

Recent Legislation

CRIMINAL LAW—BOMBING.—The recent use of high-powered explosives by extortionists and gangsters has called forth a new statute from the Missouri Legislature. Mo. Laws 1929, p. 165. It defines the crime of bombing and imposes a penalty for its commission. The statute reads, "The willful and malicious explosion of any bomb or other device charged with powder or other explosives is hereby declared to be and defined as bombing." And, "Whoever shall willfully and maliciously explode or who willfully and maliciously aids, counsels, or causes to be exploded any bomb or other device charged with powder or other explosive, whereby any person is or may be put in danger of bodily injury or death, shall be deemed guilty of bombing, and upon conviction thereof shall suffer death or be imprisoned in the state penitentiary for a term of not less than two years." Another new Missouri statute covers the malicious destruction of property by explosives, and makes such offense a felony. Mo. Laws 1929, p. 169, repealing R. S. Mo. (1919) sec. 3384.

Other states have had statutes of this same general scope for several years, but none have been as inclusive as the new Missouri statutes. Most of them cover damage to property only. Some few include injuries to persons. In Ohio, for example, the act prohibits the possession and carrying of bombs and explosives with the intent to use the same unlawfully against the person or property of another. Ohio Code (Page, 1926) secs. 5903-19. In New York the endangering of life by maliciously placing an explosive near a building is a felony. N. Y. Laws 1923, sec. 1895. Illinois also has an act to punish persons for destroying property, or inflicting injury to persons by such destruction with bombs and explosives. R. S. Ill. (Cahill, 1929) c. 38 secs. 56-59.

In 1929 four states in addition to Missouri legislated against the use of bombs and other explosive devices to injure persons or property. Maryland added dwellings to the buildings which it is a felony to destroy or injure with dynamite. Md. Laws 1929, c. 405. Pennsylvania provides for punishment of persons who have bombs in their possession, or who attempt to use explosives for the injury of persons or property. Pa. Laws 1929, c. 330. In Oregon punishment is provided if any person shall purposely and maliciously and with intent to injure the person or property of another, set off or explode, any bomb, dynamite, powder or other explosive. Ore. Laws 1929, c. 408. The Kansas statute provides, "Any person who shall have in his possession or control any cartridge, shell or bomb or similar device, charged or filled with one or more explosives intending to use the same or cause the same to be used for an unlawful purpose, or attempts to use it to the injury of persons or property . . . shall be deemed guilty of a misdemeanor." Kan. Laws 1929, c. 171. In passing, it should be noted that Kansas is the only state which makes the offense of bombing less than a felony.

Legislation of this type often defeats its own purpose by being hastily and inefficiently drawn up. The Missouri act merits this criticism. A "bomb" is said to be any device charged with powder or other explosive. This description is inclusive enough to cover all kinds and sizes of explosives, even down to small firecrackers. The wording of the Oregon statute is subject to the same criticism. Is it possible that such a relatively insignificant offense as maliciously exploding a firecracker and causing personal injury should be considered as bombing, and be punished as a felony, conviction for which is punished by a sentence of from two years in the penitentiary to death? The Ohio and Kansas statutes, which apply only to "any cartridge, shell, bomb or similar device," seem to be more intelligently drafted than the Missouri enactment; but it is probable that the latter, by discerning application, will satisfactorily accomplish its purpose.

C. F. M., '31.

CONSTITUTIONAL LAW—POLICE POWER—REGULATION OF BARBERS.—In order to practice the "art" of barbering in Illinois, one must now attend a qualified barber college for 1248 hours, as well as undergo a period of apprenticeship lasting two and one-half years. Ill. Laws 1919, p. 189. The idea of barber colleges is not a new one, but attendance at them has been accepted heretofore in lieu of, rather than in addition to, apprenticeship. Ill. Laws 1909, p. 98; Mo. Laws 1921, p. 156. Barbering has assumed the dignity of a profession. The Legislature of Illinois so refers to it in its enactments.

Courts have generally held that acts providing for the examination, licensing and regulation of barbers are a valid exercise of the police power to adopt regulations for the health, comfort and well-being of society, and not void as an abridgment of the liberty and natural rights of citizens. *State v. Walker* (1907) 48 Wash. 8, 92 Pac. 775. The test usually laid down is whether the restrictions imposed by the statute are reasonable. There can be little doubt that twenty-five years ago the statute in the present case would have been held to impose unreasonable restrictions. Barbering was then merely a trade, and all that an ambitious man needed to enter it were instruments and some sense of symmetry. But along with the growing consciousness in the trade of the dignity of its calling came a widening conception on the part of the courts of what are reasonable requirements for its practice. There can be little doubt, then, of the constitutionality of the present statute on this particular point, especially in view of the decision upholding the prior Illinois statute. Ill. Laws 1909, p. 98. In that case the court said: "Three years seems a long time to require for learning the trade of a barber, but we cannot say that it is so unreasonably long as to constitute an unreasonable restriction upon the right to engage in the trade." *People v. Logan* (1918) 284 Ill. 83, 119 N. E. 913.

P. S. A., '31.