

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FREDRIC RUSSEL MANCE, JR. *et al.*,

VS.

Civil Action No. 4:14-CV-00539-O

ERIC HOLDER, ATTORNEY GENERAL
OF THE UNITED STATES, and B. TODD
JONES, DIRECTOR, BUREAU OF
ALCOHOL, TOBACCO, FIREARMS &
EXPLOSIVES

**APPENDIX IN SUPPORT OF DEFENDANTS' COMBINED BRIEF IN
RESPONSE TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND
REPLY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS OR FOR
SUMMARY JUDGMENT**

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EXHIBIT 3

**ADDITIONAL EARLIEST KNOWN STATE RESIDENCY
RESTRICTIONS ON THE PURCHASE OR POSSESSION OF FIREARMS**

State and Date of Enactment	Relevant Statutory Text	Source
Rhode Island (1910)	<p><i>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, concealed upon his person: Provided, that, without written permission, 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, – and also such persons, citizens of this state, as have been granted written permission to carry a billy, pistol, or firearms of any description, by the board of police commissioners or any city or town, or by the board of aldermen of any city or town council of any town where no board of police commissioners exist, – are exempted from the provisions of this and the two following sections as to carrying a billy, pistol, or firearms of any description. Every application for such permit shall be in writing, signed by the applicant, and no permit shall be issued unless the approval of the chief of police or town sergeant of the city or town in which the applicant resides is endorsed on such application. Before issuing any such permit the applicant for the same shall be required to give bond to the city or town treasurer in the penal sum of three hundred dollars, with surety satisfactory to the authority issuing such permit, to keep the peace and of good behavior.</i></p>	Act of May 2, 1910, ch. 591, § 1, 1910 R.I. Acts 156, 156-57.
Oregon (1913)	<p>Section 1. It shall be <i>unlawful for any person, firm or corporation to display for sale at retail any pocket pistol or revolver or to sell at retail, barter, give away or dispose of the same to any person whomsoever, excepting a policeman, member of the militia or peace officer of the State of Oregon, unless the purchaser or person attempting to procure the same shall have a permit for the purpose of procuring such pocket pistol or revolver signed by the municipal judge or city record of the city or county judge or a justice of the peace of the county wherein such person resides.</i></p>	Act of Feb. 26, 1913, ch. 256, § 1, 1913 Or. Laws 497.

<p>Montana (1918)</p>	<p>Section 1. Within thirty days from the passage and approval of this Act, every person within the State of Montana, who owns or has in his possession any fire arms or weapons, shall make a full, true, and complete verified report upon the form hereinafter provided to the sheriff of the County in which such person lives, of all fire arms and weapons which are owned or possessed by him or her or are in his or her control, and on sale or transfer into the possession of any other person such person shall immediately forward to the sheriff of the County in which such person lives the name and address of that purchaser and person into whose possession or control such fire arm or weapon was delivered.</p> <p>Section 2. Such report shall be in the following form:</p> <p style="text-align: right;">County of _____ No. _____</p> <p>State of Montana County of _____ _____, being first duly sworn on oath deposes and says:</p> <p>1. That he is a citizen of _____, and that his address is _____ Street, City or Town of _____, County of _____.</p> <p>2. That he is the owner (has in his possession or control) the following fire arms and weapons. Manufacturer's name _____, Manufacturer's No. _____, calibre, and where possible date and Manufacturer's series.</p> <p>3. That he was born at _____, on the _____ day of _____, A. D. 18____, and that his occupation is _____.</p> <p>4. Description: Height _____ inches, color _____, skin _____, eyes _____, hair _____, _____.</p> <p>Dated at _____, Montana, this _____ day of _____, _____ 1918.</p> <p>Subscribed and sworn to before me this _____ day of _____, A.D. 1918.</p>	<p>Act of Feb. 20, 1918, ch. 2, §§ 1-3, 8, 1918 Mont. Laws 6, 6-9.</p>
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	<p>Section 3. Any person signing a fictitious name or address or giving any false information in such report shall be guilty of a misdemeanor, and any person failing to file such report as in this Act provided, shall be guilty of a misdemeanor. Such report may be verified before any person authorized by the laws of this state to administer oaths, or before any sheriff, under-sheriff, or deputy sheriff. <i>It shall be unlawful for any person to purchase, borrow or otherwise acquire possession of any firearm or weapon as in this Act defined, from any person, firm or corporation outside of the State of Montana, without first obtaining a permit from the sheriff of the County in which such person lives. And no sheriff shall give any such permit without first procuring from such person an affidavit in substantially the same form as herein provided in Section 2, setting forth the description of the fire arm or weapon in Paragraph 2, which such person desires to purchase. No permit shall be given by the sheriff until he is satisfied that the person applying for such permit is of good moral character and does not desire such fire arm or weapon for any unlawful purpose. . . .</i></p> <p>Section 8. For the purposes of this Act a fire arm or weapon shall be deemed to be any revolver, pistol, shot gun, rifle, dirk, dagger or sword.</p>	
<p>Arkansas (1923)</p>	<p>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:</p> <p style="padding-left: 40px;">Section 1. <i>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 country 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, caliber and number of said pistol or revolver. . . .</i></p> <p style="padding-left: 40px;">Section 3. Any person who shall purchase or acquire possession of any pistol or revolver shall make application and secure a permit to possess same as provided by section 2 of this Act, and any person having in his custody and control any pistol or revolver, and who has not secured the permit as herein provided shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than fifty and not more than one hundred dollars, and said fire arm shall be taken by the sheriff, and publicity [sic] destroyed.</p>	<p>Act of March 19, 1923 §§ 1, 3 1923 Ark. Acts 379, 379-80.</p>

Indiana (1935)	<p>Section 1. Be it enacted by the general assembly of the State of Indiana, That the term “pistol,” as used in this act, means any firearm with barrel less than twelve inches in length. . . .</p> <p>Sec. 3. Carrying Pistol. <i>No person shall carry a pistol in any vehicle or on or about his person, except in his place of abode or fixed place of business, without a license therefor as hereinafter provided. . . .</i></p> <p>Sec. 5. Issue of Licenses to Carry. <i>The judges of any circuit, superior or criminal court in this state, may upon the application of any person living within the jurisdiction of said court issue a license to such person to carry a pistol in a vehicle or on or about his person within this state for not more than one year from date of issue, if it appears that the applicant has good reason to fear an injury to his person or property, or has any other property, or has any other proper reason for carrying a pistol, and that he is a suitable person to be so licensed. The license shall be in triplicate, in form to be prescribed by the adjutant general, and shall bear the name, address, description, and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to by registered mail to the adjutant general and the triplicate shall be preserved for six years, by the authority issuing said license. The fee for issuing such license shall be one dollar, which fee shall be paid into the county treasury.</i></p>	Act of Feb. 21, 1935, ch. 63, §§ 1, 3, 5, 1935 Ind. Laws 159, 159-61.
Alabama (1937)	<p>Section 1. DEFINITIONS: “Pistol” as used in this Act, means any firearm with barrel less than twelve inches in length. . . .</p> <p>Section 5. CARRYING PISTOL: <i>No person shall carry a pistol in any vehicle or concealed on or about his person, except in his place of abode or fixed place of business, without a license therefor as hereinafter provided. . . .</i></p> <p>Section 7. ISSUE OF LICENSES TO CARRY: The Probate Judge, the Chief of Police of a municipality, the Sheriff of a County, may upon the application of any person issue a license to such person to carry a pistol in a vehicle or concealed on or about his person within this State for not more than one year from date of issue, if it appears that the applicant has good reason to fear an injury to his person or property, or has any other proper reason for carrying a pistol, and that he is a suitable person to be so licensed. The license shall be in triplicate, in form to be</p>	Act of Apr. 6, 1936, No. 82, §§ 1, 5, 7, 1936 Ala. Laws 51, 51-52; amended by Act of Mar. 2, 1937, No. 190, § 1, 1937 Ala. Laws 223, 223.

prescribed by the Secretary of State, and shall bear the name, address, description, and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the Secretary of State and the triplicate shall be preserved for six years, by the authority issuing said license. The fee for issuing such license shall be 50c (fifty cents) which fee shall be paid into the State Treasury.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 7 of “an act to regulate the sale, transfer and possession of certain types of firearms; to provide for the licensing of dealers and owners of such firearms; to fix rules of evidence in the courts of this state in prosecutions for violation of this act; to prescribe penalties for the violation of any provision herein and to make uniform the laws with reference thereto,” Approved April 6th, 1936, be amended so as to read as follows:
Section 7. ISSUE OF LICENSES TO CARRY: *The Sheriff of a County, may upon the application of any person residing in that county issue a license to such person to carry a pistol in a vehicle or concealed on or about his person within this state for not more than one year from date of issue, if it appears that the applicant has good reason to fear an injury to his person or property, or has any other proper reason for carrying a pistol, and that he is a suitable person to be so licensed. The license shall be in triplicate, in form to be prescribed by the Secretary of State, and shall bear the name, address, description, and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days by sent by registered mail to the Secretary of State and the triplicate shall be preserved for six years, by the authority issuing said license. The fee for issuing such license shall be fifty cents (\$.50) which fee shall be paid into the County Treasury.*