

1914

## PRIZE FIGHTS

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in favor of this amendment by reason of the similarity of the word "bond" in each instance, because in effect they are two very different instruments. If every voter would ask himself whether he was better protected for the loan money by having United States bonds as security, or by having the bonds of a surety company, he would realize the difference and the vicious effect of this amendment.

*Second*—The law as it has stood ever since its enactment has given entire satisfaction. Not only that, but there has not been a semblance of loss by any county or municipality in this state under its workings. There is no public demand for any change, there has been no county treasurer but what has been able to deposit his money with banks if he so desired, and no bank has been unable to obtain money that had the proper securities; therefore the object in making the amendment must have some ulterior purpose. Of course the ulterior purpose is to increase the business of surety companies, most of whom are foreign corporations. It is not designed for public benefit. There is no need or necessity of the amendment, except to contribute to the selfish ends of the surety companies.

*Third*—It is frequently necessary for either the state, or for counties or municipalities or school districts within this state, to obtain moneys by the issuance of bonds. Whatever will increase the premium paid for the purchase of said bonds to the municipalities is so much to the good to

the political entity making the sale. Whatever increases the demand for such bonds increases this premium. The use of bonds for the purpose of deposit with county treasurers in order that cash may be withdrawn to banks increases the demand. It offers additional use for the bonds and additional inducement for their purchase. Since the enactment of section 16½ it has conduced greatly to the benefit of the political entities of the state issuing bonds, because it has vastly increased the market for such bonds, thereby increasing the demand and insuring a higher premium for the bonds sold. Now it is proposed to bring these municipal bonds in competition with the bonds of a surety company. This will diminish the demand, consequently diminish the premium, and thereby diminish the benefits accruing to the political entities issuing the bonds. It thus militates against the best interests of the county or school district or municipality desiring to issue bonds, and for that reason should be voted down.

*Fourth*—In spite of whatever care the legislature may take in passing an enabling act and providing safeguards for the issuance of surety bonds, this amendment will offer opportunities for banks to form surety companies, operated by dummies, permitting collusion and fraudulently obtaining large sums of money from public entities.

For these reasons the voter should vote "No" upon this amendment. L. H. ROSEBERRY.

## PRIZE FIGHTS.

Initiative act amending Penal Code. Prohibits the engaging in or furthering in any way prize fights or remunerative boxing exhibitions, training therefor, or betting thereon; the conducting, participating in or witnessing any boxing exhibitions on Memorial Day or Sunday; authorizes regulated four-round amateur boxing exhibitions unless prohibited by ordinance; provides for arrest of persons about to promote or participate in prohibited contests and requires bond against committing offense; declares self-incrimination no disqualification of witness; prohibits his prosecution for offense disclosed; authorizes conviction upon accomplice's uncorroborated testimony; prescribes penalties.

The electors of the State of California present to the secretary of state this petition, and request that the proposed law, amending sections 412, 413 and 413½ of the Penal Code, relating to sparring or boxing exhibitions and prohibiting prize fights and the laying of bets or wagers upon the result thereof, and adding a new section to the Penal Code, numbered 414a, hereinafter set forth, be submitted to the people of the State of California for their approval or rejection at the next ensuing general election, or as provided by law.

An act to amend sections four hundred and twelve, four hundred and thirteen, and four hundred and thirteen and one-half of the Penal Code relating to sparring or boxing exhibitions and prohibiting prize fights and the laying of bets or wagers upon the result thereof; and to add one new section to said Penal Code, to be numbered 414a, relating to prize fights and boxing exhibitions, and giving testimony in trials relating thereto.

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

Section 1. Section four hundred and twelve of the Penal Code is hereby amended to read as follows:

412. Any person, who, within this state, engages in, or instigates, aids, encourages, or does any act to further, a pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, taking or to take place either within or without this state, between two or more persons, with or without gloves, for any price, reward or compensation, directly or indirectly, or who goes into training preparatory to such pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, or acts as aider, actor, backer, umpire, referee, trainer, second, physician, or assistant, at such pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, or who sends or publishes a

challenge or acceptance of a challenge, or who knowingly carries or delivers such challenge or acceptance, or who gives or takes or receives any tickets, tokens, prize, money, or thing of value, from any person or persons for the purpose of seeing or witnessing any such pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, or who, being the owner, lessee, agent, or occupant of any vessel, building, hotel, room, enclosure or ground, or any part thereof, whether for gain, hire, reward or gratuitously or otherwise, permits the same to be used or occupied for such a pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, or who lays, makes, offers or accepts, a bet or bets, or wager or wagers, upon the result or any feature of any pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, or acts as stakeholder of any such bet or bets, or wager or wagers, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars nor more than one thousand dollars and be imprisoned in the county jail not less than thirty days nor exceeding one year; provided, however, that amateur boxing exhibitions may be held within this state, of a limited number of rounds, not exceeding four of the duration of three minutes each; the interval between each round shall be one minute, and the contestants weighing one hundred and forty-five pounds or over shall wear gloves of not less than eight ounces each in weight, and contestants weighing under one hundred and forty-five pounds may wear gloves of not less than six ounces each in weight. All gloves used by contestants in such amateur boxing exhibitions shall be so constructed, as that the soft padding between the outside coverings shall be evenly distributed over the back of said gloves and cover the knuckles and back of the hands. And no bandages of any kind shall be used on the hands or arms of the contestants. For the purpose of this statute an amateur boxing exhibition shall be and is hereby defined as one in

which no contestant has received or shall receive in any form, directly or indirectly, any money, prize, reward or compensation either for the expenses of training for such contest or for taking part therein, except as herein expressly provided. Nor shall any person appear as contestant in such amateur exhibition who prior thereto has received any compensation or reward in any form for displaying, exercising or giving any example of his skill in or knowledge of athletic exercises, or for rendering services of any kind to any athletic organization or to any person or persons as trainer, coach, instructor or otherwise, or who shall have been employed in any manner professionally by reason of his athletic skill or knowledge; provided, however, that a medal or trophy may be awarded to each contestant in such amateur boxing exhibitions, not to exceed in value the sum of \$35.00 each, which such medal or trophy must have engraved thereon the name of the winner and the date of the event; but no portion of any admission fee or fees charged or received for any amateur boxing exhibition shall be paid or given to any contestant in such amateur boxing exhibition, either directly or indirectly, nor shall any gift be given to or received by such contestants for participating in such boxing exhibition, except said medal or trophy. At every amateur boxing exhibition held in this state and permitted by this section of the Penal Code, any sheriff, constable, marshal, policeman or other peace officer of the city, county or other political subdivision, where such exhibition is being held, shall have the right to, and it is hereby declared to be his duty to stop such exhibition, whenever it shall appear to him that the contestants are so unevenly matched or for any other reason, the said contestants have been, or either of them, has been seriously injured or there is danger that said contestants, or either of them, will be seriously injured if such contest continues, and he may call to his assistance in enforcing his order to stop said exhibition, as many peace officers or male citizens of the state as may be necessary for that purpose. Provided, further, that any contestant who shall continue to participate in such exhibition after an order to stop such exhibition shall have been given by such peace officer, or who shall violate any of the regulations herein prescribed, for governing amateur boxing exhibitions, shall be deemed guilty of violating this section of the Penal Code and subject to the punishment herein provided.

Nothing in this section contained shall be construed to prevent any county, city and county, or incorporated city or town from prohibiting, by ordinance, the holding or conducting of any boxing exhibition, or any person from engaging in any such boxing exhibition therein.

Section 2. Section four hundred and thirteen of the Penal Code is hereby amended to read as follows:

413. Every person willfully present as a spectator at any fight or contention prohibited in the preceding section, is guilty of a misdemeanor.

An information may be laid before any of the magistrates mentioned in section eight hundred and eight of this code, that a person has taken steps toward promoting or participating in a contemplated pugilistic contest, or fight, or ring or prize fight, or sparring or boxing exhibition, prohibited under the provision of section four hundred and twelve of this code, or is about to commit an offense under said section four hundred and twelve. When said information is laid before said magistrate, he must examine, on oath, the informer, and any witness or witnesses he may produce, and must take their depositions in writing and cause them to be subscribed by the parties making them. If it appears from the deposition that there is just reason to fear the commission of the offense contemplated by the person so informed against, the magistrate must issue a warrant directed generally to the sheriff of the county, or any constable, marshal, or policeman in the state, reciting the substance of the information and commanding the officer forthwith to arrest the person informed against and bring him before the magistrate. When the person informed against is brought before the

magistrate, if the charge be controverted, the magistrate must take testimony in relation thereto. The evidence must be reduced to writing and subscribed by the witnesses. If it appears there is no just reason to fear the commission of the offense alleged to have been contemplated the person complained against must be discharged. If, however, there is just reason to fear the commission of the offense, the person complained of must be required to enter into an undertaking in such sum, not less than three thousand dollars, as the magistrate may direct, with one or more sufficient sureties, conditioned that such person will not, for a period of one year thereafter, commit any such contemplated offense.

Section 3. Section four hundred and thirteen and one-half of the Penal Code is hereby amended to read as follows:

413½. Any person or persons holding, or conducting, or participating in, or present as a spectator, at any boxing exhibition held on Memorial Day, May 30, or on Sundays, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Section 4. A new section, to be numbered 414a, is hereby added to the Penal Code to read as follows:

414a. No person, otherwise competent as a witness, is disqualified from testifying as such, concerning any offense under this act, on the ground that such testimony may incriminate himself, but no prosecution can afterwards be had against him for any offense concerning which he testified. The provisions of section 1111 of the Penal Code of this state are not applicable to any prosecutions brought under the provisions of this act.

Section 5. All laws and parts of laws inconsistent with this act are hereby repealed.

#### ARGUMENT IN FAVOR OF ANTI-PRIZE FIGHT ACT.

This act is designed to prevent commercialized prize fighting in California, with its attendant evils, without interfering with bona fide amateur boxing, or amateur boxing exhibitions.

Bona fide amateur boxing exhibitions are permitted under restrictions that will exclude contests between professionals as a business enterprise, viz.:

(a) Rounds are limited to four, of three minutes, with one minute intervals.

(b) Contestants weighing under 145 pounds must wear six-ounce gloves and those over 145, eight-ounce. Soft padding of glove must cover back of hand and knuckles; no bandages permitted on hands or arms;

(c) No professional can engage in amateur boxing exhibitions. "Amateur" is carefully defined in accordance with rules of Amateur Athletic Union of United States, with some additional safeguards;

(d) The only thing of value that contestant may lawfully receive is a trophy or medal not exceeding \$35.00 in value, upon which name of winner and date of event must be engraved;

(e) It is peace officer's duty, within whose jurisdiction amateur boxing exhibition is held, to stop contest when it appears that serious injury has been, or probably will be, inflicted upon contestants. He is authorized to call to his assistance officers or male citizens, and all contestants who continue contest after such order are guilty of violating section 413 of the Penal Code;

(f) Contestants violating regulations of law governing amateur boxing exhibitions are guilty of violating said section 413.

It is evident from its provisions that the law will be effective and enforceable.

Amateur boxing and prize fighting are no more related than racing and racetrack gambling; and

for the same reason that California voters overwhelmingly approved the suppression of the last named evil, they should also prohibit professional prize fighting. The large sums collected prize fight promoters not only represent actual state, but also induce young men to adopt pugilism as a business, with all its brutalizing and demoralizing tendencies, and its attendant evils of intoxication and gambling.

It is not necessary to call attention to the deaths resulting from prize fighting. This so-called art of self defense is barbarous in character, for every prize fighter aims to deliver a "knockout" to his opponent. It is not surprising that some are killed. In amateur sports some participants are injured or killed, but such tragedies are incidental and not intentional, while in prize fighting the championship and prize are dependent upon "knocking out" the contestant.

California can not afford, when in 1915 it shall be entertaining the world at its expositions, to advertise that it is out of harmony with the enlightened sentiment of the civilized world, that unmistakably condemns prize fighting and its attendant evils.

Vote for this proposed law, and thereby exhibit not only the highest patriotism, but also the most approved common sense. NATHAN NEWBY.

#### ARGUMENT AGAINST ANTI-PRIZE FIGHT ACT.

*First*—Boxing is not brutal. Misrepresentation, through ignorance of existing conditions, has spread the idea that the sport is a brutal amusement. Records show that more men are injured in other major sports such as baseball, football, auto racing, and polo, on a ratio of the men engaged, than have been in boxing. In conducting bouts, promoters in California have held strictly to the rule of stopping all contests in which one of the contestants has plainly lost all chance to win.

*Second*—The sport is conducive to maintain manliness and good health among the participants. Rigid rules call for the best of condition in a boxer, and to obtain this cleanliness and abstinence from all forms of vice must be observed.

*Third*—A general impression exists that boxing contests are attended only by the lowest moral element. The houses drawn by promoters in California have been composed of the highest class of professional and business men. Lawyers, doctors, merchants, bankers and ministers have been interested spectators.

*Fourth*—The character of the men who have made good in the sport is above reproach. Fred

Welsh, at present the champion of his class, is well known as a temperate liver and abstainer from intoxicants, and a well educated and cultured gentleman. Other well known men in this country who are a credit to the game are Johnny Kilbane, Johnny Williams, Willie Ritaele and James J. Corbett, each of whom has reached the head of his class. The last two are citizens of California, and men whose actions, in all parts of the world, have caused Californians to be very proud of them.

*Fifth*—Opposition to boxing is believed to have been developed from two sources—one is the honest, but uninformed reformer, and the other is the professional agitator. No opposition to the sport has been found in the cities and towns where it is allowed. To permit the sport will work hardship on none, while to prohibit it will deprive thousands of an amusement for which they have shown a liking ever since the game was promoted on a large scale in the United States. That there is no popular demand for its prohibition is evinced by the fact that it took eight months to get 32,000 signatures from a voters' list of over 500,000 in the state. Even with that time it was necessary to get an extension over the eight months limit to complete the petition.

*Sixth*—Boxing is not a state nor a national sport. It has an international vogue. For nearly two hundred years it has been promoted and encouraged by the English government, while men at the head of the army and navy of the United States have been hardly less active in encouraging it among the enlisted men. It is recognized as a healthful sport and a training course that conditions men second to none other in the world.

*Seventh*—The petition against boxing exempts the very brief four round bouts by amateurs. In these bouts there is no incentive for the boys to develop the best there is in them. No strict regulations compel them to train and acquire their best physical condition. Neither are they required to submit to a physician's examination before entering the ring. In professional bouts the men are made to post forfeits that they will attain their best condition and make certain weights. Even with this protection for themselves they must submit to the examination of a physician, who will not allow a man to enter the ring when there is the least chance of his being injured by lack of condition in so doing. Fame, money, and popularity are held out to the professional boxer, and it stands to reason that those inducements naturally make for a much higher standard of bouts than would the conditions under which amateur bouts are conducted.

D. P. REEAN,  
State Senator Eighteenth District.

## DRUGLESS PRACTICE.

Initiative act creating state board for drugless physicians, with office in Oakland, creating fund from fees for members' and employees' salaries and expenses, regulating examinations and issuance of certificates. Authorizes holders thereof to treat all physical or mental ailments of human beings without drugs or medicine, use "Doctor," "Dr." or "D. P." in connection with "Drugless Physician," and sign birth and death certificates. Exempts from examination any person practicing any drugless system for six months prior to effective date of act. Prescribes penalties for violations of act; and repeals all inconsistent provisions of medical act.

The electors of the State of California do hereby petition and propose the adoption of the following measure:

An act for the regulation of the practice of drugless systems or methods of treating sick or afflicted human beings; regulating the examination of applicants for license; regulating registration of applicants; allowing those licensed to treat diseases, injuries, deformities, or other physical or mental conditions of human beings by drugless methods; to establish a board of examiners for drugless physicians, to provide for their appointment and formation and prescribe their powers and duties; making violations of its provisions a misdemeanor; and repealing all parts of an act, entitled "An act to regulate the examination of applicants for license, and the practice of those licensed, to treat diseases, injuries, deformities, or other physical or mental conditions of human beings; to establish a board of medical examiners, to provide for their appointment and prescribe their powers and duties,

and to repeal an act entitled 'An act for the regulation of the practice of medicine and surgery, osteopathy, and other systems or modes of treating the sick or afflicted, in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation,' approved March 14, 1907, and acts amendatory thereof, and also to repeal all other acts and parts of acts in conflict with this act," approved June 2, 1913, in conflict with this act and repealing all acts or parts of acts in conflict with this act.

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

Section 1. A board to consist of nine members and to be known as the board of examiners for drugless physicians is hereby created and established. The governor shall appoint the members of the board on or before the first Tuesday in December, 1914, each of whom shall have been a citizen of this state for at least three years next preceding his appointment. Each of the