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## **Bakersfield's Curfew, 1891-1988**

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By Gilbert Peter Gia

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In 1891 Bakersfield's population was nearly 3,000, and kids were running the streets at night. The Daily Californian wrote,

"A curfew bell could be rung at 8 pm to signify that young boys should leave the streets and go home. This is a thing sorely needed for the welfare of the rising young, who should be early taught not to run about by nights."<sup>1</sup>

Months later when the newspaper was lobbying for town incorporation, the curfew bell was again mentioned.

"It would be well if a curfew bell were rung nightly in this town, and all of the young urchins who are fast learning to be hoodlums compelled to be within doors by eight pm."<sup>2</sup>

Unsupervised youth just east of Bakersfield in Kern City also were causing concerns.<sup>3</sup> In 1892 the Californian wrote,

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<sup>1</sup> Daily Californian, Oct 28, 1891. Noting a supporting reason for reincorporating the town. In 1890 the populations of Bakersfield and Kern City (East Bakersfield) were 2637 and 625 respectively. Kern County California of July 12, 1890

<sup>2</sup> Daily Californian, Oct 1, 1892

"We are not too old to learn from our neighbor, nor should we be so foolishly proud as not to follow her example. ... The evil that flaunts by day in certain quarters, for the good name and fair fame of this town, to say nothing of the unspoken demands of pure womanhood, should be made to duck its head and keep quiet. If a curfew bell could be rung, after which boys verging toward manhood would be compelled to be and stay at home, not only the better for them and the hearts of their mothers, but far safer for some other's daughters."<sup>4</sup>

Californian continued its push a few months later when it wrote, "Visalia now rings a curfew bell at 9 o'clock each evening at which four boys under 18 years of age are supposed to retire to their homes. Such an ordinance might be adopted in other towns with good results."<sup>5</sup>

Back in 1884, twenty-one year-old Alfred Harrell was teaching at Poso at Shamrock School, and A.C. Maude who was then publisher and owner of the Kern County Californian wrote,

"Mr. Harrell will leave this week for Tombstone, Arizona, where he has a sister living. He will probably return in May. Although a young man, we believe Kern county can boast of no better teacher. He sets for his school the example of good morals and industry, and we predict for him success wherever he may go."<sup>6</sup>

In 1886 the Democratic Party nominated Harrell to the Kern County Superintendent of Schools board, and the county elected him

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<sup>3</sup> Kern City is now East Bakersfield

<sup>4</sup> Daily Californian, Nov 18, 1892. "The evil that flaunts by day" was the Tenderloin district. Kern City incorporated Dec 12, 1893, but Bakersfield did not until 1898.

<sup>5</sup> The Californian, May 20, 1893

<sup>6</sup> Kern County Californian, Apr 4, 1885

to the position.<sup>7</sup> In 1889 Harrell was stand-in editor for the Kern County Gazette, and in the late 1890s when Kern County High School Principal E.F. Goodyear abruptly resigned and returned to the classroom, the board appointed board-secretary Alfred Harrell as temporary principal.<sup>8</sup>

Sometime prior to 1892, Kern City trustees wrote a curfew ordinance, but police apparently did not enforce it. Said the Daily Californian,

“Principal Pauly<sup>9</sup> announced in the schools today that the curfew ordinance would be strictly enforced hereafter and warned the children not to appear on the streets after the ringing of the curfew without a note from their parents. A number of the young boys have made a custom to hang around town until late at night and as a consequence would not be able to do their schoolwork the next day, and upon complaint of the school authorities to the trustees at their meeting last night it was decided to rigidly enforce the ordinance. The engineer at the firehouse was instructed to ring the bell eight times at eight o'clock every evening, and after that time no minors are to be allowed on the streets. Marshall Badger and

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<sup>7</sup> The Californian, Mar 5, 1895. Kern County Californian, Jun 13, 1885 and Aug 28, 1886, “Bakersfield, Cal., Aug 22, 1886. One of the most interesting and enthusiastic Democratic County Conventions held for many years was the order of the day yesterday. ... Alfred Harrell was the choice for School Superintendent.” Harrell served as County Superintendent of Schools and Secretary of the High School Board of Trustees from 1893 to 1899.

<sup>8</sup> Bakersfield Morning Echo, Daily Californian, Oct 19, 1898. Goodyear resigned from the district after Harrell was named interim principal. In an adjacent story, D.W. Nelson refuted the Echo’s accusation that Harrell precipitated Goodyear’s resignation.

<sup>9</sup> Leo G. Pauly graduated from San Jose State Normal School in Nov 1895, after which he became principal of the Tehachapi school. He continued in that position for two years. In 1897, when he was 22, he accepted the post of principal of Kern City school. Wallace Melvin Morgan, History of Kern County, California. Historic Record Co, Los Angeles, California, 1914, p 380

night watchman Selna will do all in their power to see that the ordinance is enforced."<sup>10</sup>

When Alfred Harrell was thirty-four, in 1897, he bought the Daily Californian, and although he was no longer in education his support for children and schools continued for the rest of his life.<sup>11</sup> That year this letter appeared in the newspaper, presumably from a youth who did not like the town's curfew.

"Notice. With the kind permishun of the Californian, I wish to call the attenshun of everybody to a grate injustus that is to be did to the boys of Bakersfield. It is a tereany to be known as the kerfew bel. When this bel wrings at 8 oclock every boy and girl has to be in bed. Think of that. If any boy is ketched on the strete after the kerfew bel rings by Ed Willow<sup>12</sup> they are to be taken to gail and there put in the deepest dungon sell and fed on bred and wator and torched til they confes. This law will never be passed with the consent of the boys of this city. It is oppreshun to which we will not submit. Think of the menny brave boys who are the support of unhealthy parents. We read of them every day in the paper. Suppose a boy who is the only support of a widowed family is nite whatchin in a bank where a cool and corageous guard is need against Robbers. Shall they seeze such a boy as he goes to his werk and confin him in a deundgon sell. Never! Never! Never! There is a way out. Boys shood vote! But vote or no vote we will not be

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<sup>10</sup> Daily Californian, Nov. 18, 1892

<sup>11</sup> Obit. Pioneer Journalist, Students' Friend Dies, Bakersfield Californian, Dec 12, 1946

<sup>12</sup> In 1897 Deputy City Marshal Ed I. Willow shot and killed Percy Douglass, a violent member of a respected Kern County family. Episodes from the life of Ed Willow appear in Chief Willow and the Roses Thief by Gilbert P. Gia at [www.gilbertgia.com](http://www.gilbertgia.com).

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oppressed by the minyuns of the law. Kerfew shell not ring to-nite nor to morrow nite neether! -- The Yellow Kid of Opera Alley"<sup>13</sup>

The newspaper wrote at the bottom, "(Hogan's alley of Bakersfield) [The foregoing is given verbatim et literatim et spellatim et punctuatim, just as received.]"<sup>14</sup>

In 1898, Bakersfield was reincorporated on a vote of 387 to 146,<sup>15</sup> and a curfew was included in an ordinance, but youth problems grew with population growth, and in 1903 Harrell's Daily Californian wrote,

"City Marshal Will Arrange To Have The Bell Rung Every Night. The W.C.T.U. members have called attention to the fact that the curfew has not been rung for several days as required by the city ordinance. City marshal Tibbets [sic Tibbetts] said today that he will take steps at once to see that the ordinance is enforced, but the ringing of the bell has been done as a courtesy by the fire department, and there is no one at present regularly assigned to do the work. Some arrangement will probably have to be made in this

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<sup>13</sup> The Yellow Kid was a bald, snaggle-toothed cartoon character in an oversized, yellow nightshirt who was a denizen of Hogan's Alley -- a fictitious setting representing New York City slums of 1900. In 1896 William Randolph Hearst sponsored The Yellow-Fellow Transcontinental Bicycle Race to boost circulation of his New York Herald. In August 1896 the Daily Californian sponsored its Yellow Tandem bicycle race. See *Bicycling California in 1896* at [www.gilbertgia.com](http://www.gilbertgia.com). Bakersfield's Hogan's Alley was Opera Alley, a real alley in the Bakersfield Tenderloin between L and M and 19th and 20th Streets.

<sup>14</sup> Daily Californian, Jan 21, 1897. This letter appeared earlier in the Morning Echo. Leo G. Pauly graduated from San Jose State Normal School in Nov 1895, after which he became principal of the Tehachapi School. He continued in that position for two years. In 1897, at age 22, he accepted the principalship of Kern City School. Wallace Melvin Morgan, *History of Kern County, California*. Historic Record Co, Los Angeles, California, 1914, p 380

<sup>15</sup> *History of Kern County*. Morgan, 1914, p 123. Bakersfield incorporated on Jan 4, 1898.

direction. The marshal and all city officers strongly approve of the ordinance and its strict enforcement."<sup>16</sup>

That same year of 1903 Kern City wrote a new curfew ordinance.

"A Curfew Law Is Proposed In Kern. The ringing of the bell every evening of 8 o'clock will warn all children off the streets and might result in much good, as has been found to be the case in other places. The bell could also be very useful for fire alarm purposes."<sup>17</sup>

And in 1906 Kern City wrote another that included the words, "Ordinance No. 5, related to the curfew bell, was read and will be rigidly enforced by the officials. The curfew will be rung from the engine house bell and will consist of nine distinct taps. Three of these will be sounded, then a pause, and three more."<sup>18</sup>

It then identified the risks posed to children on Baker Street and the dangers of the nearby Southern Pacific tracks.

"Section 1. It shall be unlawful and it is hereby declared a nuisance for any minor child, under the age of 18 years, to visit or loiter about any gambling house, bar, saloon or any place where spirituous, malt or vinous liquors are sold or dispensed or about any house of prostitution."<sup>19</sup>

"Section 2. It shall be unlawful and it is hereby declared a nuisance for any child under the age of 18 years, to play or loiter about any railroad depot, or the cars of any railroad of this town, or to ride

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<sup>16</sup> Daily Californian, Jul 16, 1903. Women's Christian Temperance Association

<sup>17</sup> Daily Californian, Aug 6, 1903

<sup>18</sup> Daily Californian, Jul 17, 1906

<sup>19</sup> Ibid.

upon any railroad car, engine, truck or other vehicle, without the consent of the agent or owner thereof.”<sup>20</sup>

“Sec 3. It shall be a misdemeanor for any minor child under the age of 18 years, to be in any street or public place within the corporate limits of the town of Kern, except a lawful exhibition party or entertainment, between the hours of 8 p.m. and 5 a.m. of the following day from the first day of November to the first day of April following, and of 9 o’clock p.m. and 5 o’clock a.m. of the following day from the first day of April to the first day of November following, unless accompanied by a parent or guardian of such minor, or unless having a written permit from such parent or guardian to be on a lawful errand.”<sup>21</sup>

“Any minor violating this ordinance may be arrested, taken charge of and detained by the town marshal until daylight after his arrest, and the expense of arresting taking care of him and returning him to his home shall be charged against the parent, guardian or other persons having charge of such minor, and shall be recovered by civil action, if not paid on demand.”<sup>22</sup>

For unknown reasons the curfew bell fell into disuse in Bakersfield, police ignored petty crime and annoyances, and juvenile delinquency increased. In 1908 the Bakersfield Californian reported,

“Will Enforce Curfew Law. A small-boy nuisance at night time, which has resulted in numerous false alarms for the fire department, short-circuits for the electric light company and other annoyances, will probably be solved by a rigid enforcement of the

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<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Daily Californian, Jul 17, 1906

curfew ordinance which has been on the city law books for some years, though remaining much of a dead letter up to this time. " <sup>23</sup>

"By its terms it is unlawful for children of 16 or under to be upon the streets after eight o'clock at night. Trustee McDonald is making the agitation for the enforcement of this provision of the city statutes, and will take the matter up with the local officers. Now that the Superior Court has established probation committee to deal with juvenile offenders it will probably be much easier to take up such cases. At any rate, it is believed that the arrest of a few youthful 'rounders' will have the desired authority effect upon the others, and the intention is to make an example of the first boys who fall into the dragnet of the police. In Pasadena, where the curfew law is very strictly enforced, the bell of each schoolhouse is given a single tap by the policeman on beat in each residence district, promptly on the stroke of eight. Woe follows the youngster who is caught up on the street after this hour. While this plan can hardly be operated here, because of the scarcity of officers, it is intended that the enforcement of the law shall be equally sure."<sup>24</sup>

Over the next six months the "arrest of a few youthful rounders" had not stopped juvenile problems, and District Attorney Laird grew livid when confronted with the stories of youth burglarizing stores. He advised,

"Enforce the city's curfew law, and Bakersfield will have less youthful criminals and reckless children. There is no need of rearing criminals among our children. If the curfew law is enforced, a big majority of the children under 18 years of age will be at home or going home when the bell rings at 8 PM. I remember when they

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<sup>23</sup> Bakersfield Californian, Nov 19, 1908

<sup>24</sup> Ibid.



used to enforce the law in the city (partially), more so than they do now, and when the curfew sounded the kids hiked for home. If the parents will not keep them in the night, it is up to the officers to see that boys and girls 10 to 12 years of age are at home, at least off the down-town streets. That's the way children get the wrong idea of life. Sometimes parents are to blame, but they will in most cases co-operate with the officers if the latter intends to enforce the city statutes." <sup>25</sup>

When asked what Constable Newell should be instructed to do with the arrested young people, Laird replied,

"It is not right to send them to prison or to a reform school, yet we have to do something with them. They can't be allowed to go on in this way. Do you know that three-fourths of our criminals and dead women<sup>26</sup> start wrong from lack of proper parental care and indifference on the part of the officers to keep them off the streets? Some children are degenerates with whom very little can be done, but a big majority are not and can be made useful citizens if the proper actions can be exercised with them when young. I don't know what I shall try to have done with these boys, but I do know that their chances for crime and evil pursuits would be greatly lessened if the curfew ordinance were enforced." <sup>27</sup>

Laird did not know what to do, but he charged the police and city trustees of dereliction of duty; it was up to them to see that laws were upheld. He cautioned,

"If the laws are not enforced, it is for them to find out why, and if the man or parties who have that power do not enforce the law it is

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<sup>25</sup> Morning Echo, Jun 19, 1909

<sup>26</sup> prostitutes

<sup>27</sup> Morning Echo, Jun 19, 1909

high time they were brought to task for their inattention to duty. Officers are sworn to enforce the law and preserve order. What do they do in Bakersfield? Out of all the books full of ordinances the only one they make a pretense of enforcing is the auto taillight ordinance. One of the most insignificant in the lot. It is high time a part of our good ordinances, especially those about children, were enforced."<sup>28</sup>

The council took it to heart and retained Ed Willow at five dollars a month to ring the curfew bell at 8:00 PM.<sup>29</sup> But use of the curfew ordinance was not consistent, bell ringing fell into disuse, and five months later the Women's Civic Improvement League successfully brought it back.

But there was opposition.<sup>30</sup> Wallace Morgan, for one, said the hour of 8:00 PM was too early in the summer for the bell to be rung and would "deprive children of the privileges of the streets."<sup>31</sup>

In 1914 Bakersfield's population was approaching 16,000 and made it the 15th-largest city in California.<sup>32</sup> Growth strained police resources, but smaller towns such as at Taft continued to ring their curfew bells. At Taft the fire bell announced "nine taps indicating the retiring hour," and Marshal Ed Eiland enforced the 8:30 PM curfew for children under 16, and that stayed in effect until the month of April when it was rung at 9:00 PM.<sup>33</sup>

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<sup>28</sup> Morning Echo, Jun 19, 1909

<sup>29</sup> Morning Echo, Oct 8, 1911

<sup>30</sup> Bakersfield Californian, Dec 1, 1911. Superintendent of Bakersfield schools D.W Nelson reported that student enrollment was 1,742. Bakersfield Californian, Sep 19, 1910

<sup>31</sup> Bakersfield Californian, Sep 19, 1913

<sup>32</sup> Morning Echo, May 10, 1914

<sup>33</sup> Bakersfield Californian, Mar 4, 1914

Nearby Maricopa also had a curfew ordinance, but it was seldom enforced. Young people running the streets at night in 1915 in Maricopa may have been an indifferent matter to the court, as suggested in this letter from a Maricopa mother:

"A short time ago a number of our young boys were on the street at night and were arrested for disturbing the peace. The justice turned them loose and laughed and said they were not bad boys, as they hadn't killed anyone yet. And one of the boys' mother has pleaded with the boy and with an officer to take him in charge.<sup>34</sup> Who is to blame—the parents or the officers? We have asked for a curfew bell. Oh, yes, we could have it; no reason in the world why we couldn't. I think it was rung a dozen times and [with] no one to enforce the law. Are the parents wholly to blame?"<sup>35</sup>

In 1915 the Bakersfield Board of Trustees voted to stop the curfew bell but to otherwise keep the ordinance "entirely effective as before, and all minors are called upon to observe it or meet up with reproof from the night officers."<sup>36</sup> The ordinance, Curfew Ordinance No. 264, made it a misdemeanor for parents to allow their children under 16 to be on the streets after 9:00 PM. It also provided a fine or jail sentence.<sup>37</sup>

In 1918 City Manager Benson stood before the city council to complain that the police had ignored or forgotten the curfew ordinance, to which the council turned to Chief E. Porter Munsey and informed him that the ordinance was a "live ordinance" and that he

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<sup>34</sup> "Take him in charge" meant arrest him?

<sup>35</sup> Morning Echo, Feb 2, 1915

<sup>36</sup> Bakersfield Californian, Nov 17, 1915

<sup>37</sup> Bakersfield Californian, Aug 14, 1917. "Unless accompanied by their parents or guardians, or on errands or engaged in some work which calls them out on the streets after that hour."

was expected to enforce it.<sup>38</sup> The Kern County Grand Jury report of 1918 approved the curfew-enforcement policy and urged the chief to also stringently enforce the law against minors driving cars.<sup>39</sup>

By 1940 Curfew Ordinance No. 264 was seldom enforced, but Bakersfield police justified the selective use of it by maintaining that officers kept “wayward Bakersfield ‘bad boys’ under perpetual surveillance to reduce juvenile delinquency.”<sup>40</sup> In 1942, the curfew ordinance was rolled out to warn juveniles who expected to have a lively 1942 Halloween: “DON’T ring doorbells, you may disturb a war worker. DON’T use tick-tocks on windows, war workers need their sleep.”<sup>41</sup>

The year 1957 brought an upswing in residential burglaries, and half of them were committed by juveniles.<sup>42</sup> The crimes revived Ordinance No. 264, and in 1988 the Bakersfield City Council passed Municipal Ordinance No. 3188, which established a curfew from 10 PM to 5 AM “for persons under the age of 18 years.”<sup>43</sup> Was that one enforced? Probably for a while, but historically, Bakersfield’s curfew ordinances were elastic clauses, resurrected and revamped as needed in their time.

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<sup>38</sup> Ibid.

<sup>39</sup> Morning Echo, Nov 13, 1919

<sup>40</sup> Bakersfield Californian, Jul 17, 1940

<sup>41</sup> Halloween, City Invokes Curfew Law for Juveniles. If You’re Under 21, Don’t Roam Streets After 9 P.M. Tonight or Saturday, Bakersfield Californian, Oct 30, 1942.

<sup>42</sup> Bakersfield Californian, Dec 31, 1957

<sup>43</sup> Bakersfield Californian, Nov 30, 1988