or elsewhere, any of the hereinafter described weapons, to wit: Bowie, or any other kinds of knives, manufactured and sold for the purpose of wearing, or carrying the same as arms of offence or defense, pistols, dirks, sword canes, spears, &c., shall also be contemplated in this act, save such pistols as are known and used as horseman's pistols, &c.

§ 2. And be it further enacted by the authority aforesaid, That any person or persons within the limits of this State, violating the provisions of this act, except as hereafter excepted, shall, for each and every such offence, be deemed guilty of a high misdemeanor, and upon trial and conviction thereof, shall be fined, in a sum

not exceeding five hundred dollars for the first offence, nor less than one hundred dollars at the direction of the Court; and upon a second conviction, and every after conviction of a like offence, in a sum not to exceed one thousand dollars, nor less than five hundred dollars, at the discretion of the Court.

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

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

1860 Ga. Laws 56, An Act to add an additional Section to the 13th Division of the Penal Code, making it penal to sell to or furnish slaves or free persons of color, with weapons of offence and defence; and for other purposes therein mentioned, § 1.

[A]ny person other than the owner, who shall sell or furnish to any slave or free person of color, any gun, pistol, bowie knife, slung shot, sword cane, or other weapon used for the purpose of offence or defense, shall, on indictment and conviction, be fined by the Court in a sum not exceeding five hundred dollars, and imprisoned in the common Jail of the county not exceeding six months . . .

R. H. Clark, The Code of the State of Georgia (1873) § 4528 – Deadly weapons not to be carried in public places

No person in this State is permitted or allowed to carry about his or her person, any dirk, bowie knife, pistol or revolver, or any kind of deadly weapon, to any Court of justice, or any election ground, or precinct, or any place of public worship, or any other public gathering in this State, except militia muster grounds; and if any person or persons shall violate any portion of this section, he, she or they shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than twenty nor more than fifty dollars for each and every such offense, or

imprisonment in the common jail of the county not less than ten nor more than twenty days, or both, at the discretion of the Court.

## **HAWAII**

1852 Haw. Sess. Laws 19, Act to Prevent the Carrying of Deadly Weapons Dangerous or Unusual Weapons | Hawaii | 1852

§ 1. Any person not authorized by law, who shall carry, or be found armed with, any bowie-knife, sword-cane, pistol, air-gun, slung-shot or other deadly weapon, shall be liable to a fine of no more than Thirty, and no less than Ten Dollars, or in default of payment of such fine, to imprisonment at hard labor, for a term not exceeding two months and no less than fifteen days, upon conviction of such offense before any District Magistrate, unless good cause be shown for having such dangerous weapons: and any such person may be immediately arrested without warrant by the Marshal or any Sheriff, Constable or other officer or person and be lodged in prison until he can be taken before such Magistrate.

1913 Haw. Rev. Laws ch. 209, § 3089, Carrying Deadly Weapons Dangerous or Unusual Weapons | Hawaii | 1913

§ 3089. Persons not authorized; punishment. Any person not authorized by law, who shall carry, or be found armed with any bowie-knife, sword-cane, pistol, air-gun, slung-shot, or other deadly weapon, shall be liable to a fine of not more than Two Hundred and Fifty Dollars and not less than Ten Dollars, or in default of payment of such fine, to imprisonment of a term not exceeding one year, nor less than three months, upon conviction for such offense, unless good cause be shown for having such dangerous weapon; and any such person may be immediately arrested without warrant by the high sheriff, or any sheriff, policeman, or other officer or person.

## **IDAHO**

Crimes and Punishments, in Compiled and Revised Laws of the Territory of Idaho 354 (M. Kelly, Territorial Printer 1875).

Carrying Weapons | Idaho | 1875

§ 133. If any person shall have found upon him or her any pick-lock, crow-key, bit or other instrument or tool, with intent feloniously to crack and enter into any dwelling-house, store, shop, warehouse, or other building containing valuable property, or shall be found in the aforesaid buildings with intent to steal any money, goods and chattels, every person so offending shall, on conviction thereof, be imprisoned in the Territorial prison for a term not less than one year nor more

than five years; and if any person shall have upon him or her any pistol, gun, knife, dirk, bludgeon, or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined not more than one hundred dollars, or imprisoned in the county jail not more than three months.

Charter and Revised Ordinances of Boise City, Idaho. In Effect April 12, 1894  
Page 118-119, Image 119-120 (1894) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Idaho | 1879

Carrying Concealed Weapons, § 36.

Every person not being a sheriff, deputy sheriff, constable or other police officer, who shall carry or wear within the incorporated limits of Boise City, Idaho, any bowie knife, dirk knife, pistol or sword in cane, slung-shot, metallic knuckles, or other dangerous or deadly weapons, concealed, unless such persons be traveling or setting out on a journey, shall, upon conviction thereof before the city magistrate of said Boise City, be fined in any sum not exceeding twenty-five dollars for each offense, or imprisoned in the city jail for not more than twenty days, or by both such fine and imprisonment.

1909 Id. Sess. Laws 6, An Act To Regulate the Use and Carrying of Concealed Deadly Weapons and to Regulate the Sale or Delivery of Deadly Weapons to Minors Under the Age of Sixteen Years to Provide a Penalty for the Violation of the Provisions of this Act, and to Exempt Certain Persons, § 1.

Carrying Weapons | Idaho | 1909

If any person, (excepting officials of a county, officials of the State of Idaho, officials of the United States, peace officers, guards of any jail, any officer of any express company on duty), shall carry concealed upon or about his person any dirk, dirk knife, bowie knife, dagger, slung shot, pistol, revolver, gun or any other deadly or dangerous weapon within the limits or confines of any city, town or village, or in any public assembly, or in any mining, lumbering , logging, railroad, or other construction camp within the State of Idaho . . . .

## **ILLINOIS**

Mason Brayman, Revised Statutes of the State of Illinois: Adopted by the General Assembly of Said State, at Its Regular Session, Held in the Years A. D. 1844-'5: Together with an Appendix Containing Acts Passed at the Same and Previous Sessions, Not Incorporated in the Revised Statutes, but Which Remain in Force  
Page 176, Image 188 (1845) available at The Making of Modern Law: Primary Sources.



## Sentence Enhancement for Use of Weapon | Illinois | 1845

Criminal Jurisprudence, § 139. If any person shall be found,, having upon him or her, any pick-lock, crow, key, bit, or other instrument or tool, with intent feloniously to break and enter into any dwelling house, store, warehouse, shop or other building containing valuable property, or shall be found in any of the aforesaid buildings with intent to steal any goods and chattels, every such person so offending, shall, on conviction, be deemed a vagrant, and punished by confinement in the penitentiary, for any term not exceeding two years. And if any person shall have upon him any pistol, gun, knife, dirk, bludgeon or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined, in a sum not exceeding one hundred dollars, or imprisoned, not exceeding three months.

Harvey Bostwick Hurd, The Revised Statutes of the State of Illinois. A. D. 1874. Comprising the Revised Acts of 1871-2 and 1873-4, Together with All Other General Statutes of the State, in Force on the First Day of July, 1874 Page 360, Image 368 (1874) available at The Making of Modern Law: Primary Sources. Disorderly Conduct: Disturbing the Peace, § 56.

Whoever, at a late and unusual hour of the night time, willfully and maliciously disturbs the peace and quiet of any neighborhood or family, by loud or unusual noises, or by tumultuous or offensive carriage, threatening, traducing, quarreling, challenging to fight or fighting, or whoever shall carry concealed weapons, or in a threatening manner display any pistol, knife, slungshot, brass, steel or iron knuckles, or other deadly weapon, day or night, shall be fined not exceeding \$100.

Consider H. Willett, Laws and Ordinances Governing the Village of Hyde Park [Illinois] Together with Its Charter and General Laws Affecting Municipal Corporations; Special Ordinances and Charters under Which Corporations Have Vested Rights in the Village. Also, Summary of Decisions of the Supreme Court Relating to Municipal Corporations, Taxation and Assessments Page 64, Image 64 (1876) available at The Making of Modern Law: Primary Sources.

Misdemeanors, § 39.

No person, except peace officers, shall carry or wear under their clothes, or concealed about their person, any pistol, revolver, slung-shot, knuckles, bowie-knife, dirk-knife, dirk, dagger, or any other dangerous or deadly weapon, except by written permission of the Captain of Police.

Harvey Bostwick Hurd, Late Commissioner, The Revised Statutes of the State of Illinois. 1882. Comprising the “Revised Statutes of 1874,” and All Amendments Thereto, Together with the General Acts of 1875, 1877, 1879, 1881 and 1882, Being All the General Statutes of the State, in Force on the First Day of December, 1882 Page 375, Image 392 (1882) available at The Making of Modern Law:

Primary Sources. [1881]

Deadly Weapons: Selling or Giving to Minor. § 54b.

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

Revised Ordinances of the City of Danville [Illinois] Page 66, Image 133 (1883) available at The Making of Modern Law: Primary Sources.

Ordinances of the City of Danville. Concealed Weapons. § 22.

Whoever shall carry concealed upon or about his person any pistol, revolver, derringer, bowie-knife, dirk, slung-shot, metallic knuckles, or a razor, as a weapon, or any other deadly weapon of like character, capable or being concealed upon the person, or whoever shall in a threatening or boisterous manner, flourish or display the same, shall be fined not less than one dollar, nor more than one hundred dollars; and in addition to the said penalty shall, upon the order of the magistrate before whom such conviction is had, forfeits the weapon so carried to the city.

Illinois Act of Apr. 16, 1881, as codified in Ill. Stat. Ann., Crim. Code, chap. 38 (1885) 88. Possession or sale forbidden, § 1.

Be it enacted by the people of the state of Illinois represented in the General Assembly. That whoever shall have in his possession, or sell, or give or loan, hire or barter, or whoever shall offer to sell, give loan, have or barter, to any person within this state, any slung shot or metallic knuckles, or other deadline weapon of like character, or any person in whose possession such weapons shall be found, shall be guilty of a misdemeanor . . .

## **INDIANA**

1804 Ind. Acts 108, A Law Entitled a Law Respecting Slaves, § 4.

And be it further enacted, That no slave or mulatto whatsoever shall keep or carry any gun, powder, shot, club or other weapon whatsoever, offensive or defensive, but all and every gun weapon and ammunition found in the possession or custody

of any negro or mulatto, may be seized by any person and upon due proof thereof made before any justice of the peace of the district where such seizure shall be, shall by his order be forfeited to the seizor, for his use and moreover every such offender shall have and receive by order of such justice any number of loashes not exceeding thirty nine on his or her bare back, well laid for every such offense.

1855 Ind. Acts 153, An Act To Provide For The Punishment Of Persons Interfering With Trains or Railroads, chap. 79, § 1.

That any person who shall shoot a gun, pistol, or other weapon, or throw a stone, stick, clubs, or any other substance whatever at or against any locomotive, or car, or train of cars containing persons on any railroad in this State, shall be deemed guilty of a misdemeanor . . .

1859 Ind. Acts 129, An Act to Prevent Carrying Concealed or Dangerous Weapons, and to Provide Punishment Therefor.

§ 1. Be it enacted by the General Assembly of the State of Indiana, That every person not being a traveler, who shall wear or carry any dirk, pistol, bowie-knife, dagger, sword in cane, or any other dangerous or deadly weapon concealed, or who shall carry or wear any such weapon openly, with the intent or avowed purpose of injuring his fellow man, shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars.

1875 Ind. Acts 62, An Act Defining Certain Misdemeanors, And Prescribing Penalties Therefore, § 1.

That if any person shall draw or threaten to use any pistol, dirk, knife, slung shot, or any other deadly or dangerous weapon upon any other person he shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be fined in any sum not less than one nor more than five hundred dollars, to which may be added imprisonment in the county jail not to exceed six months; That the provisions of this act shall not apply to persons drawing or threatening to use such dangerous or deadly weapons in defense of his person or property, or in defense of those entitled to his protection by law.

The Revised Statutes of Indiana: Containing, Also, the United States and Indiana Constitutions and an Appendix of Historical Documents. Vol. 1 Page 366, Image 388 (1881) available at The Making of Modern Law: Primary Sources.

Sensitive Places and Times | Indiana | 1881

Crimes. § 1957. Attacking Public Conveyance. 56. Whoever maliciously or mischievously shoots a gun, rifle, pistol, or other missile or weapon, or throws a stone, stick, club, or other substance whatever, at or against any stage-coach,

locomotive, railroad-car, or train of cars, or street-car on any railroad in this State, or at or against any wharf-boat, steamboat, or other water-craft, shall be imprisoned in the county jail not more than one year nor less than thirty days, and fined not more than one hundred dollars nor less than ten dollars.

1905 Ind. Acts 677, Public Conveyance—Attacking, § 410.

Sensitive Places and Times | Indiana | 1905

Whoever maliciously or mischievously shoots a gun, rifle, pistol or other weapon, or throws a stone, stick, club or any other substance whatever, at or against any stage coach, or any locomotive, railroad car, or train of cars, street car, or interurban car on any railroad in this state, or at or against any wharf-boat, steamboat, or other watercraft, shall be imprisoned in the county jail not less than thirty days nor more than one year, and fined not less than ten dollars nor more than one hundred dollars.

## **IOWA**

S. J. Quincy, Revised Ordinances of the City of Sioux City. Sioux City, Iowa Page 62, Image 62 (1882) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Iowa | 1882

Ordinances of the City of Sioux City, Iowa, § 4.

No person shall, within the limits of the city, wear under his clothes, or concealed about his person, any pistol, revolver, slung-shot, cross-knuckles, knuckles of lead, brass or other metal, or any bowie-knife, razor, billy, dirk, dirk-knife or bowie-knife, or other dangerous weapon. Provided, that this section shall not be so construed as to prevent any United States, State, county, or city officer or officers, or member of the city government, from carrying any such weapon as may be necessary in the proper discharge of his official duties.

Geoffrey Andrew Holmes, Compiled Ordinances of the City of Council Bluffs, and Containing the Statutes Applicable to Cities of the First-Class, Organized under the Laws of Iowa Page 206-207, Image 209-210 (1887) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Iowa | 1887

Carrying Concealed Weapons Prohibited, § 105.

It shall be unlawful for any person to carry under his clothes or concealed about his person, or found in his possession, any pistol or firearms, slungshot, brass knuckles, or knuckles of lead, brass or other metal or material , or any sand bag, air guns of any description, dagger, bowie knife, or instrument for cutting, stabbing or striking, or other dangerous or deadly weapon, instrument or device; provided that

this section shall not be construed to prohibit any officer of the United States, or of any State, or any peace officer, from wearing and carrying such weapons as may be convenient, necessary and proper for the discharge of his official duties.

William H. Baily, The Revised Ordinances of Nineteen Hundred of the City of Des Moines, Iowa Page 89-90, Image 89-90 (1900) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Iowa | 1900

Ordinances City of Des Moines, Weapons, Concealed, § 209.

It shall be unlawful for any person to carry under his clothes or concealed about his person, or found in his possession, any pistol or other firearms, slungshot, brass knuckles, or knuckles of lead, brass or other metal or material, or any sand bag, air guns of any description, dagger, bowie knife, dirk knife, or other knife or instrument for cutting, stabbing or striking, or other dangerous or deadly weapon, instrument or device. Provided, that this section shall not be construed to prohibit any officer of the United States or of any State, or any peace officer from wearing or carrying such weapons as may be convenient, necessary and proper for the discharge of his official duties.

1913 Iowa Acts 307, ch. 297, § 2

§ 1. It shall be unlawful for any person, except as hereinafter provided, to go armed with and have concealed upon his person a dirk, dagger, sword, pistol, revolver, stiletto, metallic knuckles, picket billy, sand bag, skull cracker, slung-shot, or other offensive and dangerous weapons or instruments concealed upon his person.

## **KANSAS**

C. B. Pierce, Charter and Ordinances of the City of Leavenworth, with an Appendix Page 45, Image 45 (1863) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Kansas | 1862

An Ordinance Relating to Misdemeanors, § 23.

For carrying or having on his or her person in a concealed manner, any pistol, dirk, bowie knife, revolver, slung shot, billy, brass, lead or iron knuckles, or any other deadly weapon within this city, a fine not less than three nor more than one hundred dollars.

Samuel Kimball, Charter, Other Powers, and Ordinances of the City of Lawrence Page 149, Image 157 (1866) available at The Making of Modern Law: Primary Sources, 1863.

Nuisances, § 10. Any person who shall in this city have or carry concealed or partially concealed, upon his person, any pistol, bowie knife or other deadly weapon, shall, on conviction, be fined not less than one nor more than ten dollars; Provided, This section shall not apply to peace officers of the city or state. The carrying of a weapon in a holster, exposed to full view, shall not be deemed a concealed or partially concealed weapon under this section.

The General Statutes of the State of Kansas, to Which the Constitutions of the United State of Kansas, Together with the Organic Act of the Territory of Kansas, the Treaty Ceding the Territory of Louisiana to the United States, and the Act Admitting Kansas into the Union are Prefixed Page 378, Image 387 (1868) available at The Making of Modern Law: Primary Sources, 1868.

Crimes and Punishments, § 282. Any person who is not engaged in any legitimate business, any person under the influence of intoxicating drink, and any person who has ever borne arms against the government of the United States, who shall be found within the limits of this state, carrying on his person a pistol, bowie-knife, dirk or other deadly weapon, shall be subject to arrest upon the charge of misdemeanor, and upon conviction shall be fined in a sum not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, at the discretion of the court.

Revised Ordinances of the City of Salina, Together with the Act Governing Cities of the Second Class: Also a Complete List of the Officers of Salina During its Organization as a Town and City of the Second and Third Class Page 99, Image 100 (1879) available at The Making of Modern Law: Primary Sources. 1879 Ordinances of the City of Salina, An Ordinance Relating to the Carrying of Deadly Weapons, § 1. That it shall be unlawful for any person to carry on or about his person any pistol, bowie knife, dirk, or other deadly or dangerous weapon, anywhere within the limits of the city of Salina, save and except as hereinafter provided. § 2. This ordinance shall not apply to cases when any person carrying any weapon above mentioned is engaged in the pursuit of any lawful business, calling or employment and the circumstances in which such person is placed at the time aforesaid, are such as to justify a prudent man in carrying such weapon, for the defense of his person, property or family, nor to cases where any person shall carry such weapon openly in his hands, for the purpose of sale, barter, or for repairing the same, or for use in any lawful occupation requiring the use of the same. § 3. Any person violating any of the provisions of this ordinance shall, upon



conviction thereof before the police court, be fined in any sum not less than twenty-five nor more than one hundred dollars.

1881 Kan. Sess. Laws 92, c. 37, § 24.

The Council shall prohibit and punish the carrying of firearms, or other dangerous or deadly weapons, concealed or otherwise, and cause to be arrested and imprisoned, fined or set to work, all vagrants, tramps, confidence men and persons found in said city without visible means of support or some legitimate business.

1883 Kan. Sess. Laws 159, An Act To Prevent Selling, Trading Or Giving Deadly Weapons Or Toy Pistols To Minors, And To Provide Punishment Therefor, §§ 1-2.

§ 1. Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver, or toy pistol, by which cartridges or caps may be exploded, or any dirk, bowie knife, brass knuckles, slung shot, or other dangerous weapons to any minor, or to any person of notoriously unsound mind, shall be deemed guilty of a misdemeanor, and shall upon conviction before any court of competent jurisdiction, be fined not less than five nor more than one hundred dollars.

§ 2. Any minor who shall have in his possession any pistol, revolver or toy pistol, by which cartridges may be exploded, or any dirk, bowie-knife, brass knuckles, slung shot or other dangerous weapon, shall be deemed guilty of a misdemeanor, and upon conviction before any court of competent jurisdiction shall be fined not less than one nor more than ten dollars.

O. P. Ergenbright, Revised Ordinances of the City of Independence, Kansas: Together with the Amended Laws Governing Cities of the Second Class and Standing Rules of the City Council Page 162, Image 157 (1887) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Kansas | 1887

Weapons, § 27. Any person who in this city shall draw any pistol or other weapon in a hostile manner, or shall make any demonstration or threat of using such weapon on or against any person; or any person who shall carry or have on his or her person, in a concealed manner, any pistol, dirk, bowie-knife, revolver, slung-shot, billy, brass, lead, or iron knuckles, or any deadly weapon, within this city, shall be fined not less than five dollars, nor more than one hundred dollars:

Provided, that this ordinance shall not be so construed as to prohibit officers of the law while on duty from being armed.

Bruce L. Keenan, Book of Ordinances of the City of Wichita Published by Authority of a Resolution Adopted by the City Council April 24, 1899, under the Direction of Judiciary Committee and City Attorney, and Formally Authorized by

Ordinance No. 1680 Page 46, Image 70 (1900) available at The Making of Modern Law: Primary Sources. 1899

Ordinances of the City of Wichita, Carrying Unconcealed Deadly Weapons, § 2. Any person who shall in the city of Wichita carry unconcealed, any fire-arms, slungshot, sheath or dirk knife, or any other weapon, which when used is likely to produce death or great bodily harm, shall upon conviction, be fined not less than one dollar nor more than twenty-five dollars. Using or Carrying Bean Snapper, § 3. Any person who shall, in the city of Wichita, use or carry concealed or unconcealed, any bean snapper or like articles shall upon conviction be fined in any sum not less than one dollar nor more than twenty-five dollars. Carrying Concealed Deadly Weapons, § 4. Any person who shall in the city of Wichita, carry concealed about his person any fire-arm, slung shot, sheath or dirk knife, brass knuckles, or any weapon, which when used is likely to produce death or great bodily harm, shall upon conviction, be fined in any sum not exceeding one hundred dollars.

## **KENTUCKY**

1798 Ky. Acts 106. No negro, mulatto, or Indian whatsoever shall keep or carry any gun, powder, shot, club, or other weapon whatsoever, offensive or defensive but all and every gun, weapon and ammunition found in the possession or custody of any negro, mulatto or Indian may be seized by any person and upon due proof thereof made before any justice of the peace of the county where such seizure shall be shall by his order, be forfeited to the seizor for his own use, and moreover every such offender shall have and receive by order of such justice any number of lashes not exceeding thirty nine on his or her back, well laid for every such offense.

1859 Ky. Acts 245, An Act to Amend An Act Entitled “An Act to Reduce to One the Several Acts in Relation to the Town of Harrodsburg, § 23.

If any person, other than the parent or guardian, shall sell, give or loan, any pistol, dirk, bowie knife, brass knucks, slung-shot, colt, cane-gun, or other deadly weapon, which is carried concealed, to any minor, or slave, or free negro, he shall be fined fifty dollars.

## **LOUISIANA**

1813 La. Acts 172, An Act Against Carrying Concealed Weapons, and Going Armed in Public Places in an Unneccessary Manner, § 1.

Carrying Weapons | Louisiana | 1813

Be it enacted by the senate and house of representatives of the state of Louisiana, in general assembly convened, That from and after the passage of this act, any person who shall be found with any concealed weapon, such as a dirk, dagger, knife, pistol, or any other deadly weapon concealed in his bosom, coat, or in any other place about him that do not appear in full open view, any person so offending, shall on conviction thereof before any justice of the peace, be subject to pay a fine . . . .

Henry A. Bullard & Thomas Curry, 1 A New Digest of the Statute Laws of the State of Louisiana, from the Change of Government to the Year 1841 at 252 (E. Johns & Co., New Orleans, 1842).

Carrying Weapons | Louisiana | 1842

[A]ny person who shall be found with any concealed weapon, such as a dirk, dagger, knife, pistol, or any other deadly weapon concealed in his bosom, coat, or in any other place about him, that do not appear in full open view, any person so offending, shall, on conviction thereof, before an justice of the peace, be subject to pay a fine not to exceed fifty dollars, nor less than twenty dollars . . . .

Louisiana 1855 law 1855 La. L. Chap. 120, Sec. 115, p. 148

Sec. 115, Be it further enacted, &c., That whoever shall carry a weapon or weapons concealed on or about his person, such as pistols, bowie knife, dirk, or any other dangerous weapon, shall be liable to prosecution by indictment or presentment, and on conviction for the first offence shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, or imprisonment for one month; and for the second offence not less than five hundred dollars nor more than one thousand dollars, or imprisonment in the parish prison at the discretion of the court, not to exceed three months, and that it shall be the duty of the Judges of the District Courts in this State to charge the Grand Jury, specially as to this section.

<https://babel.hathitrust.org/cgi/pt?id=osu.32437123281277&view=1up&seq=300&q1=Bowie>

1870 La. Acts 159–60, An Act to Regulate the Conduct and to Maintain the Freedom of Party Election . . . , § 73.

Subject(s): Sensitive Places and Times

[I]t shall be unlawful for any person to carry any gun, pistol, bowie knife or other dangerous weapon, concealed or unconcealed, on any day of election during the hours the polls are open, or on any day of registration or revision of registration, within a distance of one-half mile of any place of registration or revision of registration; any person violating the provisions of this section shall be deemed

guilty of a misdemeanor; and on conviction shall be punished by a fine of not less than one hundred dollars, and imprisonment in the parish jail not less than one month . . . .

La. Const. of 1879, art. III.

Post-Civil War State Constitutions | Louisiana | 1879

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 abridged. This shall not prevent the passage of laws to punish those who carry weapons concealed.

## MAINE

An Act to Prevent Routs, Riots, and Tumultuous assemblies, and the Evil Consequences Thereof, reprinted in CUMBERLAND GAZETTE (Portland, MA.), Nov. 17, 1786, at 1. On October 26, 1786 the following was passed into law by the Massachusetts Assembly: That from & after the publication of this act, if any persons, to the number of twelve, or more, being armed with clubs or other weapons; or if any number of persons, consisting of thirty, or more, shall be unlawfully, routously, riotously or tumultuously assembled, any Justice of the Peace, Sheriff, or Deputy ... or Constable ... shall openly make [a] proclamation [asking them to disperse, and if they do not disperse within one hour, the officer is] ... empowered, to require the aid of a sufficient number of persons in arms ... and if any such person or persons [assembled illegally] shall be killed or wounded, by reason of his or their resisting the persons endeavoring to disperse or seize them, the said Justice, Sheriff, Deputy-Sheriff, Constable and their assistants, shall be indemnified, and held guiltless.

1821 Me. Laws 285, ch. 76, § 1.

Be it enacted by the Senate, and House of Representatives, in Legislature assembled, That it shall be within the power, and be the duty of every Justice of the Peace within this county, to punish by fine not exceeding five dollars, all assaults and batteries that are not of a high and aggravated nature, and to examine into all homicides, murders, treasons, and felonies done and committed in this county, and commit to prison all persons guilty, or suspected to be guilty of manslaughter, murder, treason or other capital offence; and to cause to be staid and arrested, all affrayers, rioters, disturbers or breakers of the peace, and such as shall ride or go armed offensively, to the fear or terror of the good citizens of this State, or such others as may utter any menaces or threatening speeches; and upon view of such Justice, confession of the delinquent or other legal conviction of any such offence, shall require of the offender to fund sureties to appear and answer for his offence,

at the Supreme Judicial Court, or Circuit Court of Common Pleas, next to be held within or for the same county at the discretion of the Justice, and as the nature or circumstances of the case may require;

The Revised Statutes of the State of Maine, Passed October 22, 1840; To Which are Prefixed the Constitutions of the United States and of the State of Maine, and to Which Are Subjoined the Other Public Laws of 1840 and 1841, with an Appendix Page 709, Image 725 (1847) available at The Making of Modern Law: Primary Sources.

Justices of the Peace, § 16.

Any person, going armed with any dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without a reasonable cause to fear an assault on himself, or any of his family or property, may, on the complaint of any person having cause to fear an injury or breach of the peace, be required to find sureties for keeping the peace for a term, not exceeding one year, with the right of appeal as before provided.

1841 Me. Laws 709, ch. 169, § 16.

If any person shall go armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury or violence to his person, or to his family or property, he may, on complaint of any person having reasonable cause to fear an injury or breach of the peace, be required to find sureties for keeping the peace, for a term not exceeding six months, with the right of appealing as before provided.

The Revised Statutes of the State of Maine, Passed August 29, 1883, and Taking Effect January 1, 1884 Page 928, Image 955 (1884) available at The Making of Modern Law: Primary Sources.

Prevention of Crimes, § 10.

Whoever goes armed with any dirk, pistol, or other offensive and dangerous weapon, without just cause to fear an assault on himself, family, or property, may, on complaint of any person having cause to fear an injury or breach of the peace, be required to find sureties to keep the peace for a term not exceeding one year, and in case of refusal, may be committed as provided in the preceding sections.

## **MARYLAND**

The Laws Of Maryland, With The Charter, The Bill Of Rights, The Constitution Of The State, And Its Alterations, The Declaration Of Independence, And The

Constitution Of The United States, And Its Amendments Page 465, Image 466 (1811) available at The Making of Modern Law: Primary Sources.

Sentence Enhancement for Use of Weapon | Maryland | 1809 If any person shall be apprehended, having upon him or her any picklock, key, crow, jack, bit or other implement, with an intent feloniously to break and enter into any dwelling-house, ware-house, stable or out-house, or shall have upon him or her any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent feloniously to assault any person, or shall be found in or upon any dwelling-house, warehouse, stable or out-house, or in any enclosed yard or garden, or area belonging to any house, with an intent to steal any goods or chattels, every such person shall be deemed a rouge and vagabond, and, on being duly convicted thereof, shall be sentenced to undergo a confinement in the said penitentiary for a period of time not less than three months nor more than two years, to be treated as law prescribes.

1872 Md. Laws 57, An Act To Add An Additional Section To Article Two Of The Code Of Public Local Laws, Entitled “Anne Arundel County,” Sub-title “Annapolis,” To Prevent The Carrying Of concealed Weapons In Said City, § 246. Carrying Weapons | Maryland | 1872

It shall not be lawful for any person to carry concealed, in Annapolis, whether a resident thereof or not, any pistol, dirk-knife, bowie-knife, sling-shot, billy, razor, brass, iron or other metal knuckles, or any other deadly weapon, under a penalty of a fine of not less than three, nor more than ten dollars in each case, in the discretion of the Justice of the Peace, before whom the same may be tried, to be collected. . .

John Prentiss Poe, The Maryland Code : Public Local Laws, Adopted by the General Assembly of Maryland March 14, 1888. Including also the Public Local Acts of the Session of 1888 incorporated therein Page 1457, Image 382 (Vol. 2, 1888) available at The Making of Modern Law: Primary Sources.

Sensitive Places and Times | Maryland | 1874

Election Districts–Fences. § 99.

It shall not be lawful for any person in Kent county to carry, on the days of election, secretly or otherwise, any gun, pistol, dirk, dirk-knife, razor, billy or bludgeon; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof before any justice of the peace of said county, shall be fined not less than five nor more than twenty dollars, and on refusal to pay said fine shall be committed by such justice of the peace to the jail of the county until the same shall be paid.

John Prentiss Poe, The Maryland Code. Public Local Laws, Adopted by the General Assembly of Maryland March 14, 1888. Including also the Public Local



Acts of the Session of 1888 Incorporated Therein Page 522-523, Image 531-532 (Vol. 1, 1888) available at The Making of Modern Law: Primary Sources.

Sentence Enhancement for Use of Weapon | Maryland | 1884

City of Baltimore, § 742.

Whenever any person shall be arrested in the city of Baltimore, charged with any crime or misdemeanor, or for being drunk or disorderly, or for any breach of the peace, and shall be taken before any of the police justices of the peace of the said city, and any such person shall be found to have concealed about his person any pistol, dirk knife, bowie-knife, sling-shot, billy, brass, iron or any other metal knuckles, razor, or any other deadly weapon whatsoever, such person shall be subject to a fine of not less than five dollars nor more than twenty-five dollars in the discretion of the police justice of the peace before whom such person may be taken, and the confiscation of the weapon so found, which said fine shall be collected as other fines are now collected; provided, however, that the provisions of this section shall not apply to those persons who, as conservators of the peace are entitled or required to carry a pistol or other weapon as a part of their official equipment.

1886 Md. Laws 315, An Act to Prevent the Carrying of Guns, Pistols, Dirk-knives, Razors, Billies or Bludgeons by any Person in Calvert County, on the Days of Election in said County, Within One Mile of the Polls § 1:

That from and after the passage of this act, it shall not be lawful for any person in Calvert County to carry, on the days of election and primary election within three hundred yards of the polls, secretly, or otherwise, any gun, pistol, dirk, dirk-knife, razor, billy or bludgeon, and any person violating the provisions of this act, shall be deemed guilty of a misdemeanor and on conviction thereof by the Circuit Court of Calvert County . . . shall be fined not less than ten nor more than fifty dollars for each such offense. . .

John Prentiss Poe, The Maryland Code. Public Local Laws, Adopted by the General Assembly of Maryland March 14, 1888. Including also the Acts of the Session of 1888 Incorporated Therein, and Prefaced with the Constitution of the State Page 468-469, Image 568-569 (Vol. 1, 1888) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Maryland | 1886

Concealed Weapons, § 30.

Every person, not being a conservator of the peace entitled or required to carry such weapon as a part of his official equipment, who shall wear or carry any pistol, dirk-knife, bowie- knife, slung-shot, billy, sand-club, metal knuckles, razor, or any other dangerous or deadly weapon of any kind whatsoever, (penknives excepted,)

concealed upon or about his person; and every person who shall carry or wear any such weapon openly, with the intent or purpose of injuring any person, shall, upon conviction thereof, be fined not more than five hundred dollars, or be imprisoned not more than six months in jail or in the house of correction.

John Prentiss Poe, The Baltimore City Code, Containing the Public Local Laws of Maryland Relating to the City of Baltimore, and the Ordinances of the Mayor and City Council, in Force on the First Day of November, 1891, with a Supplement, Containing the Public Local Laws Relating to the City of Baltimore, Passed at the Session of 1892 of the General Assembly, and also the Ordinances of the Mayor and City Council, Passed at the Session of 1891-1892, and of 1892-1893, up to the Summer Recess of 1893 Page 297-298, Image 306-307 (1893) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Maryland | 1890

Ordinances of Baltimore, § 742A.

Every person in said city of Baltimore not being a conservator of the peace, entitled or required to carry such weapons as a part of his official equipment, who shall wear or carry any pistol, dirk-knife, bowie-knife, sling-shot, billy, sand-club, metal knuckles, razor or any other dangerous or deadly weapon of any kind whatsoever, (pen knives excepted.) concealed upon or about his person; and every person who shall carry or wear such weapons openly, with the intent or purpose of injuring any person, shall, upon a conviction thereof, be fined not more than five hundred dollars, and be imprisoned not more than six months in jail or in the house of correction; that this act shall not release or discharge any person or persons already offending against the general law in such cases made and provided, but any such person or persons may be proceeded against, prosecuted and punished under the general law of this State as if this act had not been passed.

## **MASSACHUSETTS**

1 Records of the Governor and Company of the Massachusetts Bay in New England 211-12 (Nathanial B. Shurtleff ed., 1853). 1637.

Whereas the opinions & revelations of Mr. Wheeleright & Mrs. Hutchinson have seduced & led into dangerous errors many of the people heare in Newe England, insomuch as there is just cause of suspition that they, as others in Germany, in former times, may, upon some revelation, make some suddaine irruption vpon those that differ from them in judgment, for prevention whereof it is ordered, that all those whose names are vnderwritten shall (vpon warning given or left at their dwelling houses) before the 30<sup>th</sup> day of this month of November, deliver in at Mr. Canes house, at Boston, all such guns, pistols, swords, powder, shot, & match as

they shalbee owners of, or have in their custody, vpon paine of ten pound for ev'y default to bee made therof ; which armes are to bee kept by Mr. Cane till this Court shall take further order therein. Also, it is ordered, vpon like penulty of x', that no man who is to render his armes by this order shall buy or borrow any guns, swords, pistols, powder, shot, or match, vntill this Court shall take further order therein. . . . The like order is taken for other townes, changing the names of those who shall deliver their armes, & keepe them. . . . It was ordered, that if any that are to bee disarmed acknowledg their siun in subscribing the seditions -libell, or do not

justify it, but acknowledg it evill to two magistrates, they shalbee thereby freed from delivering in their armes according to the former order./  
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1749-51 Mass. Acts 339, An Act for Preventing and Suppressing of Riots, Routs and Unlawful Assemblies, ch. 12. 1751

“Whereas the Provision already made by Law has been found insufficient to prevent Routs, Riots, and tumultuous Assemblies, and the evil Consequences thereof : Wherefore,

Be it enacted by the Lieutenant Governour Council and House of Representatives, That from and after the Publication of this Act, if any Persons to the Number of Twelve or more, being Arm’d with Clubs or other Weapons, or if any Number of Persons consisting of Fifty or upwards, whether armed or not, shall be unlawfully riotously or tumultuously assembled; any Justice of the Peace, Field-Officer or Captain of the Militia, Sheriff of the County or Under-Sheriff, or any Constable of the Town, shall among the Rioters, or as near to them as he can safely come, command Silence while Proclamation is making, and shall openly make Proclamation in these or the like Words,

Our Sovereign Lord the KING, chargeth and commandeth all Persons, being assembled, immediately to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business, upon the Pains contained in the Act of this Province made in the twenty-fourth Year of His Majesty King GEORGE the Second, for preventing and suppressing of Riots, Routs, and unlawful Assemblies. GOD save the King.

And if such Persons so unlawfully assembled, shall after Proclamation made, not disperse themselves within one Hour, it shall be lawful for every such Officer or Officers and for such other Persons as he or they shall command to be assisting, to seize such Persons, and carry them before a Justice of Peace: And if such Person shall be killed or hurt by Reason of their resisting the Persons so dispersing or seizing them, the said Officer or Officers and their Assistants shall be indemnified and held guiltless...”

The following links to a version of this law that is contemporaneous with the original session law, but seems to have been published separately as a notice: An Act for Preventing and Suppressing of Riots, Routs and Unlawful Assemblies, 1750. <https://firearmslaw.duke.edu/wp-content/uploads/2020/03/1749-51-Mass.-Acts-339.pdf>

1814 Mass. Acts 464, An Act In Addition To An Act, Entitled “An Act To Provide For The Proof Of Fire Arms, Manufactured Within This Commonwealth,” ch. 192, § 1, 2.

All musket barrels and pistol barrels, manufactured within this Commonwealth, shall, before the same shall be sold, and before the same shall be stocked, be proved by the person appointed according to the provisions of an act . . . ; § 2 That if any person or persons, from and after the passing of this act, shall manufacture, within this Commonwealth, any musket or pistol, or shall sell and deliver, or shall knowingly purchase any musket or pistol, without having the barrels first proved according to the provisions of the first section of this act, marked and stamped according the provisions of the first section of the act.

Theron Metcalf, The Revised Statutes of the Commonwealth of Massachusetts, Passed November 4, 1835; to Which are Subjoined, an Act in Amendment Thereof, and an Act Expressly to Repeal the Acts Which are Consolidated Therein, Both Passed in February 1836; and to Which are Prefixed, the Constitutions of the United States and of the Commonwealth of Massachusetts Page 750, Image 764 (1836) available at The Making of Modern Law: Primary Sources.

Of Proceedings to Prevent the Commission of Crimes, § 16.

If any person shall go armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury, or violence to his person, or to his family or property, he may, on complaint of any person having reasonable cause to fear an injury, or breach of the peace, be required to find sureties for keeping the peace, for a term not exceeding six months, with the right of appealing as before provided.

1850 Mass. Gen. Law, chap. 194, §§ 1, 2, as codified in Mass. Gen. Stat., chap. 164 (1873) § 10.

Whoever when arrested upon a warrant of a magistrate issued against him for an alleged offense against the laws of this state, and whoever when arrested by a sheriff, deputy sheriff, constable, police officer, or watchman, while committing a criminal offense against the laws of this state, or a breach or disturbance of the public peace, is armed with, or has on his person, slung shot, metallic knuckles, bills, or other dangerous weapon, shall be punished by fine . . .

1850 Mass. Gen. Law, chap. 194, §§ 1, 2 as codified in Mass. Gen. Stat., chap. 164 (1873) § 11.

Whoever manufactures, or causes to be manufactured, or sells, or exposes for sale, any instrument or weapon of the kind usually known as slung shot, or metallic knuckles, shall be punished by fine not less than fifty dollars, or by imprisonment in the jail not exceeding six months.

Third Annual Report of the Park Commissioners of the City of Lynn for the year ending December 20, 1891, at 23, Ordinances. 1891

The Board of Park Commissioners of the City of Lynn, by virtue of its authority to make rules for the use and government of the Public Parks of said City, and for breaches of such rules to affix penalties, hereby ordains that within the limits of Lynn Woods, Meadow Park and Oceanside, except with the prior consent of the Board, it is forbidden: . . .

3. To throw stones or other missiles; to discharge or carry firearms, except by members of the police force in the discharge of their duties; to discharge or carry fire – crackers, torpedoes or fireworks; to make fires; to have any intoxicating beverages; to sell, to offer or expose for sale any goods or wares; to post or display signs, placards, flags or advertising devices; to solicit subscriptions or contributions; to play games of chance, or have possession of instruments of gambling; to utter profane, threatening, abusive or indecent language, or to do any obscene or indecent act; to bathe or fish; to solicit the acquaintance of, or follow, or otherwise annoy other visitors.

Rules and Regulations Governing the Public Parks within the City of Lowell, at 58 (1903)

The Board of Park Commissioners of the City of Lowell, by virtue of its authority to make rules and regulations for the use and government of the Public Parks and Commons of said City, and to fix penalties for breaches of rules and regulations, hereby ordains that, within such Public Parks and Commons, except by and with the consent of the Board: . . .

3. It is forbidden to throw stones, balls or other missiles; to discharge or carry firearms, fire crackers, torpedoes or fire-works; to make fires; to have any intoxicating beverages; to sell, offer or expose for sale any goods or wares; to post or display signs, placards, flags or advertising devices; to solicit subscriptions or contributions, to play games of chance, or to have possession of instruments of gambling; to utter profane, threatening, abusive or indecent language, or to commit any obscene or indecent act; to solicit the acquaintance of, or to follow, or in any way annoy visitors to said Parks and Commons.

1927 Mass. Acts 416, An Act Relative to Machine Guns and Other Firearms, ch. 326, § 5 (amending §10)

Carrying Weapons | Massachusetts | 1927

Whoever, except as provided by law, carries on his person, or carries on his person or under his control in a vehicle, a pistol or revolver, loaded or unloaded, or possesses a machine gun as defined in section one hundred and twenty-one of chapter one hundred and forty... or whoever so carries any stiletto, dagger, dirk



knife, slung shot, metallic knuckles or sawed off shotgun, or whoever, when arrested upon a warrant for an alleged crime or when arrested while committing a crime or a breach or disturbance of the public peace, is armed with, or has on his person, or has on his person or under his control in a vehicle, a billy or dangerous weapon other than those herein mentioned, shall be punished by imprisonment for not less than six months nor more than two and a half years in a jail . . .

## **MICHIGAN**

1887 Mich. Pub. Acts 144, An Act to Prevent The Carrying Of Concealed Weapons, And To Provide Punishment Therefore, § 1.

It shall be unlawful for any person, except officers of the peace and night-watches legitimately employed as such, to go armed with a dirk, dagger, sword, pistol, air gun, stiletto, metallic knuckles, pocket-billy, sand bag, skull cracker, slung shot, razor or other offensive and dangerous weapon or instrument concealed upon his person.

1891 Mich. Pub. Acts 409, Police Department, pt 15: . . . And all persons who shall carry concealed on or about their persons, any pistol, revolver, bowie knife, dirk, slung shot, billie, sand bag, false knuckles, or other dangerous weapon, or who shall lay in wait , lurk or be concealed, with intent to do injury to any person or property, who shall threaten to beat or kill another or injure him in his person or property . . . shall be deemed a disorderly person, and upon conviction thereof may be punished by a fine not exceeding one hundred dollars and the costs of prosecution, and in imposition of any such fine and costs the court may make a further sentence that in default of payment, such offender be imprisoned in the city prison. . .

1913 Mich. Pub. Acts 452, An Act Defining the Crime of Felonious Assault and Prescribing Punishment Therefor, § 1.

Whoever shall assault another with a gun, revolver, pistol, knife, iron bar, club, brass knuckles or other dangerous weapon, but without intending to commit the crime of murder, and without intending to inflict great bodily harm less than the crime of murder, shall be deemed guilty of a felonious assault, and upon conviction shall be punished by imprisonment in the State Prison for a term not exceeding three years or by imprisonment in the county jail for a term not exceeding one year, in the discretion of the court.

1927 Mich. Pub. Acts 888-89, An Act to Regulate and License the Selling, Purchasing, Possessing and Carrying of Certain Firearms, § 3.

### Dangerous or Unusual Weapons | Michigan | 1927

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

1929 Mich. Pub. Acts 529, An Act to Regulate and License the Selling, Purchasing, Possessing and Carrying of Certain Firearms, § 3.

### Dangerous or Unusual Weapons | Michigan | 1929

It shall be unlawful within this state to manufacture, sell, offer for sale or possess any machine gun or firearm which can be fired more than sixteen times without reloading or any muffler, silencer, or device for deadening or muffling the sound of a discharged firearm, or any bomb, or bomb shell, blackjack, slung shot, billy, metallic knuckles, sand club, sand bag, or bludgeon or any gas ejecting device, weapon, cartridge, container, or contrivance designed or equipped for or capable of ejecting any gas which will either temporarily or permanently disable, incapacitate, injure or harm any person with whom it comes in contact.

## MINNESOTA

W. P. Murray, The Municipal Code of Saint Paul: Comprising the Laws of the State of Minnesota Relating to the City of Saint Paul, and the Ordinances of the Common Council; Revised to December 1, 1884 Page 289, Image 295 (1884) available at The Making of Modern Law: Primary Sources.

### Concealed Weapons – License, § 1.

It shall be unlawful for any person, within the limits of the city of St. Paul, to carry or wear under his clothes, or concealed about his person, any pistol or pistols, dirk, dagger, sword, slungshot, cross-knuckles, or knuckles of lead, brass or other metal, bowie-knife, dirk-knife or razor, or any other dangerous or deadly weapon. § 2.

Any such weapons or weapons, duly adjudged by the municipal court of said city to have been worn or carried by any person, in violation of the first section of this ordinance, shall be forfeited or confiscated to the said city of St. Paul, and shall be so adjudged. § 3. Any policeman of the city of St. Paul, may, within the limits of said city, without a warrant, arrest any person or persons, whom such policeman may find in the act of carrying or wearing under their clothes, or concealed about

their person, any pistol or pistols, dirk, dagger, sword, slungshot, cross-knuckles, or knuckles of lead, brass or other metal, bowie-knife, dirk-knife or razor, or any other dangerous or deadly weapon, and detain him, her or them in the city jail, until a warrant can be procured, or complaint made for the trial of such person or persons, as provided by the charter of the city of St. Paul, for other offenses under said charter, and for the trial of such person or persons, and for the seizure and confiscation of such of the weapons above referred to, as such person or persons may be found in the act of carrying or wearing under their clothes, or concealed about their persons.

George Brooks Young. General Statutes of the State of Minnesota in Force January 1, 1889 Page 1006, Image 1010 (Vol. 2, 1888) available at The Making of Modern Law: Primary Sources.

Dangerous or Unusual Weapons | Minnesota | 1888

Making, Selling, etc., Dangerous Weapons, §§ 333-334.

§ 333. A person who manufactures, or causes to be manufactured, or sells, or keeps for sale, or offers or gives or disposes of any instrument or weapon of the kind usually known as slung-shot, sand-club, or metal knuckles, or who, in any city of this state, without the written consent of a magistrate, sells or gives any pistol or fire-arm to any person under the age of eighteen years, is guilty of a misdemeanor. Carrying, using, etc., certain Weapons . . . .

§ 334. A person who attempts to use against another, or who, with intent so to use, carries, conceals, or possesses any instrument or weapon of the kind commonly known as a slung-shot, sand-club, or metal knuckles, or a dagger, dirk, knife, pistol or other fire-arm, or any dangerous weapon, is guilty of a misdemeanor.

## **MISSISSIPPI**

1799 Miss. Laws 113, A Law For The Regulation Of Slaves. No Negro or mulatto shall keep or carry any gun, powder, shot, club or other weapon whatsoever, offensive or defensive; but all and every gun, weapon and ammunition found in the possession or custody of any negro or mulatto may be seized by any person . . . every such offender shall have and receive by order of such justice, any number of lashes not exceeding thirty-nine, on his or her bare back, well laid on, for every such offense.

1804 Miss. Laws 90, An Act Respecting Slaves, § 4. No Slave shall keep or carry any gun, powder, shot, club or other weapon whatsoever offensive or defensive, except tools given him to work with . . .

1837 Miss. Law 289-90, An Act To Prevent The Evil Practice Of Dueling In This State And For Other Purposes, § 5.

That if any person or persons shall be guilty of fighting in any corporate city or town, or any other town or public place, in this state, and shall in such fight use any rifle, shot gun, sword, sword cane, pistol, dirk, bowie knife, dirk knife, or any other deadly weapon; or if any person shall be second or aid in such fight, the persons so offending shall be fined not less than three hundred dollars, and shall be imprisoned not less than three months; and if any person shall be killed in such fight, the person so killing the other may also be prosecuted and convicted as in other cases of murder.

Laws of the State of Mississippi ; embracing all Acts of a Public Nature from January Session, 1824, to January Session 1838, Inclusive Page 736, Image 738 (Jackson, 1838) available at The Making of Modern Law: Primary Sources, 1838. An Act to Prevent the Evil Practice of Dueling in this State, and for other Purposes, § 5. Be it further enacted, That if any person or persons shall be guilty of fighting in any corporate city or town, or any other town, or public place, in this state, and shall in such fight use any rifle, shot gun, sword, sword cane, pistol, dirk, bowie knife, dirk knife, or any other deadly weapon; or if any persons shall be second or aid in such fight, the persons so offending shall be fined not less than three hundred dollars, and shall be imprisoned not less than three months; and if any person shall be killed in such fight, the person so killing the other may also be prosecuted and convicted as in other cases of murder.

Volney Erskine Howard, The Statutes of the State of Mississippi of a Public and General Nature, with the Constitutions of the United States and of this State: And an Appendix Containing Acts of Congress Affecting Land Titles, Naturalization, &c, and a Manual for Clerks, Sheriffs and Justices of the Peace Page 676, Image 688 (1840) available at The Making of Modern Law: Primary Sources. 1840 Crimes, Misdemeanors and Criminal Prosecution, § 55. If any person having or carrying any dirk, dirk knife, Bowie knife, sword, sword cane, or other deadly weapon, shall, in the presence of three or more persons, exhibit the same in a rude, angry and threatening manner, not in necessary self-defense, or shall in any manner unlawfully use the same in any fight or quarrel, the person or persons so offending, upon conviction thereof in the circuit or criminal court of the proper county, shall be fined in a sum not exceeding five hundred dollars, and be imprisoned not exceeding three months.

1878 Miss. Laws 175, An Act To Prevent The Carrying Of Concealed Weapons And For Other Purposes, § 1.

That any person not being threatened with or having good and sufficient reason to apprehend an attack, or traveling (not being a tramp) or setting out on a long journey, or peace officers, or deputies in discharge of their duties, who carries concealed in whole or in part, any bowie knife, pistol, brass knuckles, slung shot or other deadly weapon of like kind or description shall be deemed guilty of a misdemeanor, and on conviction, shall be punished for the first offense by a fine of not less than five dollars nor more than one hundred dollars . . .

## **MISSOURI**

Organic Laws:-Laws of Missouri Territory, (Alphabetically Arranged):-Spanish Regulations for the Allotment of Lands:- Laws of the United States, for Adjusting Titles to Lands, &c. to Which are Added, a Variety of Forms, Useful to Magistrates Page 374, Image 386 (1818) available at The Making of Modern Law: Primary Sources. 1818.

Slaves, § 3. No slave or mulatto whatsoever, shall keep or carry a gun, powder, shot, club or other weapon whatsoever, offensive or defensive; but all and every gun weapon and ammunition found in the possession or custody of any negro or mulatto, may be seized by any person and upon due proof made before any justice of the peace of the district [county] where such seizure shall be, shall by his order be forfeited to the seizer, for his own use, and moreover, every such offender shall have and receive by order of such justice any number of lashes not exceeding thirty nine on his or her bare back well laid on for every such offence. § 4. Every free negro or mulatto, being a housekeeper may be permitted to keep one gun, powder and shot; and all negroes or mulattoes bond or free, living at any frontier plantation, may be permitted to keep and use guns, powder shot and weapons, offensive and defensive, by license from a justice of the peace of the district [county] wherein such plantation lies, to be obtained upon the application of free negroes or mulattoes or of the owners of such as are slaves.

Everett Wilson Pattison, The Revised Ordinance of the City of St. Louis, Together with the Constitution of the United States, and of the State of Missouri; the Charter of the City; and a Digest of the Acts of the General Assembly, Relating to the City Page 491-492, Image 499-500 (1871) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Missouri | 1871

Ordinances of the City of St. Louis, Misdemeanors, §§ 9-10.

§ 9. Hereafter it shall not be lawful for any person to wear under his clothes, or concealed about his person, any pistol, or revolver, colt, billy, slung shot, cross knuckles, or knuckles of lead, brass or other metal, bowie knife, razor, dirk knife,

dirk, dagger, or any knife resembling a bowie knife, or any other dangerous or deadly weapon, within the City of St. Louis, without written permission from the Mayor; and any person who shall violate this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined not less than ten nor more than five hundred dollars for each and every offence.

§ 10. Nothing in the preceding section shall be so construed as to prevent any United States, State, county or city officer, or any member of the city government, from carrying or wearing such weapons as may be necessary in the proper discharge of his duties.

1883 Mo. Laws 76, An Act To Amend Section 1274, Article 2, Chapter 24 Of The Revised Statutes Of Missouri, Entitled “Of Crimes And Criminal Procedure” § 1274.

If any person shall carry concealed, upon or about his person, any deadly or dangerous weapon, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill or meetings called under the militia law having upon or about his person any kind of fire arms, bowie knife, dirk, dagger, slung-shot, or other deadly weapon, or shall in the presence of one or more persons shall exhibit and such weapon in a rude, angry or threatening manner, or shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

William K. Amick, The General Ordinances of the City of Saint Joseph (A City of the Second Class) Embracing all Ordinances of General Interest in Force July 15, 1897, together with the Laws of the State of Missouri of a General Nature Applicable to the City of St. Joseph. Compiled and Arranged Page 508, Image 515 (1897) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Missouri | 1897

Concealed Weapons – Carrying of, § 7.

Any person who shall in this city wear under his clothes or carry concealed upon or about his person, or be found having upon or about his person concealed, any pistol or revolver, colt, billy, slung shot, cross knuckles or knuckles of lead, brass



or other metal, dirk, dagger, razor, bowie knife, or any knife resembling a bowie knife, or any other dangerous or deadly weapon, shall be deemed guilty of a misdemeanor.

Joplin Code of 1917, Art. 67, § 1201. Missouri. Weapons; Deadly.

If any person shall carry concealed upon or about his person a dangerous or deadly weapon of any kind or description, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, political, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill, or meetings called under militia law of this state, having upon or about his person, concealed or exposed, any kind of firearms, bowie knife, spring-back knife, razor, knuckles, bill, sword cane, dirk, dagger, slung shot, or other similar deadly weapons, or shall, in the presence of one or more persons, exhibit any such weapon in a rude, angry or threatening manner, or shall have any such weapons in his possession when intoxicated, or directly or indirectly shall sell or deliver, loan or barter, to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall be deemed guilty of a misdemeanor. Provided, that nothing contained in this section shall apply to legally qualified sheriffs, police officers, and other persons whose bona fide duty is to execute process, civil or criminal, make arrests, or aid in conserving the public peace, nor to persons traveling in a continuous journey peaceably through this state.

1923 Mo. Laws 241-42, An Act to Provide the Exercise of the Police Powers of the State by and through Prohibiting the Manufacture, Possession, Transportation, Sale and Disposition of Intoxicating Liquors. . .§ 17.

Sensitive Places and Times | Missouri | 1923

Any person, while in charge of, or a passenger thereon, who shall carry on his person, or in, on, or about, any wagon, buggy, automobile, boat, aeroplane, or other conveyance or vehicle whatsoever, in, or upon which any intoxicating liquor, including wine or beer, is carried, conveyed or transported in violation of any provision of the laws of this state, any revolver, gun or other firearm, or explosive, any bowie knife, or other knife having a blade of more than two and one-half inches in length, any sling shot, brass knucks [sic], billy, club or other dangerous weapon, article or thing which could, or might, be used in inflicting bodily injury or death upon another, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by the imprisonment in the state penitentiary for a term of not less than two years. Provided, that this section shall not apply to any person

or persons transporting intoxicating liquor for personal use and not for sale in violation of law. Provided, that this section shall not apply to any person or passenger who did not know that such vehicle or conveyance was being used for unlawful purposes.

## **MONTANA**

1864 Mont. Laws 355, An Act to Prevent the Carrying of Concealed Deadly Weapons in the Cities and Towns of This Territory, § 1.

If any person shall within any city, town, or village in this territory, whether the same is incorporated or not, carry concealed upon his or her person any pistol, bowie-knife, dagger, or other deadly weapon, shall, on conviction thereof before any justice of the peace of the proper county, be fined in any sum not less than twenty five dollars, nor more than one hundred dollars.

1879 Mont. Laws 359, Offences against the Lives and Persons of Individuals, ch. 4, § 23.

If any person shall, by previous appointment or agreement, fight a duel with a rifle, shot-gun, pistol, bowie-knife, dirk, small-sword, back-sword, or other dangerous weapon, and in so doing shall kill his antagonist, or any person or persons, or shall inflict such wound as that the party or parties injured shall die thereof within one year thereafter, every such offender shall be deemed guilty of murder in the first degree, and, upon conviction thereof, shall be punished accordingly [death by hanging].

1885 Mont. Laws 74, Deadly Weapons, An Act to Amend § 62 of Chapter IV of the Fourth Division of the Revised Statutes, § 62-63.

Every person in this territory having, carrying, or procuring from another person, any dirk, dirk-knife, sword, sword-cane, pistol, gun, or other deadly weapon, who shall in the presence of one or more persons, draw or exhibit any of said deadly weapons in a rude or angry or threatening manner, not in necessary self defense, or who shall in any manner unlawfully use the same in any fight or quarrel, the person or persons so offending, upon conviction thereof in any criminal court in any county in this territory shall be fined in any sum not less than ten dollars nor more than one hundred dollars, or imprisoned in the county jail not less than one month nor more than three months, at the discretion of the court, or by both such fine and imprisonment, together with the costs of prosecution, which said costs shall in all cases be computed and collected in the same manner as costs in civil cases; and all fines and forfeitures arising under the provisions of this act shall be paid into the county treasury for school purposes: Provided, that no sheriff, deputy

sheriff, constable, marshal, or other peace officer, shall be held to answer, under the provisions of this act, for drawing or exhibiting any of the weapons hereinbefore mentioned while in the lawful discharge of his or their duties.

1887 Mont. Laws 549, Criminal Laws, § 174.

If any person shall have upon him or her any pistol, gun, knife, dirk-knife, bludgeon, or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined not more than one hundred dollars, or imprisoned in the county jail not more than three months.

## **NEBRASKA**

1858 Neb. Laws 69, An Act To Adopt And Establish A Criminal code For The Territory Of Nebraska, § 135.

And if any person shall have upon him any pistol, gun, knife, dirk, bludgeon or other offensive weapon with intent to assault any person, every such person, on conviction, shall be fined in a sum not exceeding one hundred dollars. . .

Gilbert B. Colfield, Laws, Ordinances and Rules of Nebraska City, Otoe County, Nebraska Page 36, Image 36 (1872) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Nebraska | 1872

Ordinance No. 7, An Ordinance Prohibiting the Carrying of Fire Arms and Concealed Weapons, § 1.

Be it ordained by the Mayor and Councilmen of the City of Nebraska City, That it shall be, and it is hereby declared to be unlawful for any person to carry, openly or concealed, any musket, rifle, shot gun, pistol, sabre, sword, bowie knife, dirk, sword cane, billy slung shot, brass or other metallic knuckles, or any other dangerous or deadly weapons, within the corporate limits of Nebraska City, Neb; Provided, that nothing herein contained shall prevent the carrying of such weapon by a civil or military officer, or by a soldier in the discharge of his duty, nor by any other person for mere purposes of transportation from one place to another.

W. J. Connell, The Revised Ordinances of the City of Omaha, Nebraska, Embracing All Ordinances of a General Nature in Force April 1, 1890, Together with the Charter for Metropolitan Cities, the Constitution of the United States and the Constitution of the State of Nebraska Page 344, Image 356 (1890) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Nebraska | 1890

Ordinances of Omaha, Concealed Weapons, § 10.

It shall be unlawful for any person to wear under his clothes, or concealed about his person, any pistol or revolver, colt, billy, slung-shot, brass knuckles or knuckles of lead, dirk, dagger, or any knife resembling a bowie knife, or any other dangerous or deadly weapon within the corporate limits of the city of Omaha. Any person guilty of a violation of this section shall, on conviction, be fined not exceeding one hundred (\$100) dollars for each and every offense; nothing in this section, however, shall be so construed as to prevent the United States Marshals and their deputies, sheriffs and their deputies, regular or special police officers of the city, from carrying or wearing such weapons as may be deemed necessary in the proper discharge of their duties. Provided, however, If it shall be proved from the testimony on the trial of any such case, that the accused was, at the time of carrying any weapon as aforesaid, engaged in the pursuit of lawful business, calling or employment and the circumstances in which he was placed at the time aforesaid were such as to justify a prudent man in carrying the weapon or weapons aforesaid, for the defense of his person, property or family, the accused shall be acquitted.

Compiled Ordinances of the City of Fairfield, Clay County, Nebraska Page 34, Image 34 (1899) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Nebraska | 1899

Ordinance No. 20, An Ordinance to Prohibit the Carrying of Concealed Weapons and Fixing a Penalty for the violations of the same. Be it ordained by the Mayor and Council of the City of Fairfield, Nebraska: § 1.

It shall be unlawful for any person to carry upon his person any concealed pistol, revolver, dirk, bowie knife, billy, sling shot, metal knuckles, or other dangerous or deadly weapons of any kind, excepting only officers of the law in the discharge or their duties; and any person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to the penalty hereinafter provided. § 2. Any such weapon or weapons, duly adjudged by the Police Judge of said city to have been worn or carried by any person in violation of the first section of this ordinance, shall be forfeited or confiscated to the City of Fairfield and shall be so adjudged.

## **NEVADA**

Bonnifield, The Compiled Laws of the State of Nevada. Embracing Statutes of 1861 to 1873, Inclusive Page 563, Image 705 (Vol. 1, 1873) available at The Making of Modern Law: Primary Sources.  
Of Crimes and Punishments, §§ 35-36.

§ 35. If any person shall by previous appointment or agreement, fight a duel with a rifle, shotgun, pistol, bowie knife, dirk, smallsword, backsword, or other dangerous weapon, and in doing shall kill his antagonist, or any person or persons, or shall inflict such wound as that the party or parties injured shall die thereof within one year thereafter, every such offender shall be deemed guiltily of murder in the first degree and upon conviction thereof shall be punished accordingly.

§ 36. Any person who shall engage in a duel with any deadly weapon although no homicide ensue or shall challenge another to fight such duel, or shall send or deliver any verbal or written message reporting or intending to be such challenge, although no duel ensue, shall be punished by imprisonment in the State prison not less than two nor more than ten years, and shall be incapable of voting or holding any office of trust or profit under the laws of this State.

David E. Baily, The General Statutes of the State of Nevada. In Force. From 1861 to 1885, Inclusive. With Citations of the Decisions of the Supreme Court Relating Thereto Page 1077, Image 1085 (1885) available at The Making of Modern Law: Primary Sources.

Possession by, Use of, and Sales to Minors and Others Deemed Irresponsible | Nevada | 1881

An Act to prohibit the carrying of concealed weapons by minors. § 1.

Every person under the age of twenty-one (21) years who shall wear or carry any dirk, pistol, sword in case, slung shot, or other dangerous or deadly weapon concealed upon his person, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than twenty nor more than two hundred (\$200) dollars, or by imprisonment in the county jail not less than thirty days nor more than six months or by both such fine and imprisonment.

## **NEW HAMPSHIRE**

New Hampshire - Acts and Laws June 1701:

That every justice of the peace within this province, may cause to be stayed and arrested all affrayers, rioters, disturbers or breakers of the peace, or any other that shall go armed offensively, to put his Majesty's subjects in fear by threatening speeches; and upon view of such justice, confession of the Party, or legal proof of any such offence, the justice may commit him to prison, until he the offender find such sureties as is required for his good behavior, and cause his arms or weapons to be taken away, and apprized and answered to his Majesty, as forfeited: And may further punish the breach of the peace, in any person that shall smite or strike another by fine to the King, not exceeding twenty shillings, or require bond for their good behavior, and to pay all just costs; as also may make out hue and cry

after run-away-servants, thieves, and other criminals. <https://heinonline-org.proxy.wm.edu/HOL/Page?handle=hein.ssl/ssnh0240&id=1&collection=ssl&index=ssl/ssnh>

#### New Hampshire Public Carry Prohibition (1708)\*

And every justice of the peace within this province, may cause to be stayed and arrested, all affrayers, rioters, disturbers or breakers of the peace, or any other who shall go armed offensively, or put his Majesty's subjects in fear, by menaces or threatening speeches : And upon view of such justice, confession of the offender, or legal proof of any such offence, the justice may commit the offender to prison, until he or she find such sureties for the peace and good behaviour, as is required, according to the aggravations of the offence ; and cause the arms or weapons so used by the offender, to be taken away, which shall be forfeited and sold for his Majesty's use. And may also punish the breach of the peace in any person, who shall smite, or strike another, by fine to the King, not exceeding twenty shillings; and require bond with sureties for the peace, till the next court of general sessions of the peace, or may bind the offender over to answer for said offence at said court, as the nature and circumstances of the offence may require.

\*The original law is dated this way: "PASS'D 11 TH OF WM. 3" King William III ruled from 1689-1702, so the 11<sup>th</sup> year of his reign would be 1699. See: [https://heinonline-org.proxy.wm.edu/HOL/Page?collection=ssl&handle=hein.ssl/ssnh0244&id=68&men\\_tab=srchresults](https://heinonline-org.proxy.wm.edu/HOL/Page?collection=ssl&handle=hein.ssl/ssnh0244&id=68&men_tab=srchresults)

#### New Hampshire - Acts and Laws, 1743, 9-10:\*

That if twelve persons or more, being armed with clubs, or other weapons; or that if fifty persons or more, whether armed or not, shall be unlawfully, riotously, tumultuously or rouserously assembled, any of the officers aforesaid, shall make a proclamation, in manner and form aforesaid; and if such persons so unlawfully assembled, shall not thereupon immediately disperse themselves, according to said proclamation, each of them, and every one who shall wilfully hinder any such officer (who shall be known, or shall openly declare himself to be such) making the said proclamation, shall forfeit and pay a fine not exceeding the sum of five hundred pounds, at the discretion of the said superior court, (which only shall have cognizance of the offense,) considering the aggravations attending the same, and shall be whipt thirty stripes on the naked back at the publick whipping-post, and suffer twelve months imprisonment, and once every three months, during said twelve months, receive the same number of stripes aforesaid.

<https://heinonline-org.proxy.wm.edu/HOL/Print?collection=ssl&handle=hein.ssl/ssnh0244&id=10>



<file:///C:/Users/Bob/Downloads/i-1.pdf>

\*This law was “made and passed in the Seventeenth Year of His present Majesty’s Reign,” which would calculate in the reign of King George II (1727-1760) as the year 1743.

1923 N.H. Laws 138

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

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

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

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

SECT. 5. The provisions of the preceding sections shall not apply to marshals, sheriffs, policemen, or other duly appointed peace and other law enforcement officers, nor to the regular and ordinary transportation of pistols or revolvers as merchandise, nor to members of the army, navy, or marine corps of the United States, nor to the national guard when on duty, nor to organizations by law authorized to purchase or receive such weapons, nor to duly authorized military or civil organizations when parading, or the members thereof when at or going to or from their customary places of assembly.

SECT. 6. The selectmen of towns or the mayor or chief of police of cities may, upon application of any person issue a license to such person to carry a loaded pistol or revolver in this state, for not more than one year from date of issue, if it appears that the applicant has good reason to fear an injury’ to his person or property or for any other proper purpose, and that he is a suitable person to be licensed. The license shall be in duplicate and shall bear the name, address, description, and signature of the licensee. The original thereof shall be delivered to the licensee, the duplicate shall be preserved by the selectmen of towns and the chief of police of the cities wherein issued for a period of one year.

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

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

SECT. 9. Whoever, without being licensed as hereinafter provided, sells, advertises, or exposes for sale, or has in his possession with intent to sell, pistols or revolvers, shall be punished by imprisonment for not more than two years.

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

1. The business shall be carried on only in the building designated in the license.
2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.
3. No pistol or revolver shall be delivered (a) to a purchaser not personally known to the seller or who does not present clear evidence of his identity; nor (b) to an unnaturalized foreign-born person or a person who has been convicted of a felony and has no permit as required by section 8 of this act.

A true record, in duplicate, shall be made of every pistol or revolver sold, said record to be made in a book kept for the purpose, the form of which shall be prescribed by the secretary of state and shall be signed by the purchaser and by the person effecting the sale, and shall include the date of sale, the caliber, make,

model, and manufacturer's number of the weapon, the name, address, and nationality of the purchaser. One copy of said record shall, within seven days, be forwarded to the selectmen of the town or the chief of police of the city and the other copy retained for one year.

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

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

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

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

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

## **NEW JERSEY**

The Grants, Concessions, And Original Constitutions Of The Province Of New Jersey Page 289-290 (1881) (1686)

An Act Against Wearing Swords, Etc. Whereas there hath been great complaint by the inhabitants of this Province, that several persons wearing swords, daggers, pistols, dirks, stilettoes, skeines, or any other unusual or unlawful weapons, by reason of which several persons in this Province, receive great abuses, and put in great fear and quarrels, and challenges made, to the great abuse of the inhabitants of this Province. . . And be it further enacted by the authority aforesaid, that no person or persons after publication hereof, shall presume privately to wear any pocket pistol, skeines, stilettoes, daggers or dirks, or other unusual or unlawful weapons within this Province, upon penalty for the first offence five pounds, and to be committed by any justice of the peace, his warrant before whom proof thereof shall be made, who is hereby authorized to enquire of and proceed in the same, and keep in custody till he hath paid the said five pounds, one half to the public treasury for the use of this Province, and the other half to the informer: And if such person shall again offend against this law, he shall be in like manner committed

upon proof thereof before any justice of the peace to the common jail, there to remain till the next sessions, and upon conviction thereof by verdict of twelve men, shall receive judgment to be in prison six month, and pay ten pounds for the use aforesaid. And be it further enacted by the authority aforesaid, that no planter shall ride or go armed with sword, pistol or dagger, upon the penalty of five pounds, to be levied as aforesaid, excepting all officers, civil and military, and soldiers while in actual service, as also all strangers, travelling upon their lawful occasions through this Province, behaving themselves peaceably.

Charles Nettleton, Laws of the State of New-Jersey Page 474, Image 501 (1821) available at The Making of Modern Law: Primary Sources.

Sentence Enhancement for Use of Weapon | New Jersey | 1799

[An Act to Describe, Apprehend and Punish Disorderly Persons (1799)], § 2.

And whereas diverse ill disposed persons are frequently apprehended, having upon them implements for house-breaking, or offensive weapons, or are found in or upon houses, warehouses, stables, barns or out-houses, areas of houses, coach-houses, smoke-houses, enclosed yards, or gardens belonging to houses, with intent to commit theft, misdemeanors or other offences; and although their evil purposes are thereby manifested, the power of the justices of the peace to demand of them sureties for their good behavior hath not been of sufficient effect to prevent them from carrying their evil purpose into execution; Be it further enacted, That if any person shall be apprehended, having upon him or her any picklock, key, crow, jack, bit or other implement, with an intent to break and enter into any dwelling-house or out-house; or shall have upon him or her any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent to assault any person; or shall be found in or upon any dwelling-house, ware-house, stable, barn, coach-house, smoke-house or out-house, or in any enclosed yard or garden, or area belonging to any house, with an intent to steal any goods or chattels, then he or she shall be deemed and adjudged to be a disorderly person.

Ordinances of Jersey City, Passed By The Board Of Aldermen since May 1, 1871, under the Act Entitled “An Act to Re-organize the Local Government of Jersey City,” Passed March 31, 1871, and the Supplements Thereto Page 41, Image 41 (1874) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | New Jersey | 1871

An Ordinance To Prevent the Carrying of Loaded or Concealed Weapons within the Limits of Jersey City. The Mayor and Aldermen of Jersey City do ordain as follows: § 1. That it shall not be lawful for any person or persons (excepting policemen and private watchmen when on duty), within the corporate limits of Jersey City, to carry, have, or keep concealed on his or her person any instrument

or weapon commonly known as a slung-shot, billy, sand-club or metal knuckles, and any dirk or dagger (not contained as a blade of a pocket-knife), and loaded pistol or other dangerous weapon, under the penalty of not exceeding twenty dollars for each offense. § 2. That it shall not be lawful for any person or persons (excepting policemen and private watchmen when on duty), within the corporate limits of Jersey City, to carry or wear any sword in a cane, or air-gun, under the penalty of not exceeding twenty dollars for each offense. § 3. Any forfeiture on penalty arising under this ordinance may be recovered in the manner specified by the City Charter, and all persons violating any of the provisions aforesaid shall, upon conviction, stand committed until the same be paid.

Ordinances of Jersey City, Passed By The Board Of Aldermen since May 1, 1871, under the Act Entitled “An Act to Re-organize the Local Government of Jersey City,” Passed March 31, 1871, and the Supplements Thereto Page 86- 87, Image 86-87 (1874) available at The Making of Modern Law: Primary Sources.

Carrying Weapons, Registration and Taxation | New Jersey | 1873

An Ordinance In Relation to the Carrying of Dangerous Weapons. The Mayor and Aldermen of Jersey City do ordain as follows: § 1. That with the exceptions made in the second section of this ordinance, no person shall, within the limits of Jersey City, carry, have or keep on his or her person concealed, any slung-shot, sand-club, metal knuckles, dirk or dagger not contained as a blade of a pocket knife, loaded pistol or other dangerous weapon. § 2. That policemen of Jersey City, when engaged in the performance of police duty, the sheriff and constables of the County of Hudson, and persons having permits, as hereinafter provided for, shall be and are excepted from the prohibitions of the first section of this ordinance. § 3. The Municipal Court of Jersey City may grant permits to carry any of the weapons named in the first section to such persons as should, from the nature of their profession, business or occupation, or from peculiar circumstances, be allowed so to do; and may, in granting such permits, impose such conditions and restrictions in each case as to the court shall seem proper. All applications for permits shall be made in open court, by the applicant in person, and in all cases the court shall require a written endorsement of the propriety of granting a permit from at least three reputable freeholders; nor shall any such permit be granted to any person until the court is satisfied that such person is temperate, of adult age, and capable of exercising self-control . Permits shall not be granted for a period longer than one year, and shall be sealed by the seal of the court. The possession of a permit shall not operate as an excuse unless the terms of the same are strictly complied with. In cases of emergency, permits may be granted by a single Justice of the Municipal Court, or by the Chief of Police, to be in force not longer than thirty days, but such permit shall not be renewable. §4. That no person shall, within the limits of Jersey City, carry any air gun or any sword cane. § 5. The penalty for a violation of this ordinance shall be a fine not exceeding fifty dollars, or imprisonment in the city prison not exceeding ten days, or both fine and imprisonment not exceeding the aforesaid amount and time, in the discretion of the court.



Mercer Beasley, Revision of the Statutes of New Jersey: Published under the Authority of the Legislature; by Virtue of an Act Approved April 4, 1871 Page 304, Image 350 (1877) available at The Making of Modern Law: Primary Sources. Sentence Enhancement for Use of Weapon | New Jersey | 1877

An Act Concerning Disorderly Persons, § 2.

And whereas, diverse ill-disposed persons are frequently apprehended, having upon them implements for house-breaking, or offensive weapons, or are found in or upon houses, warehouses, stables, barns or out-houses, areas of houses, coach-houses, smoke-houses, enclosed yards, or gardens belonging to houses (as well as places of public resort or assemblage), with intent to commit theft, misdemeanors or other offences; and although their evil purposes are thereby manifested, the power of the justices of the peace to demand of them sureties for their good behavior hath not been of sufficient effect to prevent them from carrying their evil purposes into execution; if any person shall be apprehended, having upon him or her any picklock, key, crow, jack, bit or other implement with an intent to break and enter into any building: or shall have upon him or her any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent to assault any person; or shall be found in or near any dwelling house, warehouse, stable, barn, coach-house, smoke-house, or out-house, or in any enclosed yard or garden, or area belonging to any house, or in any place of public resort or assemblage for business, worship, amusement, or other lawful purposes with intent to steal any goods or chattels, then he or she shall be deemed and adjudged a disorderly person.

An Ordinance Concerning Firearms and Other Deadly Weapons, PLAINFIELD, N.J., GEN. ORDINANCES §§ 1-2 (1902 Daily Press) (approved April 9, 1895).

An Ordinance Concerning Firearms and Other Deadly Weapons

The Inhabitants of the City of Plainfield, by their Common Council, do enact as follows:

Section 1. That no person shall fire or discharge any gun, fowling piece or firearms within the limits of the City of Plainfield, under a penalty of a fine not exceeding twenty dollars for every such offence; PROVIDED, however, that this section shall not apply to the use of such weapons at any military exercise or review, or target practice duly authorized by the military authority of this State, or by the Common Council, or the Mayor, or in the lawful defence of the person, family or property of any citizen; and PROVIDED further that this section shall not apply to the discharge of blank cartridges or charges of powder on the fourth day of July.

Sec 2. That no person shall carry within the limits of the City of Plainfield concealed upon or about his person, any pistol, dirk, butcher or bowie knife, stilletto, dagger, sword, or spear in a cane, brass or metal knuckles, razor, slug

shot, or other deadly weapon, under a penalty of a fine not exceeding twenty dollars for each and every offence; PROVIDED that this section shall not apply to officers of the law or persons who are threatened with bodily harm.”

An Ordinance Concerning Firearms and Other Deadly Weapons, PLAINFIELD, N.J., GEN. ORDINANCES §§ 1-2 (1902 Daily Press) (approved April 9, 1895). The Charter and General Ordinances of the City of Plainfield, New Jersey: In Force May 9th, 1902 (Plainfield, NJ: The Daily Press Print, 1902), 125-126. An Ordinance Concerning Firearms and Other Deadly Weapons, §§ 1-2. Approved April 9, 1895.

1905 N.J. Laws 324-25, A Supplement to an Act Entitled “An Act for the Punishment of Crimes,” ch. 172, § 1.

Any person who shall carry any revolver, pistol or other deadly, offensive or dangerous weapon or firearm or any stiletto, dagger or razor or any knife with a blade of five inches in length or over concealed in or about his clothes or person, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not exceeding two hundred dollars or imprisonment at hard labor, not exceeding two years, or both;. . . .

## **NEW MEXICO**

1852 N.M. Laws 67, An Act Prohibiting the Carrying a Certain Class of Arms, within the Settlements and in Balls, § 1.

That each and every person is prohibited from carrying short arms such as pistols, daggers, knives, and other deadly weapons, about their persons concealed, within the settlements, and any person who violates the provisions of this act shall be fined in a sum not exceeding ten dollars, nor less than two dollars, or shall be imprisoned for a term not exceeding fifteen days nor less than five days.

1853 N.M. Laws 406, An Act Prohibiting The Carrying Of Weapons Concealed Or Otherwise, § 25.

That from and after the passage of this act, it shall be unlawful for any person to carry concealed weapons on their persons, or any class of pistols whatever, bowie knife, cuchillo de cinto (belt buckle knife), Arkansas toothpick, Spanish dagger, slung shot, or any other deadly weapon, of whatever class or description that may be, no matter by what name they may be known or called under the penalties and punishment which shall hereinafter be described.

1859 N.M. Laws 94, § 1-2.

§ 1. That from and after the passage of this act, it shall be unlawful for any person to carry concealed weapons on their persons, of any class of pistols whatever, bowie knife (cuchillo de cinto), Arkansas toothpick, Spanish dagger, slung-shot, or any other deadly weapon, of whatever class or description they may be, no matter by what name they may be known or called, under the penalties and punishment which shall hereinafter be described. § 2. Be it further enacted: That if any person shall carry about his person, either concealed or otherwise, any deadly weapon of the class and description mentioned in the preceeding section, the person or persons who shall so offend, on conviction, which shall be by indictment in the district court, shall be fined in any sum not less than fifty dollars, nor more than one hundred dollars, at the discretion of the court trying the cause, on the first conviction under this act; and for the second conviction, the party convicted shall be imprisoned in the county jail for a term of not less than three months, nor more than one year, also at the discretion of the court trying the cause.

1864-1865 N.M. Laws 406-08, An Act Prohibiting the Carrying of Weapons Concealed or Otherwise, ch. 61, § 25, 1864.

That from and after the passage of this act, it shall be unlawful for any person to carry concealed weapons on their persons, or any class of pistols whatever, bowie knife (cuchillo de cinto), Arkansas toothpick, Spanish dagger, slungshot, or any other deadly weapon, of whatever class or description that may be, no matter by what name they may be known or called, under the penalties and punishment which shall hereinafter be described.

An Act to Prohibit the Unlawful Carrying and Use of Deadly Weapons, Feb. 18, 1887, reprinted in Acts of the Legislative Assembly of the Territory of New Mexico, Twenty-Seventh Session 55, 58 (1887).

Brandishing, Carrying Weapons, Dangerous or Unusual Weapons, Firing Weapons, Transportation | New Mexico | 1887

§ 8. Deadly weapons, within the meaning of this act, shall be construed to mean all kinds and classes of pistols, whether the same be a revolved, repeater, derringer, or any kind or class of pistol or gun; any and all kinds of daggers, bowie knives, poniards, butcher knives, dirk knives, and all such weapons with which dangerous cuts can be given, or with which dangerous thrusts can be inflicted, including sword canes, and any kind of sharp pointed canes; as also slung shots, bludgeons or any other deadly weapons with which dangerous wounds can be inflicted. . . .

**NEW YORK**

The Colonial Laws Of New York From The Year 1664 To The Revolution, Including The Charters To The Duke Of York, The Commissions And Instructions To Colonial Governors, The Dukes Laws, The Laws Of The Dongan And Leisler Assemblies, The Charters Of Albany And New York And The Acts Of The Colonial Legislatures From 1691 To 1775 Inclusive Page 687, Image 689 (1894) available at The Making of Modern Law: Primary Sources.

Race and Slavery Based | New York | 1664

Laws of the Colony of New York. And be it further enacted by the authority aforesaid that it shall not be lawful for any slave or slave to have or use any gun, pistol, sword, club or any other kind of weapon whatsoever, but in the presence or by the direction of his her or their Master or Mistress, and in their own ground on Penalty of being whipped for the same at the discretion of the Justice of the Peace before whom such complaint shall come or upon the view of the said justice not exceeding twenty lashes on the bare back for every such offense.

Montgomery Hunt Throop, The Revised Statutes of the State of New York; As Altered by Subsequent Legislation; Together with the Other Statutory Provisions of a General and Permanent Nature Now in Force, Passed from the Year 1778 to the Close of the Session of the Legislature of 1881, Arranged in Connection with the Same or kindred Subjects in the Revised Statutes; To Which are Added References to Judicial Decisions upon the Provisions Contained in the Text, Explanatory Notes, and a Full and Complete Index Page 2512, Image 677 (Vol. 3, 1882) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | New York | 1866

An Act to Prevent the Furtive Possession and use of slung-shot and other dangerous weapons. Ch. 716, § 1.

Every person who shall within this state use, or attempt to use or with intent to use against any other person shall knowingly and secretly conceal on his person, or with like intent shall willfully and furtively possess any possess any instrument or weapon of the kind commonly known as slung-shot, billy, sand club or metal knuckles, and any dirk or dagger (not contained as a blade of a pocket knife), or sword-cane or air-gun shall be deemed guilty of felony, and on conviction thereof be punished by imprisonment in the state prison, or penitentiary or county jail, for a term not more than one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment. § 2. The having possession of any of the weapons mentioned in the first section of this act by any other than a public officer, willfully and secretly concealed on the person or knowingly and furtively carried thereon, shall be presumptive evidence of so concealing and possessing or carrying the same with the intent to use the same in violation of the provisions of this act.

George S. Diossy, The Statute Law of the State of New York: Comprising the Revised Statutes and All Other Laws of General Interest, in Force January 1, 1881, Arranged Alphabetically According to Subjects Page 321, Image 324 (Vol. 1, 1881) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | New York | 1881

Offenses Against Public Decency; Malicious Mischief, and Other Crimes not Before Enumerated, Concealed Weapons, § 9.

Every person who shall within this state use, or attempt to use, or with intent to use against any other person, shall knowingly and secretly conceal on his person, or with like intent shall willfully and furtively possess any instrument or weapon of the kind commonly known as a slung-shot, billy, sand club or metal knuckles, and any dirk shall be deemed guilty of felony, and on conviction thereof may be punished by imprisonment in the state prison, or penitentiary or county jail, for a term not more than one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

George R. Donnan, Annotated Code of Criminal Procedure and Penal Code of the State of New York as Amended 1882-5 Page 172, Image 699 (1885) available at The Making of Modern Law: Primary Sources.

Carrying, Using, Etc., Certain Weapons, § 410.

A person who attempts to use against another, or who, with intent so to use, carries, conceals or possesses any instrument or weapon of the kind commonly known as the slung-shot, billy, sand –club or metal knuckles, or a dagger, dirk or dangerous knife, is guilty of a felony. Any person under the age of eighteen years who shall have, carry or have in his possession in any public street, highway or place in any city of this state, without a written license from a police magistrate of such city, any pistol or other fire-arm of any kind, shall be guilty of a misdemeanor. This section shall not apply to the regular and ordinary transportation of fire-arms as merchandise, or for use without the city limits. § 411. Possession, Presumptive Evidence. The possession, by any person other than a public officer, of any of the weapons specified in the last section, concealed or furtively carried on the person, is presumptive evidence of carrying, or concealing, or possessing, with intent to use the same in violation of that section.

Charter and Ordinances of the City of Syracuse: Together with the Rules of the Common Council, the Rules and Regulations of the Police and Fire Departments, and the Civil Service Regulations Page 215, Image 216 (1885) available at The Making of Modern Law: Primary Sources.

[Offenses Against the Public Peace and Quiet,] § 7.



Any person who shall carry about his or her person any dirk, bowie knife, sword or spear cane, pistol, revolver, slung shot, jimmy, brass knuckles, or other deadly or unlawful weapon, or shall use any deadly or unlawful weapon, with intent to do bodily harm to any person, shall be subject to a fine of not less than twenty-five nor more than one hundred dollars, or to imprisonment in the penitentiary of the county for not less than thirty days nor longer than three months, or to both such fine and imprisonment.

1900 N.Y. Laws 459, An Act to Amend Section Four Hundred and Nine of the Penal Code, Relative to Dangerous Weapons, ch. 222, § 1.

Possession by, Use of, and Sales to Minors and Others Deemed Irresponsible | New York | 1900

Making, et cetera, dangerous weapons. – A person who manufactures, or causes to be manufactured, or sells or keeps for sale, or offers, or gives, or disposes of any instrument or weapon of the kind usually known as slungshot, billy, sand-club or metal knuckles, or who, in any city or incorporated village in this state, without the written consent of the police magistrate, sells or gives any pistol or other firearm, to any person under the age of eighteen years or without a like consent sells or gives away any air-gun, or spring-gun, or other instrument or weapon in which the propelling force is a spring or air to any person under the age of twelve years, or who sells or gives away any instrument or weapon commonly known as a toy pistol, in or upon which any loaded or blank cartridges are used or may be used, to any person under the age of sixteen years, is guilty of a misdemeanor.

1911 N.Y. Laws 442, An Act to Amend the Penal Law, in Relation to the Sale and Carrying of Dangerous Weapons. ch. 195, § 1.

Possession by, Use of, and Sales to Minors and Others Deemed Irresponsible | New York | 1911

Section[] eighteen hundred and ninety-six . . . [is] hereby amended . . . § 1896.

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



1911 N.Y. Laws 442-43, An Act to Amend the Penal Law, in Relation to the Sale and Carrying of Dangerous Weapons. ch. 195, § 1.

Section . . . eighteen hundred and ninety-seven . . . [is] hereby amended to read as follows: § 1897. Carrying and use of dangerous weapons. A person who attempts to use against another, or who carries, or possesses any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles or bludgeon, or who with intent to use the same unlawfully against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, or any other dangerous or deadly instrument or weapon, is guilty of a felony. Any person under the age of sixteen years, who shall have, carry, or have in his possession, any of the articles named or described in the last section, which is forbidden therein to offer, sell, loan, lease or give to him, shall be guilty of a misdemeanor. . . . Any person over the age of sixteen years, who shall have or carry concealed upon his person in any city, village, or town of this state, any pistol, revolver, or other firearm without a written license therefor, theretofore issued to him by a police magistrate of such city or village, or by a justice of the peace of such town, or in such manner as may be prescribed by ordinance of such city, village or town, shall be guilty of a felony.

1913 N.Y. Laws 1627-30, vol. III, ch. 608, § 1, Carrying and Use of Dangerous Weapons

Carrying Weapons, Dangerous or Unusual Weapons | New York | 1913

§ 1. A person who attempts to use against another, or who carries or possesses, any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, bludgeon, bomb or bombshell, or who, with intent to use the same unlawfully against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, or any other dangerous or deadly instruments or weapon, is guilty of a felony.

1931 N.Y. Laws 1033, An Act to Amend the Penal Law in Relation to Carrying and Use of Glass Pistols, ch. 435, § 1.

Dangerous or Unusual Weapons | New York | 1931

A person who attempts to use against another an imitation pistol, or who carries or possesses any instrument or weapon of the kind commonly known as a black-jack, slungshot, billy, sand club, sandbag, metal knuckles, bludgeon, or who, with intent to use the same unlawfully against another, carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, imitation pistol, machine gun, sawed off shot-gun, or any other dangerous or deadly instrument, or weapon is guilty of a misdemeanor, and if he has been previously convicted of any crime he is guilty of a felony.

## **NORTH CAROLINA**

Francois Xavier Martin, A Collection of Statutes of the Parliament of England in Force in the State of North Carolina, 60-61 (Newbern 1792)

Item, it is enacted, that no man great nor small, of what condition soever he be, except the King's servants in his presence, and his Ministers in executing of the King's precepts, of their office, and such as be in their company assisting them, and also upon a cry made for arms to keep the peace, and the same in such places where such acts happen, be so hardy to come before the King's justices, or other of the King's Ministers doing their office with force and arms, nor bring no force in affray of peace, nor to go nor ride armed by night nor by day, in fairs, markets nor in the presence of the King's Justices, or other ministers, nor it [sic, likely "in"] no part elsewhere, upon pain to forfeit their armour to the King, and their bodies to prison at the King's pleasure. And that the King's Justices in their presence, Sheriffs and other ministers in their bailiwicks, Lords of Franchises, and their bailiffs in the same, and Mayors and Bailiffs of cities and boroughs, within the same cities and boroughs, and boroughholders, constables and wardens of the peace within their wards shall have power to execute this etc. [in original] And that the Justices assigned, at thier coming down into the country , shall have power to enquire how such officers and lords have exercised their offices in this case, and to punish them whom they find that have not done that which pertain to their office.

James Iredell, A Digested Manual of the Acts of the General Assembly of North Carolina, from the Year 1838 to the Year 1846, Inclusive, Omitting All the Acts of a Private and Local Nature, and Such as were Temporary and Whose Operation Has Ceased to Exist Page 73, Image 73 (1847) available at The Making of Modern Law: Primary Sources, 1840.

Crimes and Punishments, 1840 – 1. – Ch. 30, If any free negro, mulatto, or free person of color shall wear, or carry about his or her person, or keep in his or her house, any shot gun, musket, rifle, pistol, sword, dagger, or bowie knife, unless he or she shall have obtained a license therefor from the Court of Pleas and Quarter Sessions of his or her county, within one year preceding the wearing, keeping or carrying thereof, he or she shall be guilty of a misdemeanor and may be indicted therefor.

James Iredell, A Digested Manual of the Acts of the General Assembly of North Carolina, from the Year 1838 to the Year 1846, Inclusive, Omitting All the Acts of a Private and Local Nature, and Such as were Temporary and Whose Operation

Has Ceased to Exist Page 75, Image 75 (1847) available at The Making of Modern Law: Primary Sources, 1846.

Crimes and Punishments, 1846 – 7- Ch. 42. It shall not be lawful for any person or persons to sell or barter and deliver, to any slave, or slaves, any gun cotton, fire arms, swords, dirks or other side arms, unless those articles be for the owner or employer, and by the written order of the owner or employer of such slave or slaves, under the penalty of one hundred dollars for each offence, to be recovered, by warrant, before any Justice of the Peace, and applied, one half to the use of the party suing for the same, and the other half to the wardens of the poor of the county; and, moreover, may be indicted in the County or Superior Courts of Law; and the defendant, on conviction, shall be fined or imprisoned at the discretion of the Court; the fine, however, not to exceed fifty dollars, or the imprisonment three months.

1858-1859 N.C. Sess. Laws 34-36, Pub. Laws, An Act Entitled Revenue, chap. 25, § 27, pt. 15.

The following subjects shall be annually listed, and be taxed the amounts specified: . . . Every dirk, bowie-knife, pistol, sword-cane, dirk-cane and rifle cane, used or worn about the person of any one at any time during the year, one dollar and twenty-five cents. Arms used for mustering shall be exempt from taxation.

1856-1857 N.C. Sess. Laws 34, Pub. Laws, An Act Entitled “Revenue,” ch. 34, § 23, pt. 4, 1856.

On every pistol, except such as are used exclusively for mustering, and on every bowie-knife, one dollar and twenty five cents; on dirks and swordcanes, sixty five cents: Provided, however, That of said arms, only such shall be taxable, as at some time within the year have been used, worn or carried about the person of the owner, or of some other, by his consent.

1858-1859 N.C. Sess. Laws 34-36, Pub. Laws, An Act Entitled Revenue, chap. 25, § 27, pt. 15, 1858.

The following subjects shall be annually listed, and be taxed the amounts specified: . . . Every dirk, bowie-knife, pistol, sword-cane, dirk-cane and rifle cane, used or worn about the person of any one at any time during the year, one dollar and twenty-five cents. Arms used for mustering shall be exempt from taxation.

1860-1861 N.C. Sess. Laws 68, Pub. Laws, An Act to Amend Chapter 107, Section 66, of the Revised Code, Relating to Free Negroes Having Arms, ch. 34, § 1, 1860.

That chapter 107, section 66, of the Revised Code be amended to read as follows:  
 If any free negro shall wear or carry about his person or keep in his house any shot gun, musket, rifle, pistol, sword, sword cane, dagger, bowie knife, powder or shot, he shall be guilty of a misdemeanor, and upon conviction fined not less than fifty dollars.

North Carolina: N.C. Sess. Laws (1879) chap. 127, as codified in North Carolina Code, Crim. Code, chap. 25 (1883) § 1005, Concealed weapons, the carrying or unlawfully, a misdemeanor.

If any one, except when on his own premises, shall carry concealed about his person any pistol, bowie knife, dirk, dagger, slungshot, loaded case, brass, iron or metallic knuckles or razor or other deadly weapon or like kind, he shall be guilty of a misdemeanor, and be fined or imprisoned at the discretion of the court. And if anyone not being on his own lands, shall have about his person any such deadly weapon, such possession shall be prima facie evidence of the concealment thereof.

..

## **NORTH DAKOTA**

1895 N.D. Rev. Codes 1293, Penal Code, Crimes Against the Public Health and Safety, ch. 40, §§ 7312-13.

§ 7312. Carrying or using slung shot. Every person who carries upon his person, whether concealed or not, or uses or attempts to use against another, any instrument or weapon of the kind usually known as slung shot, or of any similar kind, is guilty of a felony.

§ 7313. Carrying concealed weapons. Every person who carries concealed about his person any description of firearms, being loaded or partly loaded, or any sharp or dangerous weapon, such as is usually employed in attack or defense of the person, is guilty of a misdemeanor.

1915 N.D. Laws 96, An Act to Provide for the Punishment of Any Person Carrying Concealed Any Dangerous Weapons or Explosives, or Who Has the Same in His Possession, Custody or Control, unless Such Weapon or Explosive Is Carried in the Prosecution of a Legitimate and Lawful Purpose, ch. 83, §§ 1-3, 5.

§ 1. Any person other than a public officer, who carries concealed in his clothes any instrument or weapon of the kind usually known as a black-jack, slung-shot, billy, sand club, sand bag, bludgeon, metal knuckles, or any sharp or dangerous weapon usually employed in attack or defense of the person, or any gun, revolver, pistol or other dangerous fire arm loaded or unloaded, or any person who carries

concealed nitro-glycerin, dynamite, or any other dangerous or violent explosive, or has the same in his custody, possession or control, shall be guilty of a felony. . . .

## **OHIO**

1788-1801 Ohio Laws 20, A Law Respecting Crimes and Punishments . . . , ch. 6. Sentence Enhancement for Use of Weapon | Ohio | 1788

Burglary . . . If the person or persons so breaking and entering any dwelling house, shop, store or vessel as aforesaid, shall commit, or attempt to commit any personal abuse, force, or violence, or shall be so armed with any dangerous weapon or weapons as clearly to indicate a violent intention, he, she or they so offending, upon conviction thereof, shall moreover, forfeit all his, her or their estate, real and personal, to this territory, out of which the party injured shall be recompensed as aforesaid, and the offender shall also be committed to any gaol [jail] in the territory for a term not exceeding forty years.

1859 Ohio Laws 56, An Act to Prohibit the Carrying or Wearing of Concealed Weapons, § 1.

Carrying Weapons | Ohio | 1859

[W]hoever shall carry a weapon or weapons, concealed on or about his person, such as a pistol, bowie knife, dirk, or any other dangerous weapon, shall be deemed guilty of a misdemeanor, and on conviction of the first offense shall be fined not exceeding two hundred dollars, or imprisoned in the county jail not more than thirty days; and for the second offense, not exceeding five hundred dollars, or imprisoned in the county jail not more than three months, or both, at the discretion of the court.

Joseph Rockwell Swan, The Revised Statutes of the State of Ohio, of a General Nature, in Force August 1, 1860. With Notes of the Decisions of the Supreme Court Page 452, Image 464 (1860) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Ohio | 1859

An Act to Prohibit the Carrying or Wearing of Concealed Weapons, §§ 1-2.

§ 1. Be it enacted by the General Assembly of the State of Ohio, that whoever shall carry a weapon or weapons, concealed on or about his person, such as a pistol, bowie knife, dirk, or any other dangerous weapon, shall be deemed guilty of a misdemeanor, and on conviction of the first offense shall be fined not exceeding two hundred dollars, or imprisoned in the county jail not more than thirty days; and for the second offense, not exceeding five hundred dollars, or imprisoned in the county jail not more than three months, or both, at the discretion of the court. Sec.

§ 2. If it shall be proved to the jury, from the testimony on the trial of any case presented under the [section of this act banning the carrying of concealed weapons], that the accused was, at the time of carrying any of the weapon or weapons aforesaid, engaged in the pursuit of any lawful business, calling, or employment, and that the circumstances in which he was placed at the time aforesaid were such as to justify a prudent man in carrying the weapon or weapons aforesaid for the defense of his person, property or family, the jury shall acquit the accused.

Michael Augustus Daugherty, The Revised Statutes and Other Acts of a General Nature of the State of Ohio: In Force January 1, 1880 Page 1633, Image 431 (Vol. 2, 1879) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Ohio | 1880

Offences Against Public Peace, § 6892.

Whoever carries any pistol, bowie-knife, dirk, or other dangerous weapon, concealed on or about his person, shall be fined not more than two hundred dollars, or imprisoned not more than five hundred dollars, or imprisoned not more than three months, or both.

## **OKLAHOMA**

1890 Okla. Laws 495, art. 47

Brandishing, Carrying Weapons, Hunting, Possession by, Use of, and Sales to Minors and Others Deemed Irresponsible | Oklahoma | 1890

§ 1. It shall be unlawful for any person in the Territory of Oklahoma to carry concealed on or about his person, saddle, or saddle bags, any pistol, revolver, bowie knife, dirk, dagger, slung-shot, sword cane, spear, metal knuckles, or any other kind of knife or instrument manufactured or sold for the purpose of defense except as in this article provided.

§ 2. It shall be unlawful for any person in the Territory of Oklahoma, to carry upon or about his person any pistol, revolver, bowie knife, dirk knife, loaded cane, billy, metal knuckles, or any other offensive or defensive weapon, except as in this article provided.

§ 3. It shall be unlawful for any person within this Territory, to sell or give to any minor any of the arms or weapons designated in sections one and two of this article.

§ 4. Public officers while in the discharge of their duties or while going from their homes to their place of duty, or returning therefrom, shall be permitted to carry arms, but at no other time and under no other circumstances: Provided, however, That if any public officer be found carrying such arms while under the influence of



intoxicating drinks, he shall be deemed guilty of a violation of this article as though he were a private person.

§ 5. Persons shall be permitted to carry shot-guns or rifles for the purpose of hunting, having them repaired, or for killing animals, or for the purpose of using the same in public muster or military drills, or while traveling or removing from one place to another, and not otherwise.

§ 7. It shall be unlawful for any person, except a peace officer, to carry into any church or religious assembly, any school room or other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into any ball room, or to any social party or social gathering, or to any election, or to any place where intoxicating liquors are sold, or to any political convention, or to any other public assembly, any of the weapons designated in sections one and two of this article.

§ 8. It shall be unlawful for any person in this Territory to carry or wear any deadly weapons or dangerous instrument whatsoever, openly or secretly, with the intent or for the avowed purpose of injuring his fellow man.

§ 9. It shall be unlawful for any person to point any pistol or any other deadly weapon whether loaded or not, at any other person or persons either in anger or otherwise.

1890 Okla. Sess. Laws 475, Crimes Against The Public Health And Safety, §§ 18-19.

§ 18. Every person who manufactures or causes to be manufactured, or sells or offers or keeps for sale, or gives or disposes of any instrument or weapon of the kind usually known as slung shot, or of any similar kind is guilty of a misdemeanor.

§ 19. Every person who carries upon his person, whether concealed or not or uses or attempts to use against another, any instrument or weapon of the kind usually known as slung shot, or of any similar kind, is guilty of a felony.

General Laws Relating to Incorporated Towns of Indian Territory Page 37, Image 33 (1890) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Oklahoma | 1890

Revised Ordinances of the Town of Checotah, Ordinance No. 11, § 3.

To wear or carry any pistol of any kind whatever, or any dirk, butcher knife or bowie knife, or a sword, or a spear in a cane, brass or metal knuckles or a razor, slung shot, sand bag, or a knife with a blade over three inches long, with a spring handle, as a weapon.

Leander G. Pitman, The Statutes of Oklahoma, 1890. (From the Laws Passed by the First Legislative Assembly of the Territory) Page 495-496, Image 511-512 (1891) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Oklahoma | 1891

Concealed Weapons, §§ 1, 2, 4-10.

§ 1. It shall be unlawful for any person in the Territory of Oklahoma to carry concealed on or about his person, saddle, or saddle bags, any pistol, revolver, bowie knife, dirk, dagger, slung-shot, sword cane, spear, metal knuckles, or any other kind of knife or instrument manufactured or sold for the purpose of defense except as in this article provided.

§ 2. It shall be unlawful for any person in this territory of Oklahoma, to carry upon or about his person any pistol, revolver, bowie knife, dirk knife, loaded cane, billy, metal knuckles, or any other offensive or defensive weapon, except as in this article provided.

§ 4. Public officers while in the discharge of their duties or while going from their homes to their place of duty, or returning therefrom, shall be permitted to carry arms, but at no other time and under no other circumstances: Provided, however That if any public officer be found carrying such arms while under the influence of intoxicating drinks, he shall be deemed guilty of a violation of this article as though he were a private person.

§ 5. Persons shall be permitted to carry shot-guns or rifles for the purpose of hunting, having them repaired, or for killing animals, or for the purpose of using the same in public muster or military drills, or while travelling or removing from one place to another, and not otherwise.

§ 6. Any person violating the provisions of any one of the forgoing sections, shall on the first conviction be adjudged guilty of a misdemeanor and be punished by a fine of not less than twenty-five dollars nor more than fifty dollars, or by imprisonment in the county jail not to exceed thirty days or both at the discretion of the court. On the second and every subsequent conviction, the party offending shall on conviction be fined not less than fifty dollars nor more than two hundred and fifty dollars or be imprisoned in the county jail not less than thirty days nor more than three months or both, at the discretion of the court.

§ 7. It shall be unlawful for any person, except a peace officer, to carry into any church or religious assembly, any school room or other place where persons are assembled for public worship, for amusement, or for educational or scientific purposes, or into any circus, show or public exhibition of any kind, or into any ball room, or to any social party or social gathering, or to any election, or to any place where intoxicating liquors are sold, or to any political convention, or to any other public assembly, any of the weapons designated in sections one and two of this article.

§ 8. It shall be unlawful for any person in this territory to carry or wear any deadly weapons or dangerous instrument whatsoever, openly or secretly, with the intent or for the avowed purpose of injuring his fellow man.

§ 9. It shall be unlawful for any person to point any pistol or any other deadly weapon whether loaded or not, at any other person or persons either in anger or otherwise.

§ 10. Any person violating the provisions of section seven, eight, or nine of this article; shall on conviction, be punished by a fine of not less than fifty dollars, nor more than five hundred and shall be imprisoned in the county jail for not less than three nor more than twelve months.

Wilson's Rev. & Ann. St. Okla.(1903) § 583, c. 25.

It shall be unlawful for any person in the territory of Oklahoma to carry concealed on or about his person, saddle, or saddle bags, any pistol, revolver, bowie knife, dirk, dagger, slung-shot, sword cane, spear, metal knuckles, or any other kind of knife or instrument manufactured or sold for the purpose of defense except as in this article provided.

## **OREGON**

1885 Or. Laws 33, An Act to Prevent Persons from Carrying Concealed Weapons and to Provide for the Punishment of the Same, §§ 1-2.

§ 1. It shall be unlawful for any person to carry concealed about his person in any manner whatever any revolver, pistol, or other fire-arm, or any knife (other than an ordinary pocket knife), or any dirk or dagger, slung-shot or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person.

§ 2. Any person violating any of the provisions of section one of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than five days nor more than one hundred days, or by both fine and imprisonment, in the discretion of the court.

Laws of Oregon (1885), An Act to Prevent Persons from Carrying Concealed Weapons, § 1-4, p. 33, as codified in Ore. Code, chap. 8 (1892) § 1969.

It shall be unlawful for any person to carry concealed about his person in any manner whatever any revolver, pistol, or other fire-arm, or any knife (other than an ordinary pocket knife), or any dirk or dagger, slung-shot or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person.

The Charter of Oregon City, Oregon, Together with the Ordinances and Rules of Order Page 259, Image 261 (1898) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Oregon | 1898

An Ordinance Providing for the Punishment of Disorderly Persons, and Keepers and Owners of Disorderly Houses, § 2.

It shall be unlawful for any person to carry any sling shot, billy, dirk, pistol or any concealed deadly weapon or to discharge any firearms, air gun, sparrow gun, flipper or bean shooter within the corporate limits of the city, unless in self-defense, in protection of property or an officer in the discharge of his duty; provided, however, permission may be granted by the mayor to any person to carry a pistol or revolver when upon proper representation it appears to him necessary or prudent to grant such permission.

1917 Or. Sess. Laws 804-808, An Act Prohibiting the manufacture, sale, possession, carrying, or use of any blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, dirk, dagger or stiletto, and regulating the carrying and sale of certain firearms, and defining the duties of certain executive officers, and providing penalties for violation of the provisions of this Act, §§ 7-8.

Carrying Weapons | Oregon | 1917

§ 7. 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 of the kind commonly known as a blackjack, slung-shot, billy, sandclub, sandbag, metal knuckles, bomb or bomb-shell, or any other dangerous or deadly weapon or instrument, 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 a 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.

Any person who violates the provisions of this section shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not less than \$50.00 nor more than \$500.00, or by imprisonment in the county jail for not less than one month nor more than six months, or by imprisonment in the penitentiary for not exceeding five years.

§ 8. Whenever any person shall be arrested and it shall be discovered that such person possesses or carries or has possessed or carried upon his person any loaded pistol, revolver or other firearm, or any weapon named or enumerated in Section 7

of this Act, in violation of any of the sections of this Act, it shall be the duty of the person making the arrest to forthwith lay an information for a violation of said section or sections against the person arrested before the nearest or most accessible magistrate having jurisdiction of the offense, and such magistrate must entertain and examine such information and act thereon in the manner prescribed by law. Section 11. Any person not a citizen of the United States of America, who shall be convicted of carrying a deadly weapon, as described in Sections 1, 2 and 7 of this Act, shall be guilty of a felony and on conviction thereof shall be punished by imprisonment in the State prison for a period not exceeding five years.

## **PENNSYLVANIA**

1851 Pa. Laws 382, An Act Authorizing Francis Patrick Kenrick, Bishop Of Philadelphia, To Convey Certain Real Estate In The Borough Of York, And A supplement To The Charter Of Said Borough, § 4.

That any person who shall willfully and maliciously carry any pistol, gun, dirk knife, slung shot, or deadly weapon in said borough of York ,shall be deemed guilty of a felon, and being thereof convicted shall be sentenced to undergo an imprisonment at hard labor for a term not less than 6 months nor more than one year and shall give security for future good behavior for such sum and for such time as the court before whom such conviction shall take place may fix . . . .

Laws of the City of Johnstown, Pa., Embracing City Charter, Act of Assembly of May 23, 1889, for the Government of Cities of the Third Class, General and Special Ordinances, Rules of Select and Common Councils and Joint Sessions Page 86, Image 86 (1897) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Pennsylvania | 1897

An Ordinance for the Security of Persons and Property of the Inhabitants of the City of Johnstown; The preservation of the Public Peace and Good Order of the City, and Prescribing Penalties for Offenses Against the Same, § 12.

No person shall willfully carry concealed upon his or her person any pistol, razor, dirk or bowie-knife, black jack, or handy billy, or other deadly weapon, and any person convicted of such offense shall pay a fine of not less than five dollars or more than fifty dollars with costs.

## **RHODE ISLAND**

1893 R.I. Pub. Laws 231, An Act Prohibiting The Carrying Of Concealed Weapons, chap. 1180, § 1.

No person shall wear or carry in this state any dirk, bowie knife, butcher knife, dagger, razor, sword in cane, air gun, billy, brass or metal knuckles, slung shot, pistol or fire arms of any description, or other weapons of like kind and description concealed upon his persons . . . [additional fine provided if intoxicated while concealed carrying].

1893 R.I. Pub. Laws 231, An Act Prohibiting The Carrying Of Concealed Weapons, chap. 1180, §§1-3.

Carrying Weapons, Sentence Enhancement for Use of Weapon | Rhode Island | 1893

§ 1. No person shall wear or carry in this state any dirk, bowie knife, butcher knife, dagger, razor, sword in cane, air gun, billy, brass or metal knuckles, slung shot, pistol or fire arms of any description, or other weapons of like kind and description concealed upon his person: Provided, that officers or watchmen whose duties require them to make arrests or to keep and guard prisoners or property, together with the persons summoned by such officers to aid them in the discharge of such duties, while actually engaged in such duties, are exempted from the provisions of this act.

§ 2. Any person convicted of a violation of the provisions of section 1 shall be fined not less than twenty dollars nor more than two hundred dollars, or be imprisoned not less than six months nor more than one year.

§ 3. Whenever any person shall be arrested charged with any crime or misdemeanor, or for being drunk or disorderly, or for any breach of the peace, and shall have concealed upon his person any of the weapons mentioned in section 1, such person, upon complaint and conviction, in addition to the penalties provided in section 2, shall be subject to a fine of not less than five dollars nor more than twenty five dollars, and the confiscation of the weapon so found.

General Laws of the State of Rhode Island and Providence Plantations to Which are Prefixed the Constitutions of the United States and of the State Page 1010-1011, Image 1026-1027 (1896) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Rhode Island | 1896

Offences Against Public Policy, §§ 23, 24, 26.

§ 23. No person shall wear or carry in this state any dirk, bowie-knife, butcher knife, dagger, razor, sword-in-cane, air-gun, billy, brass or metal knuckles, slung-shot, pistol or fire-arms of any description, or other weapons of like kind and description concealed upon his person: provided, that officers or watchmen whose duties require them to make arrests or to keep and guard prisoners or property, together with the persons summoned by such officers to aid them in the discharge



of such duties, while actually engaged in such duties, are exempted from the provisions of this and the two following sections.

§ 24. Any person convicted of a violation of the provisions of the preceding section shall be fined not less than ten nor more than twenty dollars, or be imprisoned not exceeding three months, and the weapon so found concealed shall be confiscated

....

§ 26. No negative allegations of any kind need be averred or proved in any complaint under the preceding three sections, and the wearing or carrying of such concealed weapons or weapons shall be evidence that the wearing or carrying of the same is unlawful; but the respondent in any such case may show any fact that would render the carrying of the same lawful under said sections.

1908 (January Session) R.I. Pub. Laws 145, An Act in Amendment of section 23 of chapter 283 of the General Laws

Carrying Weapons | Rhode Island | 1908

§ 23. No person shall wear or carry in this state any dirk, dagger, razor, sword-in-cane, bowie knife, butcher knife, or knife of any description having a blade of more than three inches in length, measuring from the end of the handle, where the blade is attached to the end of said blade, any air gun, billy, brass or metal knuckles, slung-shot, pistol or firearms of any description, or other weapons of like kind and description, concealed upon his person: Provided, that officers or watchmen whose duties require them to arrest or to keep and guard prisoners or property, together with the persons summoned by such officers to aid them in the discharge of such duties, while actually engaged in such duties, are exempted from the provision of this and the two other following sections.

## **SOUTH CAROLINA**

1880 S.C. Acts 448, § 1, as codified in S.C. Rev. Stat. (1894). § 129 (2472.)

§ 1. Be it enacted by the Senate and House of Representatives of the State of South Carolina, not met and sitting in General Assembly, and by the authority of the same, That any person carrying a pistol, dirk, dagger, slung shot, metal knuckles, razor, or other deadly weapon usually used for the infliction of personal injury, concealed about his person shall be guilty of a misdemeanor and upon conviction thereof, before a Court of competent jurisdiction shall forfeit to the County the weapon so carried concealed and be fined in a sum not more than two hundred dollars, or imprisoned for not more than twelve months, or both, in the discretion of the Court.

§ 2. It shall be the duty of every Trial Justice, Sheriff, Constable, or other peace officer, to cause all persons violating this Act to be prosecuted therefor whenever they shall discover a violation hereof.

Act of Feb. 20, 1901, ch. 435, §1, 1901 S.C. Acts 748

Sec. 1. Be it enacted by the General Assembly of the State of South Carolina: That from and after the first day of July 1902 it shall be unlawful for any one to carry about the person whether concealed or not any pistol less than 20 inches long and 3 pounds in weight. And it shall be unlawful for any person, firm or corporation to manufacture, sell or offer for sale, or transport for sale or use into this State, any pistol of less length and weight. Any violation of this Section shall be punished by a fine of not more than one hundred dollars, or imprisonment for not more than thirty days and in case of a violation by a firm or corporation it shall forfeit the sum of one hundred dollars to and for the use of the school fund of the County wherein the violation takes place to be recovered as other fines and forfeitures: Provided, this Act shall not apply to peace officers in the actual discharge of their duties, or to persons while on their own premises.

1923 S.C. Acts 221

If any person shall knowingly sell, offer for sale, give, or in any way dispose of to a minor any pistol or pistol cartridge, brass knucks, bowie knife, dirk, loaded cane or sling shot, he shall be guilty of a misdemeanor. Any person being the parent or guardian, of or attending in loco parentis to any child under the age of twelve years who shall knowingly permit such child to have the possession or custody of, or use in any manner whatever any gun, pistol, or other dangerous firearm, whether such firearm be loaded or unloaded, or any person who shall knowingly furnish such child any firearm, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding Fifty Dollars or imprisoned not exceeding thirty days.

## **SOUTH DAKOTA**

S.D. Terr. Pen. Code (1877), § 457 as codified in S.D. Rev. Code, Penal Code (1903), §§ 470-471.

§ 470. Every person who carries upon his person, whether concealed or not, or uses or attempt to use against another, any instrument or weapon of the kind usually known as slung shot, or of any similar kind, is guilty of a felony.

§ 471. Every person who carries concealed about his person any description of firearms, being loaded or partly loaded, or any sharp or dangerous weapons, such as is usually employed in attack or defense of the person, is guilty of a misdemeanor.

S.D. Rev. Code, Penal Code 1150 (1903) §§ 470, 471

§ 470. Every person who carries upon his person, whether concealed or not, or uses or attempt to use against another, any instrument or weapon of the kind usually known as slung shot, or of any similar kind, is guilty of a felony.

§ 471. Every person who carries concealed about his person any description of firearms, being loaded or partly loaded, or any sharp or dangerous weapons, such as is usually employed in attack or defense of the person, is guilty of a misdemeanor.

## TENNESSEE

Judge Edward Scott, Laws of the State of Tennessee: Including Those of North Carolina Now in Force in this State: From the Year 1715 to the Year 1820, Inclusive Page 710, Image 714 (Vol. 1, 1821) The Making of Modern Law: Primary Sources. 1801

An Act for the Restraint of Idle and Disorderly Persons § 6. Be it enacted, That if any person or persons shall publicly ride or go armed to the terror of the people, or privately carry any dirk, large knife, pistol or any other dangerous weapon, to the fear or terror of any person, it shall be the duty of any judge or justice, on his own view, or upon the information of any other person on oath, to bind such person or persons to their good behavior, and if he or they fail to find securities, commit him or them to jail, and if such person or persons shall continue so to offend, he or they shall not only forfeit their recognizance, but be liable to an indictment, and be punished as for a breach of the peace, or riot at common law.

1821 Tenn. Pub. Acts 15-16, An Act to Prevent the Wearing of Dangerous and Unlawful Weapons, ch. 13.

Robert Looney Caruthers, A Compilation of the Statutes of Tennessee, of a General and Permanent Nature, from the Commencement of the Government to the Present time: With References to Judicial Decisions, in Notes, to Which is Appended a New Collection of Forms Page 100, Image 105 (1836) available at The Making of Modern Law: Primary Sources. 1821

An Act of 1821, § 1. Every person so degrading himself by carrying a dirk, sword cane, Spanish stiletto, belt or pocket pistols, either public or private, shall pay a fine of five dollars for every such offence, which may be recovered by warrant before any justice of the peace, in the name of the county for its use, in which the offence may have been committed; and it shall be the duty of a justice to issue a warrant on the application, on oath, of any person applying; and it shall be the duty of every judge, justice of the peace, sheriff, coroner, and constable within this state, to see that this act shall have its full effect: Provided, that nothing herein contained shall affect any person that may be on a journey to any place out of his county or state.

1837-38 Tenn. Pub. Acts 200-01, An Act to Suppress the Sale and Use of Bowie Knives and Arkansas Tooth Picks in this State, ch 137, § 2.

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

1837-1838 Tenn. Pub. Acts 200, An Act to Suppress the Sale and Use of Bowie Knives and Arkansas Tooth Picks in this State, ch. 137, § 1.

That if any merchant, . . . shall sell, or offer to sell . . . any Bowie knife or knives, or Arkansas tooth picks . . . such merchant shall be guilty of a misdemeanor, and upon conviction thereof upon indictment or presentment, shall be fined in a sum not less than one hundred dollars, nor more than five hundred dollars, and shall be imprisoned in the county jail for a period not less than one month nor more than six months.

1837-1838 Tenn. Pub. Acts 201, An Act to Suppress the Sale and Use of Bowie Knives and Arkansas Tooth Picks in the State, ch. 137, § 4.

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

Seymour Dwight Thompson, A Compilation of the Statute Laws of the State of Tennessee, of a General and Permanent Nature, Compiled on the Basis of the Code of Tennessee, With Notes and References, Including Acts of Session of 1870-1871 Page 125, Image 794 (Vol. 2, 1873) available at The Making of Modern Law: Primary Sources. [1856]

Offences Against Public Policy and Economy. § 4864.

Any person who sells, loans, or gives, to any minor a pistol, bowie-knife, dirk, Arkansas tooth-pick, hunter's knife, or like dangerous weapon, except a gun for hunting or weapon for defense in traveling, is guilty of a misdemeanor, and shall be fined not less than twenty-five dollars, and be imprisoned in the county jail at the discretion of the court.

William H. Bridges, Digest of the Charters and Ordinances of the City of Memphis, Together with the Acts of the Legislature Relating to the City, with an Appendix Page 190, Image 191 (1863) available at The Making of Modern Law: Primary Sources.

Offences Affecting Public Safety: Carrying Concealed Weapons, § 3.

It shall not be lawful for any person or persons to carry concealed about his or their persons any pistol, Bowie-knife, dirk, or any other deadly weapon; and any person so offending, shall upon conviction thereof before the Recorder, be fined not less than ten nor more than fifty dollars for each and every offence.

William H. Bridges, Digest of the Charters and Ordinances of the City of Memphis, from 1826 to 1867, Inclusive, Together with the Acts of the Legislature Relating to the City, with an Appendix Page 44, Image 44 (1867) available at The Making of Modern Law: Primary Sources.

Police Regulations Of The State, Offences Against Public Peace, §§ 4746, 4747, 4753, 4757.

§ 4746. Any person who carries under his clothes or concealed about his person, a bowie-knife, Arkansas tooth-pick or other knife or weapon of like form and shape or size, is guilty of a misdemeanor.

§ 4747. It is a misdemeanor to sell, or offer to sell, or to bring into the State for the purpose of selling, giving away or otherwise disposing of any knife or weapon mentioned in the preceding section.

§ 4753. No person shall ride or go armed to the terror of the people, or privately carry any dirk, large knife, pistol or any dangerous weapon, to the fear or terror of any person.

§ 4757. No person shall either publicly or privately carry a dirk, sword-cane, Spanish stiletto, belt or pocket pistol, except a knife, conspicuously on the strap of a shot-pouch, or on a journey to a place out of his county or State.

William H. Bridges, Digest of the Charters and Ordinances of the City of Memphis, from 1826 to 1867, Inclusive, Together with the Acts of the Legislature Relating to the City, with an Appendix Page 50, Image 50 (1867) available at The Making of Modern Law: Primary Sources.

Police Regulations of the State. Selling Liquors or Weapons to Minors. § 4864.

Any person who sells, loans or gives to any minor a pistol, bowie-knife, dirk, Arkansas toothpick, hunter's knife, or like dangerous weapon, except a gun for hunting or weapon for defense in traveling, is guilty of a misdemeanor and shall be fined not less than twenty-five dollars, and imprisoned in the county jail at the discretion of the court.



William H. Bridges, Digest of the Charters and Ordinances of the City of Memphis, from 1826 to 1867, Inclusive, Together with the Acts of the Legislature Relating to the City, with an Appendix Page 44, Image 44 (1867) available at The Making of Modern Law: Primary Sources.

Police Regulations Of the State. Offences Against Public Peace. Concealed Weapons. §§ 4746-4747.

§ 4746. Any person who carries under his clothes or concealed about his person, a bowie-knife, Arkansas tooth-pick or other knife or weapon of like form and shape or size, is guilty of a misdemeanor. Selling such weapons misdemeanor.

§ 4747. It is a misdemeanor to sell, or offer to sell, or to bring into the state for the purpose of selling, giving away or otherwise disposing of any knife or weapon mentioned in the preceding Section.

James H. Shankland Public Statutes of the State of Tennessee, since the Year 1858. Being in the Nature of a Supplement to the Code Page 108, Image 203 (Nashville, 1871) available at The Making of Modern Law: Primary Sources. 1869 Elections.

§ 2. That it shall not be lawful for any qualified voter or other person attending any election in this State, or for any person attending any fair, race course, or other public assembly of the people, to carry about his person, concealed or otherwise, any pistol, dirk, Bowie-knife, Arkansas toothpick, or weapon in form, shape, or size resembling a Bowie knife or Arkansas tooth-pick, or other deadly or dangerous weapon.

§ 3. That all persons convicted under the second section of this act shall be punished by fine of not less than fifty dollars, and by imprisonment, or both, at the discretion of the court.

Tenn. Pub. Acts (1879), chap. 186, as codified in Tenn. Code (1884). 5533: It shall not be lawful for any person to carry, publicly or privately, any dirk, razor concealed about his person, sword cane, loaded cane, slung-shot or brass knucks, Spanish stiletto, belt or pocket pistol, revolver, or any kind of pistol, except the army or navy pistol used in warfare, which shall be carried openly in hand.

William King McAlister Jr., Ordinances of the City of Nashville, to Which are Prefixed the State Laws Chartering and Relating to the City, with an Appendix Page 340-341, Image 345-346 (1881) available at The Making of Modern Law: Primary Sources.

Ordinances of the City of Nashville, Carrying Pistols, Bowie-Knives, Etc., § 1. That every person found carrying a pistol, bowie-knife, dirk-knife, slung-shot, brass knucks or other deadly weapon, shall be deemed guilty of a misdemeanor, and, upon conviction of such first offense, shall be fined from ten to fifty dollars, at the discretion of the court, but upon conviction of every such subsequent offense, shall be fined fifty dollars; Provided, however, that no ordinary pocket knife and common walking-canes shall be construed to be deadly weapons.

Claude Waller, Digest of the Ordinances of the City of Nashville, to Which are Prefixed the State Laws Incorporating, and Relating to, the City, with an Appendix Containing Various Grants and Franchises Page 364-365, Image 372-373 (1893) available at The Making of Modern Law: Primary Sources.

Ordinances of the City of Nashville, § 738.

Every person found carrying a pistol, bowie-knife, dirk-knife, slung-shot, brass knucks, or other deadly weapon, shall be deemed guilty of a misdemeanor, and, upon conviction of such first offense, shall be fined from ten to fifty dollars, at the discretion of the court; but, upon conviction of every subsequent offense, shall be fined fifty dollars; Provided, however, That no ordinary pocket-knife and common walking canes shall be construed to be deadly weapons. . .

## TEXAS

A Digest of the General Statute Laws of the State of Texas: to Which Are Subjoined the Repealed Laws of the Republic and State of Texas (Austin, Texas: Williamson S. Oldham & George W. White, comp., 1859)

Texas, Chapter 3, Act of August 28, 1856

Art. 493. If any person shall assault another with intent to murder, he shall be punished by confinement in the Penitentiary, not less than two years, nor more than seven years. If the assault be made with a bowie-knife, or dagger, the punishment shall be doubled. Page 520

<https://babel.hathitrust.org/cgi/pt?id=mdp.39015073228879&view=1up&seq=538&q1=bowie%20knife>

Art. 610. If any person be killed with a *bowie knife* or *dagger*, under circumstances which would otherwise render the homicide a case of manslaughter, the killing shall nevertheless be deemed murder, and punished accordingly. [emphasis in original] Page 534

<https://babel.hathitrust.org/cgi/pt?id=mdp.39015073228879&view=1up&seq=552&q1=bowie%20knife>

1871 Tex. Laws 25, An Act to Regulate the Keeping and Bearing of Deadly Weapons.

§ 1. Be it enacted by the Legislature of the State of Texas, That any person carrying on or about his person, saddle, or in his saddle bags, any pistol, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured or sold for the purposes of offense or defense, unless he had reasonable grounds for fearing an unlawful attack on his person, and that such ground of attack shall be immediate and pressing; or unless having or carrying the same on or about his person for the lawful defense of the State, as a militiaman in actual service, or as a peace officer or policeman, shall be guilty of a misdemeanor, and on conviction thereof shall, for the first offense, be punished by fine of not less than twenty-five nor more than one hundred dollars, and shall forfeit to the county the weapon or weapons so found on or about his person; and for every subsequent offense may, in addition to such fine and forfeiture, be imprisoned in the county jail for a term not exceeding sixty days; and in every case of fine under this section the fine imposed and collected shall go into the treasury of the county in which they may have been imposed; provided, that this section shall not be so construed as to prohibit any person from keeping or bearing arms on his or her own premises, or at his or her own place of business, nor to prohibit sheriffs or other revenue officers, and other civil officers, from keeping or bearing arms while engaged in the discharge of their official duties, nor to prohibit persons traveling in the State from keeping or carrying arms with their baggage; provided further, that members of the Legislature shall not be included under the term “civil officers” as used in this act.

§ 2. Any person charged under the first section of this act, who may offer to prove, by way of defense, that he was in danger of an attack on his person, or unlawful interference with his property, shall be required to show that such danger was immediate and pressing, and was of such a nature as to alarm a person of ordinary courage; and that the weapon so carried was borne openly and not concealed beneath the clothing; and if it shall appear that this danger had its origin in a difficulty first commenced by the accused, it shall not be considered as a legal defense.

Tex. Act of Apr. 12, 1871, as codified in Tex. Penal Code (1879).  
Art. 163.

If any person other than a peace officer, shall carry any gun, pistol, bowie knife, or other dangerous weapon, concealed or unconcealed, on any day of election , during

the hours the polls are open, within the distance of one-half mile of any poll or voting place, he shall be punished as prescribed in article 161 of the code.

1879 Tex. Crim. Stat. tit. IX, Ch. 4 (Penal Code)

Art. 318. If any person in this state shall carry on or about his person, saddle, or in his saddle-bags, any pistol, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of knife manufactured or sold for the purposes of offense or defense, he shall be punished by fine of not less than twenty-five nor more than one hundred dollars; and, in addition thereto, shall forfeit to the county in which he is convicted, the weapon or weapons so carried.

Art. 319. The preceding article shall not apply to a person in actual service as a militiaman, nor to a peace officer or policeman, or person summoned to his aid, not to a revenue or other civil officer engaged in the discharge of official duty, not to the carrying of arms on one's own premises or place of business, nor to persons traveling, nor to one who has reasonable ground for fearing an unlawful attack upon his person, and the danger is so imminent and threatening as not to admit of the arrest of the party about to make such attack, upon legal process.

Art. 320. If any person shall go into any church or religious assembly, any school room, or other place where persons are assembled for amusement or for educational or scientific purposes, or into any circus, show, or public exhibition of any kind, or into a ball-room, social party, or social gathering, or to any election precinct on the day or days of any election, where any portion of the people of this state are collected to vote at any election, or to any other place where people may be assembled to muster, or to perform any other public duty, or to any other public assembly, and shall have or carry about his person a pistol or other fire-arm, dirk, dagger, slung-shot, sword-cane, spear, brass-knuckles, bowie-knife, or any other kind of a knife manufactured and sold for the purposes of offense and defense, he shall be punished by fine not less than fifty nor more than five hundred dollars, and shall forfeit to the county the weapon or weapons so found on his person.

Art. 321. The preceding article shall not apply to peace officers, or other persons authorized or permitted by law to carry arms at the places therein designated.

Art. 322. Any person violating any of the provisions of articles 318 and 320, may be arrested without warrant by any peace officer, and carried before the nearest justice of the peace for trial; and any peace officer who shall fail to refuse to arrest such person on his own knowledge, or upon information from some credible person, shall be punished by fine not exceeding five hundred dollars.

Art. 323. The provisions of this chapter shall not apply to or be enforced in any county which the governor may designate, by proclamation, as a frontier county and liable to incursions by hostile Indians.

1897 Tex. Gen. Laws 221, An Act To Prevent The Barter, Sale And Gift Of Any Pistol, Dirk, Dagger, Slung Shot, Sword Cane, Spear, Or Knuckles Made Of Any Metal Or Hard Substance To Any Minor Without The Written Consent Of The Parent Or Guardian Of Such Minor. . . , chap. 155.

That if any person in this State shall knowingly sell, give or barter, or cause to be sold, given or bartered to any minor, any pistol, dirk, dagger, slung shot, sword-cane, spear or knuckles made of any metal or hard substance, bowie knife or any other knife manufactured or sold for the purpose of offense or defense, without the written consent of the parent or guardian of such minor, or of someone standing in lieu thereof, he shall be punished by fine of not less then twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days, or by both such fine and imprisonment and during the time of such imprisonment such offender may be put to work upon any public work in the county in which such offense is submitted.

Theodore Harris, Charter and Ordinances of the City of San Antonio. Comprising All Ordinances of a General Character in Force August 7th, Page 220, Image 225 (1899) available at The Making of Modern Law: Primary Sources.

Brandishing | Texas | 1899

Ordinances of the City of San Antonio, Ordinances, ch. 22, § 4.

If any person shall, within the city limits, draw any pistol, gun, knife, sword-cane, club or any other instrument or weapon whereby death may be caused, in a threatening manner, or for the purpose of intimidating others, such person shall be deemed guilty of an offense.

## **UTAH**

Dangerous and Concealed Weapon, Feb. 14, 1888, reprinted in The Revised Ordinances Of Salt Lake City, Utah 283 (1893) (Salt Lake City, Utah). § 14.

Any person who shall carry any slingshot, or any concealed deadly weapon, without the permission of the mayor first had and obtained, shall, upon conviction, be liable to a fine not exceeding fifty dollars.

Chapter 5: Offenses Against the Person, undated, reprinted in The Revised Ordinances Of Provo City, Containing All The Ordinances In Force 105, 106-7 (1877) (Provo, Utah).

§ 182: Every person who shall wear, or carry upon his person any pistol, or other firearm, slungshot, false knuckles, bowie knife, dagger or any other dangerous or deadly weapon, is guilty of an offense, and liable to a fine in any sum not exceeding twenty-five dollars; Provided, that nothing in this section, shall be

construed to apply to any peace officer, of the United States, the Territory of Utah, or of this city.<sup>1</sup>

## **VERMONT**

Laws of Vermont, Public Acts, No. 85.—An Act Against Carrying Concealed Weapons, Ch. 85, p. 95. 1892.

Section 1. A person who shall carry a dangerous or deadly weapon, openly or concealed, with the intent or avowed purpose of injuring a fellow man, shall, upon conviction thereof, be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding two years, or both, in the discretion of the court.

Sec. 2. A person who shall carry or have in his possession while a member of and in attendance upon any school, any firearms, dirk knife, bowie knife, dagger or other dangerous or deadly weapon shall, upon conviction thereof, be fined not exceeding twenty dollars.

Approved November 19, 1892.

[https://www.google.com/books/edition/Acts\\_and\\_Laws\\_Passed\\_by\\_the\\_Legislature/DXFOAQAAIAAJ?hl=en&gbpv=1&dq=Vermont+%22while+a+member+of+and+in+attendance+upon+any+school,%22++%22any+firearms,+dirk+knife,+bowie+knife,+dagger+or+other+dangerous+or+deadly+weapon%22%C2%A0&pg=PA95&printsec=frontcover](https://www.google.com/books/edition/Acts_and_Laws_Passed_by_the_Legislature/DXFOAQAAIAAJ?hl=en&gbpv=1&dq=Vermont+%22while+a+member+of+and+in+attendance+upon+any+school,%22++%22any+firearms,+dirk+knife,+bowie+knife,+dagger+or+other+dangerous+or+deadly+weapon%22%C2%A0&pg=PA95&printsec=frontcover)

Ordinances of the City of Barre, Vermont

Carrying Weapons, Firing Weapons | Vermont | 1895

CHAPTER 16, § 18.

No person, except on his own premises, or by the consent and permission of the owner or occupant of the premises, and except in the performance of some duty required by law, shall discharge any gun, pistol, or other fire arm loaded with ball or shot, or with powder only, or firecrackers, serpent, or other preparation whereof gunpowder or other explosive substance is an ingredient, or which consists wholly of the same, nor shall make any bonfire in or upon any street, lane, common or public place within the city, except by authority of the city council.

CHAPTER 38, SEC. 7. No person shall carry within the city any steel or brass knuckles, pistol, slung shot, stiletto, or weapon of similar character, nor carry any

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<sup>1</sup> See [http://www.supremecourt.gov/DocketPDF/18/18-280/99640/20190514123503867\\_Charles%20Appendix.pdf](http://www.supremecourt.gov/DocketPDF/18/18-280/99640/20190514123503867_Charles%20Appendix.pdf).



weapon concealed on his person without permission of the mayor or chief of police in writing.<sup>2</sup>

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<sup>2</sup> See [http://www.supremecourt.gov/DocketPDF/18/18-280/99640/20190514123503867\\_Charles%20Appendix.pdf](http://www.supremecourt.gov/DocketPDF/18/18-280/99640/20190514123503867_Charles%20Appendix.pdf).

## VIRGINIA

1786 Va. Laws 33, ch. 21, An Act forbidding and punishing Affrays.

Be it enacted by the General Assembly, that no man, great nor small, of what condition soever he be, except the Ministers of Justice in executing the precepts of the Courts of Justice, or in executing of their office, and such as be in their company assisting them, be so hardy to come before the Justices of any Court, or other of their Ministers of Justice, doing their office, with force and arms, on pain, to forfeit their armour to the Commonwealth, and their bodies to prison, at the pleasure of a Court; nor go nor ride armed by night nor by day, in fair or markets, or in other places, in terror of the Country, upon pain of being arrested and committed to prison by any Justice on his own view, or proof of others, there to abide for so long a time as a Jury, to be sworn for that purpose by the said Justice shall direct, and in like manner to forfeit his armour to the commonwealth; but no person shall be imprisoned for such offence by a longer space of time than one month.

Collection of All Such Acts of the General Assembly of Virginia, of a Public and Permanent Nature, as Are Now in Force; with a New and Complete Index. To Which are Prefixed the Declaration of Rights, and Constitution, or Form of Government Page 187, Image 195 (1803) available at The Making of Modern Law: Primary Sources.

Race and Slavery Based | Virginia | 1792

[An Act to Reduce into one, the Several Acts Concerning Slaves, Free Negroes, and Mulattoes (1792),] §§ 8-9.

§8. No negro or mulatto whatsoever shall keep or carry any gun, powder, shot, club, or other weapon whatsoever, offensive or defensive, but all and every gun, weapon, and ammunition found in the possession or custody of any negro or mulatto, may be seized by any person, and upon due proof thereof made before any Justice of the Peace of the County or Corporation where such seizure shall be, shall by his order be forfeited to the seizer for his own use ; and moreover, every such offender shall have and receive by order of such Justice, any number of lashes not exceeding thirty-nine, on his or her bare back, well laid on, for every such offense.

§ 9. Provided, nevertheless, That every free negro or mulatto, being a house-keeper, may be permitted to keep one gun, powder and shot; and all negroes and mulattoes, bond or free, living at any frontier plantation, may be permitted to keep and use guns, powder, shot, and weapons offensive or defensive, by license from a Justice of Peace of the County wherein such plantation lies, to be obtained upon the application of free negroes or mulattoes, or of the owners of such as are slaves.

Acts of the General Assembly of Virginia, Passed at the Session of 1838, chap. 101, at 76; 1838.

Be it enacted by the general assembly, That if any person shall hereafter habitually or generally keep or carry about his person any pistol, dirk, bowie knife, or any other weapon of the like kind, from this use of which the death of any person might probably ensue, and the same be hidden or concealed from common observation, and he be thereof convicted, he shall for every such offense forfeit and pay the sum of not less than fifty dollars nor more than five hundred dollars, or be imprisoned in the common jail for a term not less than one month nor more than six months, and in each instance at the discretion of the jury; and a moiety of the penalty recovered in any prosecution under this act, shall be given to any person who may voluntarily institute the same.

1847 Va. Laws 127, c. 14, § 16.

If any person shall go armed with any offensive or dangerous weapon without reasonable cause to fear an assault or other injury, or violence to his person, or to his family or property, he may be required to find sureties for keeping the peace for a term not exceeding twelve months, with the right of appealing as before provided.

Staunton, The Charter and General Ordinances of the Town of Lexington, Virginia Page 87, Image 107 (1892) available at The Making of Modern Law: Primary Sources, 1867.

Ordinances of The Town of Lexington, VA, Of Concealed Weapons and Cigarettes, § 1. If any person carrying about his person, hid from common observation, any pistol, dirk, bowie-knife, razor, slung-shot, or any weapon of the like kind, he shall be fined not less than twenty dollars nor more than one hundred dollars; and any of such weapons mentioned shall be forfeited to the town. Nothing in this section shall apply to any officer of the town, county or state while in the discharge of his duty.

The Code of Virginia: With the Declaration of Independence and the Constitution of the United States; and the Constitution of Virginia Page 897, Image 913 (1887) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Virginia | 1887

Offences Against the Peace, § 3780. Carrying Concealed Weapons, How Punished. Forfeiture and Sale of Weapons. If any person carry about his person, hid from common observation, any pistol, dirk, bowie-knife, razor, slung-shot, or any weapon of the like kind, he shall be fined not less than twenty nor more than one hundred dollars, and such pistol, dirk, bowie-knife, razor, slung-shot, or any

weapon of the like kind, shall be forfeited to the commonwealth and may be seized by an officer as forfeited; and upon the conviction of the offender the same shall be sold and the proceeds accounted for and paid over as provided in section twenty-one hundred and ninety: Provided, that this section shall not apply to any police officer, town or city sergeant, constable, sheriff, conservator of the peace, or collecting officer, while in the discharge of his official duty.

## **WASHINGTON**

1854 Wash. Sess. Law 80, An Act Relative to Crimes and Punishments, and Proceedings in Criminal Cases, ch. 2, § 30.

Brandishing | Washington | 1854

Every person who shall, in a rude, angry, or threatening manner, in a crowd of two or more persons, exhibit any pistol, bowie knife, or other dangerous weapon, shall on conviction thereof, be imprisoned in the county jail not exceeding one year, and be fined in any sum not exceeding five hundred dollars.

1859 Wash. Sess. Laws 109, An Act Relative to Crimes and Punishments, and Proceedings in Criminal Cases, ch. 2, § 30.

Brandishing | Washington | 1859

Every person who shall, in a rude, angry or threatening manner, in a crowd of two or more persons, exhibit any pistol, bowie knife or other dangerous weapon, shall, on conviction thereof, be imprisoned in the county jail not exceeding one year, and be fined in any sum not exceeding five hundred dollars.

1869 Wash. Sess. Laws 203-04, An Act Relative to Crimes and Punishments, and Proceedings in Criminal Cases, ch. 2, § 32.

Brandishing | Washington | 1869

Every person who shall, in a rude, angry or threatening manner, in a crowd of two or more persons, exhibit any pistol, bowie knife, or other dangerous weapon, shall on conviction thereof, be imprisoned in the county jail not exceeding one year and be fined in any sum not exceeding five hundred dollars.

1881 Wash. Code 181, Criminal Procedure, Offenses Against Public Policy, ch. 73, § 929.

Carrying Weapons | Washington | 1881

If any person carry upon his person any concealed weapon, he shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not more than one hundred dollars, or imprisoned in the county jail not more than thirty days[.]

1881 Wash. Sess. Laws 76, An Act to Confer a City Govt. on New Tacoma, ch. 6, § 34, pt. 15.

Carrying Weapons | Washington | 1881

[T]o regulate the transportation, storage and sale of gunpowder, giant powder, dynamite, nitro-glycerine, or other combustibles, and to provide or license magazines for the same, and to prevent by all possible and proper means, danger or risk of injury or damages by fire arising from carelessness, negligence or otherwise . . . to regulate and prohibit the carrying of deadly weapons in a concealed manner; to regulate and prohibit the use of guns, pistols and firearms, firecrackers, and detonation works of all descriptions[.]

William Lair Hill, Ballinger's Annotated Codes and Statutes of Washington, Showing All Statutes in Force, Including the Session Laws of 1897 Page 1956, Image 731 (Vol. 2, 1897) available at The Making of Modern Law: Primary Sources.

Brandishing | Washington | 1881

Flourishing Dangerous Weapon, etc. Every person who shall in a manner likely to cause terror to the people passing, exhibit or flourish, in the streets of an incorporated city or unincorporated town, any dangerous weapon, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any sum not exceeding twenty-five dollars. Justices of the peace shall have exclusive original jurisdiction of all offenses arising under the last two preceding sections.

1883 Wash. Sess. Laws 302, An Act to Incorporate the City of Snohomish, ch. 6, § 29, pt. 15.

Carrying Weapons | Washington | 1883

[The city has power] to regulate and prohibit the carrying of deadly weapons in a concealed manner; to regulate and prohibit the use of guns, pistols, and fire-arms, fire crackers, bombs and detonating works of all descriptions . . . .

Albert R. Heilig, Ordinances of the City of Tacoma, Washington Page 333-334, Image 334-335 (1892) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Washington | 1892

Ordinances of the City of Tacoma, An Ordinance Defining Disorderly Persons and Prescribing the Punishment for Disorderly Conduct Within the City of Tacoma. All persons (except police officers and other persons whose duty it is to execute process or warrants or make arrests) who shall carry upon his person any concealed weapon consisting of a revolver, pistol or other fire arms or any knife (other than an ordinary pocket knife) or any dirk or dagger, sling shot or metal knuckles, or

any instrument by the use of which injury could be inflicted upon the person or property of any other person.

Rose M. Denny, The Municipal Code of the City of Spokane, Washington. Comprising the Ordinances of the City (Excepting Ordinances Establishing Street Grades) Revised to October 22, 1896 Page 309-310, Image 315-316 (1896) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Washington | 1896

Ordinances of Spokane, An Ordinance to Punish the Carrying of Concealed Weapons within the City of Spokane, § 1.

If any person within the City of Spokane shall carry upon his person any concealed weapon, consisting of either a revolver, pistol or other fire-arms, or any knife (other than an ordinary pocket knife) or any dirk or dagger, sling-shot or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars, nor more than one hundred dollars and costs of prosecution, and be imprisoned until such fine and costs are paid; provided, that this section shall not apply to police officers and other persons whose duty is to execute process or warrants or make arrests, or persons having a special written permit from the Superior Court to carry weapons

Richard Achilles Ballinger, Ballinger's Annotated Codes and Statutes of Washington: Showing All Statutes in Force, Including the Session Laws of 1897 Page 1956-1957, Image 731-732 (Vol. 2, 1897) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Washington | 1897

Carrying Concealed Weapons, § 7084.

If any person shall carry upon his person any concealed weapon, consisting of either a revolver, pistol, or other fire-arms, or any knife, (other than an ordinary pocket knife), or any dirk or dagger, sling-shot, or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than one hundred dollars, or imprisonment in the county jail not more than thirty days, or by both fine and imprisonment, in the discretion of the court: Provided, That this section shall not apply to police officers and other persons whose duty it is to execute process or warrants or make arrests.



## **WEST VIRGINIA**

1870 W. Va. Code 692, Of Offenses against the Peace, ch. 148, § 7.

If any person, habitually, carry about his person, hid from common observation, any pistol, dirk, bowie knife, or weapon of the like kind, he shall be fined fifty dollars. The informers shall have one half of such fine.

1870 W. Va. Code 703, For Preventing the Commission of Crimes, ch. 153, § 8.

If any person go armed with a deadly or dangerous weapon, without reasonable cause to fear violence to his person, family, or property, he may be required to give a recognizance, with the right of appeal, as before provided, and like proceedings shall be had on such appeal.

1882 W. Va. Acts 421–22

Carrying Weapons | West Virginia | 1882

If a person carry about his person any revolver or other pistol, dirk, bowie knife, razor, slung shot, billy, metallic or other false knuckles, or any other dangerous or deadly weapon of like kind or character, he shall be guilty of a misdemeanor, and fined not less that twenty-five nor more than two hundred dollars, and may, at the discretion of the court, be confined in jail not less than one, nor more than twelve months; and if any person shall sell or furnish any such weapon as is hereinbefore mentioned to a person whom he knows, or has reason, from his appearance or otherwise, to believe to be under the age of twenty-one years, he shall be punished as hereinbefore provided; but nothing herein contained shall be so construed as to prevent any person from keeping or carrying about his dwelling house or premises any such revolver or other pistol, or from carrying the same from the place of purchase to his dwelling house, or from his dwelling house to any place where repairing is done, to have it repaired, and back again. And if upon the trial of an indictment for carrying any such pistol, dirk, razor or bowie knife, the defendant shall prove to the satisfaction of the jury that he is a quiet and peacable citizen, of good character and standing in the community in which he lives, and at the time he was found with such pistol, dirk, razor or bowie knife, as charged in the indictment, he had good cause to believe and did believe that he was in danger of death or great bodily harm at the hands of another person, and that he was, in good faith, carrying such weapon for self-defense and for no other purpose, the jury shall find him not guilty. But nothing in this section contained shall be construed as to prevent any officer charged with the execution of the laws of the state from carrying a revolver or other pistol, dirk or bowie knife.

1891 W. Va. Code 915, Of Offences Against the Peace, ch. 148, § 7.

### Carrying Weapons | West Virginia | 1891

If a person carry about his person any revolver or other pistol, dirk, bowie knife, razor, slung shot, billy, metallic or other false knuckles, or any other dangerous or deadly weapon of like kind or character, he shall be guilty of a misdemeanor, and fined not less than twenty-five nor more than two hundred dollars, and may, at the discretion of the court, be confined in jail not less than one nor more than twelve months; and if any person shall sell or furnish any such weapon as is hereinbefore mentioned to a person whom he knows, or has reason, from his appearance or otherwise, to believe to be under the age of twenty-one years, he shall be punished as hereinbefore provided; but nothing herein contained shall be so construed as to prevent any person from keeping or carrying about his dwelling house or premises, any such revolver or other pistol, or from carrying the same from the place of purchase to his dwelling house, or from his dwelling house to any place where repairing is done, to have it repaired and back again. And if upon the trial of an indictment for carrying any such pistol, dirk, razor or bowie knife, the defendant shall prove to the satisfaction of the jury that he is a quiet and peaceable citizen, of good character and standing in the community in which he lives, and at the time he was found with such pistol, dirk, razor or bowie knife, as charged in the indictment he had good cause to believe and did believe that he was in danger of death or great bodily harm at the hands of another person, and that he was in good faith, carrying such weapon for self-defense and for no other purpose, the jury shall find him not guilty. But nothing in this section contained shall be so construed as to prevent any officer charged with the execution of the laws of the State, from carrying a revolver or other pistol, dirk or bowie knife.

1925 W.Va. Acts 25-30, 1st Extraordinary Sess., An Act to Amend and Re-Enact Section Seven . . . Relating to Offenses Against the Peace; Providing for the Granting and Revoking of Licenses and Permits Respecting the Use, Transportation and Possession of Weapons and Fire Arms. . . , ch. 3, § 7, pt. a. Carrying Weapons, Possession by, Use of, and Sales to Minors and Others Deemed Irresponsible, Registration and Taxation | West Virginia | 1925

§ 7 (a). If any person, without a state license therefor, carry about his person any revolver or other pistol, dirk, bowie-knife, slung shot, razor, billy, metallic or other false knuckles, or any other dangerous or deadly weapon of like kind or character, he shall be guilty of a misdemeanor and upon conviction thereof be confined in the county jail for a period of not less than six nor more than twelve months for the first offense; but upon conviction of the same person for the second offense in this state, he shall be guilty of a felony and be confined in the penitentiary not less than one or more than five years, and in either case fined not less than fifty nor more than two hundred dollars, in the discretion of the court. . . .

## **WISCONSIN**

1858 Wis. Rev. Stat. 985, Of Proceedings to Prevent the Commission of Crime, ch. 175, § 18.

If any person shall go armed with a dirk, dagger, sword, pistol or pistols, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury or violence to his person, or to his family or property, he may, on complaint of any other person having reasonable cause to fear an injury or breach of the peace, be required to find sureties for keeping the peace, for a term not exceeding six months, with the right of appealing as before provided.

1872 Wis. Sess. Laws 17, ch. 7, § 1, An Act to prohibit and prevent the carrying of concealed weapons.

SECTION 1. If any person shall go armed with a concealed dirk, dagger, sword, pistol, or pistols, revolver, slung-shot, brass knuckles, or other offensive and dangerous weapon, he shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the state prison for a term of not more than two years, or by imprisonment in the county jail of the proper county not more than twelve months, or by fine not exceeding five hundred dollars, together with the costs of prosecution, or by both said fine and costs and either of said imprisonments; and he may also be required to find sureties for keeping the peace and against the further violation of this act for a term not exceeding two years: provided, that so going armed shall not be deemed a violation of this act whenever it shall be made to appear that such person had reasonable cause to fear an assault or other injury or violence to his person, or to his family or property, or to any person under his immediate care or custody, or entitled to his protection or assistance, or if it be made to appear that his possession of such weapon was for a temporary purpose, and with harmless intent.

1883 Wis. Sess. Laws 713, An Act to Revise, consolidate And Amend The Charter Of The City Of Oshkosh, The Act Incorporating The City, And The Several Acts Amendatory Thereof, chap. 6, § 3, pt. 56.

To regulate or prohibit the carrying or wearing by any person under his clothes or concealed about his person any pistol or colt, or slung shot, or cross knuckles or knuckles of lead, brass or other metal or bowie knife, dirk knife, or dirk or dagger, or any other dangerous or deadly weapon and to provide for the confiscation or sale of such weapon.

Charter and Ordinances of the City of Superior; Also Harbor Act, Municipal Court Act, Rules of the Common Council and Board of Education Page 390, Image 481 (1896) available at The Making of Modern Law: Primary Sources. 1896  
 Ordinances of the City of Superior, Carrying Concealed Weapons, § 18. It shall be unlawful for any person, other than a policeman or other officer authorized to maintain the peace or to serve process, to carry or wear any pistol, sling-shot, knuckles, bowie knife, dirk, dagger or any other dangerous weapon within the limits of the City of Superior, and any person convicted of a violation of this section shall be punished by a fine of not less than ten (10) dollars nor more than one hundred (100) dollars.

## **WYOMING**

1884 Wyo. Sess. Laws, chap. 67, § 1, as codified in Wyo. Rev. Stat., Crimes (1887): Exhibiting deadly weapon in angry manner. § 983.

Whoever shall, in the presence of one or more persons, exhibit any kind of fire-arms, Bowie Knife, dirk, dagger, slung-shot or other deadly weapon, in a rude, angry or threatening manner not necessary to the defense of his person, family or property, shall be deemed guilty of misdemeanor, and on conviction thereof, shall be punished by a fine not less than ten dollars, nor more than one hundred dollars, or by imprisonment in the county jail not exceeding six months . . . .

Wyo. Comp. Laws (1876) chap. 35 § 127, as codified in Wyo. Rev. Stat., Crimes (1887) Having possession of offensive weapons. § 1027.

If any person or persons have upon him any pistol, gun, knife, dirk, bludgeon or other offensive weapon, with intent to assault any person, every such person, on conviction, shall be fined in any sum not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months.

A. McMicken, City Attorney, The Revised Ordinances of the City of Rawlins, Carbon County, Wyoming Page 131-132; Image 132-133 (1893) available at The Making of Modern Law: Primary Sources.

Carrying Weapons | Wyoming | 1893

Revised Ordinances of the City of Rawlins, Article VII, Carrying Firearms and Lethal Weapons, § 1.

It shall be unlawful for any person in said city to keep or bear upon the person any pistol, revolver, knife, slungshot, bludgeon or other lethal weapon, except the officers of the United States, of the State of Wyoming, of Carbon County and of the City of Rawlins. § 2. Any person convicted of a violation of the preceding section shall be fined not exceeding one hundred dollars, or imprisoned in the city

jail not exceeding thirty days. § 3. Persons not residing in said city shall be notified of this Ordinance by the police or any citizen, and after thirty minutes from the time of notification, shall be held liable to the penalties of this article, in case of its violation. § 4. The city marshal and policemen of the city shall arrest, without warrant, all persons found violating the provisions of this article, and are hereby authorized to take any such weapon from the person of the offender and to imprison the offender for trial, as in case of violations of other Ordinances of said city.

SOURCE: <https://firearmslaw.duke.edu/repository/search-the-repository/>

## CERTIFICATE OF SERVICE

Case Name: **Knife Rights, Inc., et al. v.  
California Attorney General  
Rob Bonta, et al.**

No. **3:23-cv-00474-JES-DDL**

I hereby certify that on March 6, 2024, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

### **EXPERT REPORT AND DECLARATION OF ROBERT SPITZER**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on March 6, 2024, at Sacramento, California.

Eileen A. Ennis  
Declarant

  
Signature